

STATE BOARD OF EDUCATION
Summary of Actions
September 13, 2019

The State Board of Education met September 13, 2019 and took the actions listed below. Additional information on each can be found at [https://tea.texas.gov/About_TEA/Leadership/State Board of Education/SBOE Meetings/Archived Schedules and Agendas](https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/Archived_Schedules_and_Agendas).

Student Performance

The Chamber Choir from Waco High School in the Waco Independent School District performed for the board and its 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

The board approved a resolution recognizing 15 outstanding school volunteers as Heroes for Children. The 2019 Heroes for Children award recipients are: Maria Estevane of the Laredo Independent School District (ISD); Anita Garcia of La Joya ISD; Julia Saenz of La Joya ISD; Juan Sorto of Houston ISD; Sheryl Westwick of Eanes ISD; Julie Hinaman of Cypress-Fairbanks ISD; Brenda George of Brazosport ISD; Linda Sparks of Conroe ISD; Ashley Gibbs of Pleasant Grove ISD; Kathi Walrath of Salado ISD; the late Roger Grizzard of Weatherford ISD; Katie Walsh of Frisco ISD; Loretta Burns of Fort Worth ISD; Edith Natividad of Copperas Cove ISD; and Roddy “Bud” Allred of Vega ISD.

Commissioner of Education Mike Morath discussed the state’s reading academies and the 2019 state accountability ratings and answered questions from board members.

The board approved a resolution honoring outgoing State Board of Education Chair Donna Bahorich of Houston.

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) Procedures for Selecting Nominees for Appointment to the School Land Board

The board adopted a process to be used when preparing lists of nominees to be submitted to the governor for possible appointment to the School Land Board.

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

(2) Planning for the Annual Meeting Between the State Board of Education and the School Land Board

The board approved a plan that called for the first joint meeting of the State Board of Education and the School Land Board to be held in conjunction with the April 2020 SBOE meeting and in September in subsequent years. The board agreed that the SBOE chair and the chair of the Committee on School Finance/Permanent School Fund would be responsible for collaborating with the commissioner of the General Land Office or his designee to determine the meeting agenda and meeting logistics and delegated responsibility for the meeting to those two SBOE officers.

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

(3) Ratification of Texas Lesson Study Resources

The board removed this item from the consent agenda and later in the meeting ratified the third set of teacher-designed lesson study resources posted on the agency's web portal from March 14, 2019–August 2, 2019, with the exception of a resource titled “The Adventures of Trixie and Knuffle Bunny.”

Staff Contact: Questions about this item should be directed to the Educator Recruitment and Development Division at (512) 936-3326.

(4) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May, June and July 2019

The board approved the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of May, June and July 2019 in the amount of \$1,687,046,391 and \$1,622,061,401, respectively.

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

The board approved a distribution to the Available School Fund of approximately \$1.102 billion for fiscal year 2020.

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

(6) Proposed Amendments to the Investment Procedures Manual

The board adopted proposed amendments to the Investment Procedures Manual. Many of the amendments were related to the recent addition of the Permanent School Fund Liquid Account.

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

(7) Review of the Permanent School Fund Liquid Account

The board voted to invest and manage, over the near term, the Permanent School Fund Liquid Account against a blended benchmark consisting of the three-month U.S. Treasury bill and the Bloomberg Barclays U.S. Aggregate 1-3 Year Total Return Index as allocated at the end of the prior month.

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

(8) Per Capita Apportionment Rate for the 2019-2020 School Year

The board adopted a preliminary per capita apportionment rate of \$259.207 for the 2019-2020 school year.

Staff Contact: Questions about this item should be directed to the State Funding Division at (512) 463-8732.

(9) Recommendation for Appointment to the Boys Ranch Independent School District Board of Trustees

The board approved the appointment of James Taylor to serve a two-year term of office from September 13, 2019 to September 13, 2021 on the Boys Ranch Independent School District Board of Trustees.

Staff Contact: Questions about this item should be directed to School Governance Division at (512) 463-9623.

COMMITTEE OF THE FULL BOARD

3. Ad Hoc Committee Recommendations Related to the Instructional Materials Quality Evaluation

The board adopted recommendations from the Texas Resource Review Ad Hoc Committee. The recommendations are attached. Additionally, the board adopted a provision that adds Sec. 4.4 to the SBOE's operating rules, which says "An SBOE member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the board endorsing said nomination."

