



AGENDA

State Board of Education

June 23, 2023

STATE BOARD OF EDUCATION

(updated February 2023)

(State Board for Career and Technology Education)

KEVEN ELLIS, Lufkin
Chair of the State Board of Education
District 9

PAM LITTLE, Fairview
Vice Chair of the State Board of Education
District 12

PAT HARDY, Fort Worth
Secretary of the State Board of Education
District 11

Board Members

MELISSA ORTEGA, El Paso
District 1

JULIE PICKREN, Pearland
District 7

LJ FRANCIS, Corpus Christi
District 2

AUDREY YOUNG, Trinity
District 8

MARISA PEREZ-DIAZ, San Antonio
District 3

TOM MAYNARD, Florence
District 10

STACI CHILDS, Houston
District 4

AICHA DAVIS, Dallas
District 13

REBECCA BELL-METTEREAU
San Marcos, District 5

EVELYN BROOKS, Frisco
District 14

WILL HICKMAN, Houston
District 6

AARON KINSEY, Midland
District 15

Committees of the State Board of Education
(Updated February 2023)

INSTRUCTION

Audrey Young- Chair
Evelyn Brooks-Vice Chair
Aicha Davis
Pam Little
Melissa N. Ortega

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard-Chair
Marisa Perez-Diaz-Vice Chair
Keven Ellis
Patricia Hardy
Aaron Kinsey

SCHOOL INITIATIVES

Will Hickman-Chair
LJ Francis-Vice Chair
Rebecca Bell-Metereau
Staci Childs
Julie Pickren

June 20, 2023

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on June 20-23, 2023. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mike Morath', with a long horizontal flourish extending to the right.

Mike Morath
Commissioner of Education

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**William B. Travis Building
1701 N. Congress Avenue, Austin, Texas**

SCHEDULE AND AGENDAS

**Committees and Board
State Board of Education, Austin, Texas**

Meeting Times June 20-23, 2023	
<u>Tuesday, June 20, 2023</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Wednesday, June 21, 2023</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Thursday, June 22, 2023</u>	
9:00 a.m.	Committee on Instruction (Room 1-100)
	Committee on School Finance/Permanent School Fund (Room 1-104)
	The meeting will start at 10:00 a.m. or upon adjournment of the PSF Corporation Meeting.
9:00 a.m.	Committee on School Initiatives (Room 1-111)
1:00 p.m.	Committee of the Full Board-Work Session (Room 1-104)
	The meeting will start at 1:00 p.m. or upon adjournment of the other committees.
<u>Friday, June 23, 2023</u>	
9:00 a.m.	General Meeting (Room 1-104)

If the Committee of the Full Board does not complete its agenda Tuesday, it will resume its meeting on Wednesday, Thursday, or Friday. If the Committee of the Full Board does not complete its agenda Wednesday, it will resume its meeting on Thursday or Friday. If the Committee on Instruction does not complete its meeting on Thursday, it will resume its meeting on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting on Friday.

NOTE: The chair may permit the board to take up and discuss any of the discussion items on a committee agenda, including hearing any invited presentations to a committee, based upon a recommendation from the committee or inability of the committee to complete its agenda on a preceding day.

The SBOE or a committee of the SBOE may conduct a closed meeting on any agenda item in accordance with Texas Open Meetings Act, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

The agenda is online at <https://tea.texas.gov/sboe/agenda/> on the Texas Education Agency website. The posted information contains links to board action items including rule items and rule text, and selected discussion items. Public comments on proposed rules may be submitted electronically. All agenda items and rule text are subject to change at any time prior to each board meeting. To the extent possible, copies of changes made after the agenda and the schedule are published will be available at the board meeting.

TUESDAY
June 20, 2023

9:00 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Proposed New Texas Essential Knowledge and Skills for Occupational Safety and Health in 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School (Second Reading and Final Adoption) ([Board agenda page I-1](#))**

COMMITTEE - ACTION
SBOE - ACTION

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023. The proposal would provide the opportunity for the board to consider two options for Texas Essential Knowledge and Skills (TEKS) in workplace safety and health. One option would establish a one-credit standalone high school course and a second option would establish a set of standards to be imbedded within each career and technical education (CTE) principles course. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

- 2. Discussion of Renewal of Texas Certificate of High School Equivalency Contract ([Board agenda page I-12](#))**

COMMITTEE - ACTION
SBOE - ACTION

This item provides an opportunity for the committee to discuss extending the current test vendor contract relating to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency or proceeding with a competitive procurement process for a Fiscal Year 2025 award. The current 3-year contract with GED Testing Service allows for one 3-year extension. The current contract expires on August 31, 2024. Statutory authority is the Texas Education Code (TEC), §7.111.

COMMITTEE OF THE FULL BOARD (continued)

3. Legislative Update
(Board agenda page I-14)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

This item provides an opportunity for the committee to receive an update on legislation passed by the 88th Texas Legislature during the regular session.

