

**State Board of Education
Summary of Action Items
September 14, 2018**

Student Performance

The All-Star Jazz Ensemble from the Southwest Independent School District performed for the board and audience.

Staff Contact: Questions about this item should be directed to the State Board of Education Support Division at (512) 463-9007.

1. Resolutions and Presentations

World War I Centennial Commemoration

A coalition of history organizations urged the board to encourage those schools that celebrate Veterans Day to call attention to the 100th anniversary of the World War I armistice.

Long-Range Plan for Public Education Steering Committee Resolution

The board approved a resolution thanking the 18 members of the Long-Range Plan Steering Committee for their service. Those members are Lanet Greenhaw, Adeeb Barqawi, Rikki Bonet, Avery Bullock, Sheri Doss, Stacey Edmonson, David Gardner, Carol Harle, George Kazanas, Reagan Miller, Gonzalo Salazar, Rebecca Shah and Ruth Lopez Turley, as well as these five State Board of Education members Donna Bahorich, Barbara Cargill, Tom Maynard, Georgina Pérez, and Marty Rowley.

Heroes for Children Award Presentation and Resolution

The board honored 15 school volunteers with the Heroes for Children award. The 2018 awardees are District 1, Rebecca Clawson of the El Paso Independent School District (ISD); District 2, Mirthala Vazquez of La Joya ISD; District 3, Elvia Olivarez of La Joya ISD; District 4, Ida Rocha of Galena Park ISD; District 5, Michael Deming of Boerne ISD; District 6, Lynne Dozier of Klein ISD; District 7, David Sincere of Fort Bend ISD; District 8, Laura Clarke of Humble ISD; District 9, Jennifer Harris of Pine Tree ISD; District 10, Russel Richter of Thrall ISD; District 11, Marcos Braz of Azle ISD; District 12, Marnie Glaser of Dallas ISD; District 13, Rosalinda Martinez of Fort Worth ISD; District 14, John Gallen of Copperas Cove ISD; and District 15, Sheryl Meek of Spearman ISD.

Staff Contact: Questions about this item should be directed to the State Board of Education Support Division at (512) 463-9007.

2. Approval of Consent Agenda

(1) Decision on the Percentage Distribution of the Permanent School Fund for Fiscal Years 2020 and 2021 (Committee of the Full Board)

The board unanimously voted to preliminarily set the percentage distribution rate at 2.75 percent for the 2020-2021 biennium, which will produce a payout of about \$2.028 billion. The percentage distribution rate for the current biennium is 3.7 percent, which is providing about \$2.5 billion for Texas schools. A lower rate is being set for the upcoming biennium because the PSF didn't receive the usual infusion of cash from the School Land Board, which instead sent funding directly to the Available School Fund.

Staff Contact: Questions about this item should be directed to the Office of the Permanent School Fund at (512) 463-9169.

(2) Approval of Proposed Timeline to Meet Credit By Examination Provider Requirements (Committee on Instruction)

The board approved the timeline submitted by Texas Tech University to meet credit by examination provider requirements.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

(3) Per Capita Apportionment Rate for the 2018-2019 School Year (Committee on School Finance/Permanent School Fund)

The board adopted a per capita apportionment rate of \$459.764 for the 2018-2019 school year.

Staff Contact: Questions about this item should be directed to the State Funding Division at (512) 463-9186.

(4) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May, June, and July 2018 (Committee on School Finance/Permanent School Fund)

The board ratified the purchase and sales of \$1,341,584,400 and \$1,424,194,637, respectively, for the months of May, June, and July 2018.

Staff Contact: Questions about this item should be directed to the Office of the Permanent School Fund at (512) 463-9169.

**(5) Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund
(Committee on School Finance/Permanent School Fund)**

The board agreed to distribute approximately \$1.236 million to the Available School Fund for fiscal year 2019.

Staff Contact: Questions about this item should be directed to the Office of the Permanent School Fund at (512) 463-9169.