Staff Contact: Questions about this item should be directed to the Special Projects Division at (512) 541-7712.

4. **Approval of Proclamation 2021 *Questions and Answers***

The board approved the *Proclamation 2021 Questions and Answers* document. This proclamation covers prekindergarten systems.

Staff Contact: Questions about this item should be directed to the Instructional Materials Division at (512) 463-9601.

5. **Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials (First Reading and Filing Authorization)**

The board voted to suspend its operating rules to allow this item to be considered for first reading and filing authorization and approved for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, as amended.

Staff Contact: Questions about this item should be directed to the Instructional Materials Division at (512) 463-9601.

6. **Update on Texas Essential Knowledge and Skills (TEKS) Review**

The board approved the TEKS and Instructional Materials Review and Adoption Schedule and the Projected Adoption Cycle-September 2019.

Staff Contact: Questions about this item should be directed to the Curriculum Standards and Student Support Division at (512) 463-9581 or the Instructional Materials Division at (512) 463-9601.

COMMITTEE ON INSTRUCTION

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

The board approved for second reading and final adoption an amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The amendment requires each school district and open-enrollment charter school to report to the Texas Education Agency (TEA) the results of the required screening for dyslexia and related disorders for students in Kindergarten and Grade 1 in accordance with Texas Education Code (TEC), §38.003(a). The board also added notification to school districts and charter schools that they could be subject to auditing and monitoring for compliance with state dyslexia law under administrative rules adopted by the commissioner of education.

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, §74.30, Identification of Honors Courses (Second Reading and Final Adoption)

The board approved for second reading and final adoption an amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses. The amendment updates the list of languages other than English (LOTE) courses designated as honors courses to align with recent changes to the LOTE Texas Essential Knowledge and Skills (TEKS).

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

9. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs (First Reading and Filing Authorization)

The board approved for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs. The proposed amendment would update the rule to modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of Texas Essential Knowledge and Skills (TEKS)-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner.

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

10. Approval of Update of Instructional Materials for ThinkCERCA

No action was taken on this agenda item.

Staff Contact: Questions about this item should be directed to the Instructional Materials Division at (512) 463-9601.

11. Approval of Update of Instructional Materials for EDUSPARK, Inc.

The board voted to postpone consideration of a request from EDUSPARK, Inc. to update content in four of its adopted products for Spanish language arts and reading: *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5*.

Staff Contact: Questions about this item should be directed to the Instructional Materials Division at (512) 463-9601.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

12. **Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes**
(First Reading and Filing Authorization)

The board approved for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The amendment would update the rule to allow districts and charter schools flexibility in selecting an official attendance-taking time during the instructional day.

Staff Contact: Questions about this item should be directed to the Financial Compliance Division at (512) 463-2945.

COMMITTEE ON SCHOOL INITIATIVES

13. **Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(Second Reading and Final Adoption)

The board approved for second reading and final adoption an amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The amendment allows the commissioner of education to take action against the certificate of an independent hearing examiner if it is determined that the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, meets specified criteria.

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

14. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter H, Assignments for Teachers Certified Before 1966**

The SBOE took no action on a proposed State Board for Educator Certification (SBEC) rule that revises 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter H, Assignments for Teachers Certified Before 1966. The revisions incorporate courses approved by the SBOE, update the list of

credentials appropriate for placement into an assignment, make technical edits, and delete an outdated subchapter. Under Texas law, the SBOE 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 Educator Leadership and Quality at (512) 936-9831.

15. Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services

The SBOE took no action on a proposed State Board for Educator Certification (SBEC) rule that amends 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services. The SBEC amendments update the figure specifying required tests for issuance of the standard certificate; create new requirements for issuance of intern and probationary certificates for the proposed new intensive pre-service option, as currently proposed in Chapter 228, Requirements for Educator Preparation Programs; update the list of certification testing fees to include the performance-based assessment, edTPA, and content certification (subject-matter only) examinations; provide technical edits; and remove redundancies. Under Texas law, the SBOE 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 Educator Leadership and Quality at (512) 936-9831.

16. Review of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

The SBOE took no action on a proposed State Board for Educator Certification (SBEC) rule that revises 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The revisions establish requirements for an optional intensive pre-service preparation and certification pathway, for educator preparation program (EPP) name changes, and for a candidate seeking certification in two categories to have clinical teaching in both. A technical edit corrects an accreditation status reference. Under Texas law, the SBOE 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 Educator Leadership and Quality at (512) 936-9831.