4. Update on Texas Essential Knowledge and Skills (TEKS) Review
(Board agenda page I-15)

COMMITTEE - ACTION
SBOE - ACTION

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and for the board to provide additional guidance to TEKS review work groups. The board will also have an opportunity to approve TEKS review process documents for publication on the website. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

5. Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance
(Board agenda page I-18)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, June 20, 2023. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

COMMITTEE OF THE FULL BOARD (continued)

6. **Discussion of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance**
(Board agenda page I-20)

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. The proposal would update the Texas Essential Knowledge and Skills (TEKS) to ensure the content of the courses remains current. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

7. **Discussion of Proposed Revisions to the English Language Proficiency Standards (ELPS)**
(Board agenda page I-22)

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides the opportunity for the board to discuss revisions to the ELPS. Revisions to the ELPS would ensure the standards remain current and comply with federal requirements. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 29.051.

COMMITTEE OF THE FULL BOARD (continued)

**8. Discussion of Pending Litigation
(Board agenda page I-38)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

The State Board of Education (SBOE) may enter into executive session in accordance with the Texas Government Code, §551.071(1)(A), to discuss pending and contemplated litigation with the general counsel, legal staff, and, if necessary, attorney(s) from the Attorney General's Office. The Committee of the Full Board will meet in Room 1-103 to discuss any litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

**WEDNESDAY
June 21, 2023**

9:00 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

**1. Commissioner's Comments
([Board agenda page I-39](#))**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an opportunity for the board to be briefed on current agenda items, agency operations, policy implementation, and public education-related legislation.

**2. Proposed Amendment to 19 TAC Chapter 100,
Charters, Subchapter A, Open-Enrollment Charter
Schools, §100.1, Selection Process
(First Reading and Filing Authorization)
([Board agenda page I-40](#))**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process. The proposed amendment would modify the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf. Statutory authority is the Texas Education Code (TEC), §12.101.

**3. Consideration of the Commissioner of Education's
Generation 28 Open-Enrollment Charter School
Proposals
([Board agenda page I-44](#))**

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides the committee and board an opportunity to review and take action or no action on the commissioner's list of proposed Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2024-2025 school year. If awarded, the charters will have an initial five-year term. Statutory authority is the Texas Education Code (TEC), §12.101.

**THURSDAY
June 22, 2023**

9:00 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

Members: Audrey Young, chair; Evelyn Brooks, vice chair; Aicha Davis; Pam Little; and Melissa Ortega. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411; Subchapter M, Law and Public Service, §127.633; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.744, 127.756, 127.757, 127.765, 127.769, and 127.770 (Second Reading and Final Adoption) ([Board agenda page II-1](#))**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC), Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for eight career and technical education (CTE) courses that will be superseded by 19 TAC §§127.428, 127.652, 127.778, 127.779, 127.780, 127.792, 127.793, and 127.794 beginning with the 2023-2024 school year. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4) and 28.002(a) and (c).

COMMITTEE ON INSTRUCTION (continued)

2. **Discussion of Possible Amendment to 19 TAC, Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs (Board agenda page II-5)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss a possible amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs. Statutory authority is the Texas Education Code (TEC), §28.002(f).

3. **Consideration of Innovative Courses (Board agenda page II-8)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum for consideration by the committee and board for approval. Statutory authority is the Texas Education Code (TEC), §28.002(f).

4. **Approval of Updates and Substitutions to Adopted Instructional Materials (Board agenda page II-12)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee to approve instructional materials update and/or substitution requests received from publishers since the last board meeting. The updated content has been posted for public review and comment. It was also reviewed by subject-area specialists and was determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority is the Texas Education Code (TEC), §31.003 and §31.022.

5. **Discussion of Annual Audit Reports for Credit by Examination from Texas Tech University and The University of Texas at Austin (Board agenda page II-14)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss the annual audit reports submitted by Texas Tech University and The University of Texas at Austin regarding examinations used for credit by examination. Statutory authority is the Texas Education Code (TEC), §28.023.

**THURSDAY
June 22, 2023**

10:00 a.m. or upon adjournment of the PSF Corporation Meeting

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND – Room 1-104

Members: Tom Maynard, chair; Marisa Perez-Diaz, vice chair; Keven Ellis; Patricia Hardy; Aaron Kinsey. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda. A quorum of the Committee of Investment Advisors to the Permanent School Fund may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Per Capita Apportionment Rate for the 2022-2023 School Year**
(Board agenda page III-1)

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

A per capita apportionment rate for each school year is set by the commissioner of education based on an estimate of the amount available for expenditure from the Available School Fund (ASF). A preliminary 2022–2023 per capita apportionment rate of \$629.518 was set in September 2022. A final per capita apportionment rate is set by commissioner of education based on actual funds available for expenditure. Agency staff will present the final rate for the 2022–2023 school year at the June 2023 meeting of the Committee on School Finance/Permanent School Fund. Statutory authority is the Texas Education Code (TEC), §§48.004, 48.251(c), and 43.001(b).