**(6) Decision on Real Estate Investments
(Committee on School Finance/Permanent School Fund)**

The board approved four real estate investments. The members voted to execute an agreement with Madison Realty Capital Debt Fund IV G, L.L.C., to make an investment commitment of up to \$100 million in Madison Realty Capital Debt Fund IV, L.P., subject to continued due diligence and negotiation of fund terms and authorized the commissioner of education to execute the contract.

The board voted to execute an agreement with EPISO 5 (GP) S.A.R.L. to make an investment commitment of up to €75 million in European Property Investors Special Opportunities 5 SCSp, subject to continued due diligence and negotiation of fund terms and authorized the commissioner of education to execute the contract.

The board members voted to execute an agreement with TPG Real Estate GenPar III, L.P. to make an investment commitment of up to \$75 million in TPG Real Estate Partners III, L.P., subject to continued due diligence and negotiation of fund terms and authorized the commissioner of education to execute the contract.

Lastly, the board voted to execute an agreement with PAG Enhanced Credit GP II Limited, to make an investment commitment of up to \$100 million in PAG Enhanced Credit Fund II, L.P., subject to continued due diligence and negotiation of fund terms and authorized the commissioner of education to execute the contract.

Board member Geraldine Miller recused herself from the vote on the real estate investments.

Staff Contact: Questions about this item should be directed to the Office of the Permanent School Fund at (512) 463-9169.

COMMITTEE OF THE FULL BOARD

3. Adoption of *Long-Range Plan for Public Education*

The board approved amendments to the proposed *Long-Range Plan for Public Education* but delayed the final adoption until the Nov. 13-16 board meeting.

Staff Contact: Questions about this item should be directed to the State Board of Education Support Division at (512) 463-9007.

4. Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit) (Second Reading and Final Adoption)

The board approved for second reading and final adoption proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit), as amended. The proposal adds Texas Essential Knowledge and Skills (TEKS) for a new high school social studies course with implementation scheduled for the 2019-2020 school year.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

5. Proposed Revisions to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, and Proposed Repeal of 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and its Benefits (First Reading and Filing Authorization)

The board approved for first reading and filing authorization proposed revisions to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter A, Elementary, Subchapter B, Middle School, Subchapter C, High School, and Subchapter D, Other Social Studies Courses, and the proposed repeal of 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, Subchapter A, High School, and Subchapter B, Other Economic Courses, as amended. The proposed revisions streamline the social studies standards. The formal public comment period on the suggested changes will open no later than Oct. 12.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

COMMITTEE ON INSTRUCTION

6. **Proposed Repeal of 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, §113.70, Concurrent Enrollment in College Courses (Second Reading and Final Adoption)**

The board approved for second reading and final adoption proposed repeal of 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, §113.70, Concurrent Enrollment in College Courses. The proposal repeals a rule that is outdated and no longer necessary.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

7. **Approval of Proposed Updates to the *Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders, Revised 2014***

Action on recommended updates to the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* was postponed until the November board meeting.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

8. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (First Reading and Final Adoption)**

Proposed action on this item was postponed until November to align with proposed updates to the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

9. **Proposed Approval of Innovative Courses**

The board approved for a period of five years an innovative course called IB Theory of Knowledge.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

10. Consideration of Petition for Adoption of Rule Concerning a Requirement for School Uniforms

The board denied a petition from Ms. Brittany Clark in which she asked the board to adopt a rule requiring that all Texas students wear school uniforms because the SBOE has no legal authority over dress codes.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581.

COMMITTEE ON SCHOOL INITIATIVES

11. Review of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

The board took no action on the State Board for Educator Certification (SBEC) rule actions that proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates. The amendments implement legislation from the 85th Texas Legislature, Regular Session, 2017, to establish new certificates for Early Childhood Prekindergarten-Grade 3 and Trade and Industrial Workforce Training: Grades 6-12; specify procedures for an interested party to request an additional foreign language certificate; and identify any additional requirements to obtain certification and/or be eligible to teach specific courses. Additional amendments and technical changes provide clarification for consistent application of these rules, remove duplicative language specifying assignments into which certificate holders are eligible to be placed, and establish consistent information related to the classroom certificates issued by the SBEC. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

Staff Contact: Questions about this item should be directed to the Department of Educator Leadership and Quality at (512) 936-9831.