TEXAS RESOURCE REVIEW AD HOC COMMITTEE REPORT

September 11, 2019

Ad Hoc Committee:

Marty Rowley

Pat Hardy

Barbara Cargill

Pam Little

Marisa Perez Diaz

Title: The Texas Resource Review Ad Hoc Committee (hereinafter “the Committee”) was originally known as the Instructional Materials Quality Evaluation SBOE Ad Hoc Committee. After TEA changed the name of the IMQE to the Texas Resource Review (hereinafter “TRR”), for clarity of understanding, the Committee changed its title as well.

Purpose of the Committee: The Committee was created by the State Board of Education Chair, Donna Bahorich, and was asked to study the ramifications of the Texas Education Commissioner’s plan to implement a quality evaluation process for Texas instructional materials. The Committee’s charge included learning about the TRR from TEA staff and then gathering input from publisher representatives, school district administrators and any other stakeholders who might have an interest in the creation of a qualitative review process. The Committee was also asked to compile a set of recommendations to be presented to the SBOE for consideration and possible action.

Scope of Investigation: Over the course of a six month period, the Committee met with TEA representatives, either in person or by conference call, a total of five times. After executing Non-Disclosure Agreements, the Committee was also granted access to the matrix, the framework and some of the results of the TEA Pilot Program. Those matters were analyzed by the Committee members and were then discussed and dissected as a group. Additionally, the members of the Committee individually contacted publishers, school district administrators and curriculum specialists to gather input from which the Committee’s recommendations were compiled.

The Committee is appreciative of the extent to which information about the TRR was shared by the TEA staff. PowerPoint presentations were prepared and explained to the Committee members on several occasions. Any questions that were posed were answered promptly and completely. As a result, the Committee feels it has gained a solid understanding of the TRR and the planned implementation of the process by the Commissioner and his staff.

Observations and Recommendations:

Observation 1: It is the Committee’s belief, that regardless of whether the SBOE embraces the TRR in whole or in part, it is certain that the TRR will be implemented in the immediate future. In fact, the Commissioner’s rule became effective on September 10, 2019. That be the case, the issue then becomes whether the SBOE’s current Instructional Materials Review Process will exist separate and apart from the TRR or whether the two processes will be merged into one. It is worth noting that the TRR’s process is intended to include an analysis of the percentage of

TEKS coverage that each IM attains. It is fair to say that TEA staff has indicated their preference that the two processes be merged into one, with the SBOE process determining TEKS coverage and the TRR process providing a qualitative review, at least with regard to core subjects.

Recommendation 1: The Committee recommends that the SBOE process be integrated with the TRR process so that instructional materials for core subjects reviewed by the SBOE for TEKS coverage will also be submitted for qualitative review. However, before the Committee can wholeheartedly recommend this course of action, there are a number of assurances that are requested of the TRR administrators. They include the following:

1) **Rubric Development**

- **Public Feedback** – A draft of the quality rubric will be released to the public and to all publishers signed up for the listserv. The public and publishers will have at least 30 days to provide feedback. TRR will endeavor to make adjustments in the rubric as requested, particularly as regards alignment between the rubric and the TEKS.
- **Timing of Release** – For all foundational subjects, TEA will release the final version of the quality rubric at least six months before a publisher’s deadline to submit materials to the quality review process. This timing will only be subject to change if the TEKS adoption deadline is delayed AND district implementation timeline is not delayed to ensure districts have access to the quality reviews as a part of their local adoption cycle.

2) **Review Process**

- **Publisher Orientation** - Publishers may provide introductory orientation to quality review teams.
- **Expectations Checklist** -Publishers may submit a checklist of minimum expectations reviewers should complete to experience the program holistically (e.g., navigate to recommended parts of the online program).
- **Quality Alignment Documents** – Publishers may provide reviewers an alignment document with evidence of how they believe their product demonstrates high quality, analogous to the TEKS/ELPS correlation template.

3) **Post-review Responses and Revisions**

- **Opportunity to Respond to Errors** – Currently in the review process, publishers may review the completed review before it is released to the public. During this time, they may submit identified errors in the completed quality reviews. Quality review teams review the publisher’s comments and correct errors based on reviewer discretion. This process will continue as a part of future reviews.
- **Opportunity to Provide General Response** – Currently in the review process, publishers may write a response to the completed quality review. TEA reviews this response for errors and once approved, will publish it along with the completed quality reviews. This process will continue as a part of future reviews.
- **Short-term Revision Opportunity** - Publishers may request a re-review of indicators based on a set of proposed changes they would like to make to their product. TEA will review and approve the set of indicators to re-review. Publishers will then have a

minimum of three weeks to make improvements to their product. Review teams will complete re-reviews and scores will be updated in the online portal.

- **Long-term Revision Opportunity** - In some instances, publishers may need to make more substantial changes to a product to improve its quality that will take longer periods of time. In these instances, the publisher's quality score will be posted, however, that publisher may resubmit materials to be "re-reviewed" for quality at any point in future review cycles. Once a product is re-reviewed, the updated quality review will be posted on the portal.

Observation 2: One of the more controversial aspects of the TRR is the ranking component of the process. Most every publisher who provided input to the Committee raised a number of concerns about that aspect of the review. The Committee has now been informed that the ranking component will not be implemented in the first cycle. However, there will be a summative score. It is interesting to note that in the pilot, rankings were not assigned to encourage publisher participation. Of the thirteen companies that submitted for 9-12 ELAR SBOE review, only one of them agreed voluntarily to the TRR.

Recommendation 2: It was unanimously agreed by the Committee that including a ranking component in the TRR will discourage publishers from voluntarily submitting their materials to the process. And if the SBOE was to require publishers who submit their materials for the SBOE process to also undergo the TRR process with a ranking component, the foreseeable result may be a decrease in the number of materials submitted for SBOE review. Accordingly, it is the Committee's recommendation that the TRR do away with the ranking component. But it is the Committee's belief that it is not advisable for the SBOE to maintain a separate review process even if the ranking component is reinstated in future cycles.

Observation 3: It appears that the rule (as of September 10, 2019) by the TEA and the Commissioner will provide that a publisher's materials must be submitted to the TRR if any ONE member of the SBOE requests that it be done, or is there is a request from ten percent of the districts. It is the Committee's understanding that, absent legal intervention, the publisher will have no choice in this instance, and their materials will be submitted for a qualitative review whether they agree to do so or not.

Recommendation 3: The Committee has serious concerns about any process that forces publishers' materials to be submitted against the will of the publisher on an involuntary basis. With that being said, if it is inevitable that a mechanism exists by which materials can be reviewed without the publishers' consent, the rule should be changed to provide for at least a majority vote of the SBOE before materials can be involuntarily reviewed. It is the Committee's opinion that a single SBOE member has no standing, legally or otherwise, to speak on behalf of the entire Board and this provision should be revised.

Since it is in the rule as adopted, however, the Committee recommends the following method be employed:

- The SBOE member who is nominating materials for review sends an email to the Executive Director of the SBOE who will forward the request to the TRR and will also circulate the request to the entire Board.

Observation 4: The TRR plans to provide for several types of review. They are: (1) reviews aligned with the proclamation schedule; (2) reviews of materials aligned to a subject area and grade from previous proclamation cycles. Note: this may include materials previously submitted to the SBOE and materials not previously submitted to the SBOE (i.e., new OER products); and (3) materials outside the scope of SBOE review (i.e., supplementary materials).

Recommendation 4: The Committee's recommendation in that regard is:

- For all materials included in type 1 and type 2 listed above, excluding reviews that are out of scope for the SBOE review process, the Committee recommends that all other materials be submitted to the quality review process and that the TRR use the outputs of the SBOE process, or the SBOE simulated process, to fulfill the TEKS requirement of the quality evaluation.
- For quality reviews completed for materials adopted in previous proclamation cycles, the Committee recommends the SBOE replaces the former TEKS alignment percentage with the updated TEKS alignment percentage that is approved by the SBOE.
- For materials not otherwise on an SBOE adopted list, the Board shall decide on a case by case basis whether to call for a mid-cycle review.

We would like to see the Board, TEA, districts, and the publishers work together to ensure Texas is a leader in the instructional material review process and not like other state review processes which can lead to common core or mediocre products from which to choose.

This report is respectfully submitted to the Chair and the SBOE on a unanimous basis.

Signed this ___ day of September, 2019.

Marty Rowley, Chair of Committee

Pat Hardy

Barbara Cargill

Pam Little

Marisa Perez Diaz