12. Review of Proposed Amendments to 19 TAC Chapter 250, Administration, Subchapter A, Purchasing, §250.1, Historically Underutilized Business (HUB) Program, and Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes

The board took no action on a State Board for Educator Certification (SBEC) rule action that added amendments to 19 TAC Chapter 250, Administration, Subchapter A, Purchasing, §250.1, Historically Underutilized Business (HUB) Program, and Subchapter B, Rulemaking Procedures, §250.20, Petition for Adoption of Rules or Rule Changes. The amendment to §250.1 reflect a technical change that updates in rule relevant cross references to the state's Historically Underutilized Business (HUB) program. The amendment to §250.20 would implement legislation from the 84th Texas Legislature, 2015, to update the petition form for adoption of rules or rules changes to require the petitioner to indicate that

the petitioner meets one of four definitions of an *interested person*. Under Texas law, the State Board of Education may only reject or take no action on a proposed SBEC rule.

Staff Contact: Questions about this item should be directed to the Department of Leadership and Quality at (512) 936-9831.

13. Review of Proposed Amendments to 19 TAC Chapter 247, Educators’ Code of Ethics

The board took no action on the State Board for Educator Certification (SBEC) rule action that amends 19 TAC Chapter 247, Educators’ Code of Ethics. The amendment to 19 TAC §247.1 adds the definition of “sexual harassment” and “under the influence of alcohol.” The amendment to 19 TAC §247.2 makes educators who act recklessly in diverting money for personal gain or misrepresenting the educator’s employment history subject to discipline by the SBEC, clarifies language regarding an educator’s illegal use of drugs, and adds a standard regarding educator-on-educator workplace sexual harassment. The amendment to 19 TAC §247.2 strikes Standard 1.14 (a prohibition on assisting an educator with getting a new job when the educator had an inappropriate relationship with a student or minor) with the intent to move that provision to 19 TAC §249.15. Under Texas law, the State Board of Education may only reject or take no action on a proposed SBEC rule.

Staff Contact: Questions about this item should be directed to the Department of Leadership and Quality at (512) 936-9831.

14. Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, §249.3, Definitions, §249.5 Purpose; Policy Governing Disciplinary Proceedings; and Subchapter B, Enforcement Actions and Guidelines, §249.15, Disciplinary Action by State Board for Educator Certification

The board took no action on the State Board for Educator Certification (SBEC) rule action that amends 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter A, General Provisions, and Subchapter B, Enforcement Actions and Guidelines. The amendments to 19 TAC §§249.3, Definitions, 249.5, Purpose; Policy Governing Disciplinary Proceedings, and 249.15, Disciplinary Action by State Board for Educator Certifications, add language creating a legal presumption based on an educator’s violation of written directives from school administrators regarding the educator’s behavior toward a student. This presumption includes in the definition of “solicitation of a romantic relationship,” and in the rules that define and address the term “unworthy to instruct or to supervise the youth of this state.” The amendments also add the existing prohibition on assisting an educator with getting a new job when the educator had an inappropriate relationship with a student or minor to the list of reasons the SBEC can take disciplinary action.

Under Texas law, the State Board of Education may only reject or take no action on a proposed SBEC rule.

Staff Contact: Questions about this item should be directed to the Department of Leadership and Quality at (512) 936-9831.

15. Review of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

The board rejected the State Board for Educator Certification (SBEC) rule actions that proposed amendments to 19 Texas Academic Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The proposed amendments would have implemented the statutory requirements of Senate Bills (SBs) 7 and 1839 and House Bills (HBs) 2039, 3349, and 1963, 85th Texas Legislature, Regular Session, 2017. Under Texas law, the State Board of Education may only reject or take no action on a proposed SBEC rule. It cannot amend a proposed SBEC rule.

Staff Contact: Questions about this item should be directed to the Department of Leadership and Quality at (512) 936-9831.

STATE BOARD OF EDUCATION

16. Ethics Training

Ethics Advisor Chris Maska provided the annual ethics training to the board.

Staff Contact: Questions about this item should be directed to the Legal Services Division at (512) 463-9720.