- 2. Review the Process to Consider Board Member Nominees for a School Land Board Position**
(Board agenda page III-3)

**COMMITTEE – ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to review the process to consider nominees for a School Land Board position. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and Natural Resources Code (NRC), §32.012; and Texas Government Code (TGC), §825.003.

**THURSDAY
June 22, 2023**

9:00 a.m.

COMMITTEE ON SCHOOL INITIATIVES – Room 1-111

Members: Will Hickman, chair; LJ Francis, vice chair; Rebecca Bell-Metereau; Staci Childs; Julie Pickren. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees**
(Board agenda page IV-1)

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

- 2. Discussion of Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(Board agenda page IV-6)

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss a proposed 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 proposed amendment would modify the experience requirements for independent hearing examiners. Statutory authority is the Texas Education Code (TEC), §21.252(a).

- 3. Open-Enrollment Charter School Generation 29 Application Updates**
(Board agenda page IV-10)

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to receive updates regarding the Generation 29 Open-Enrollment Charter Application cycle. Statutory authority is the Texas Education Code (TEC), §12.101.

COMMITTEE ON SCHOOL INITIATIVES (continued)

4. **Discussion of Ongoing State Board for Educator Certification Activities**
(Board agenda page IV-11)

COMMITTEE - DISCUSSION
SBOE – NO ACTION

This item provides an opportunity for the committee to receive updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments. Statutory authority is the Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

**THURSDAY
June 22, 2023**

1:00 p.m. or upon adjournment of the other committees

COMMITTEE OF THE FULL BOARD-Work Session– Room 1-104

Public testimony is not taken on Work Session items.

- 1. Work Session on House Bill 1605, 88th Texas
Legislature, Regular Session
([Board agenda page I-46](#))**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

House Bill (HB), 1605, 88th Texas Legislature, Regular Session, addresses instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials. This item provides the opportunity for the committee to hear an overview of HB 1605 and to begin discussing implementation. Statutory authority is the Texas Education Code (TEC), §§26.0061(f) as added by HB 1605, 28.002(c-4), 31.003, 31.022, 31.023, and 31.154.

Information Materials

- 1. State Board of Education Operating Rules (amended February 2, 2023)**
Public testimony information begins on page V-8.
(Board agenda page V-1)

- 2. 2021-2025 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-27)

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

**CONSENT AGENDA
STATE BOARD OF EDUCATION
June 23, 2023**

- (1) Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411; Subchapter M, Law and Public Service, §127.633; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.744, 127.756, 127.757, 127.765, 127.769, and 127.770**
(Second Reading and Final Adoption)

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC), Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for eight career and technical education (CTE) courses that will be superseded by 19 TAC §§127.428, 127.652, 127.778, 127.779, 127.780, 127.792, 127.793, and 127.794 beginning with the 2023-2024 school year. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4) and 28.002(a) and (c).

[\(Agenda Exhibit\)](#) II-1

- (2) Approval of Updates and Substitutions to Adopted Instructional Materials**

This item provides an opportunity for the committee to approve instructional materials update and/or substitution requests received from publishers since the last board meeting. The updated content has been posted for public review and comment. It was also reviewed by subject-area specialists and was determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority is the Texas Education Code (TEC), §31.003 and §31.022.

[\(Agenda Exhibit\)](#) II-12

- (3) Review the Process to Consider Board Member Nominees for a School Land Board Position**

This item provides an opportunity for the committee and board to review the process to consider nominees for a School Land Board position. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and Natural Resources Code (NRC), §32.012; and Texas Government Code (TGC), §825.003.

[\(Agenda Exhibit\)](#) III-3

(4) Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

[\(Agenda Exhibit\)](#) IV-1

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**June 23, 2023
9:00 a.m.**

**William B. Travis Building, Room 1-104
1701 N. Congress Avenue**

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, April 14, 2023

1. Resolutions and Presentations

Resolution honoring the 2023 Student Heroes Award Recipients

Resolution expressing appreciation to restore the SBOE's Bond Guarantee Capacity

Presentation of Milken Educator Award

2023 Texas Teacher of the Year, Shelley Jeoffroy, Irving ISD

2023 Texas Secondary Teacher of the Year, Chris McLeod, Brazosport ISD

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

2. Approval of Consent Agenda

Any agenda item may be placed on the Consent Agenda by any State Board of Education committee.

[\(Agenda Exhibit\)](#) 14

COMMITTEE OF THE FULL BOARD

3. Proposed New Texas Essential Knowledge and Skills for Occupational Safety and Health in 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School (Second Reading and Final Adoption)

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023. The proposal would provide the opportunity for the board to consider two options for Texas Essential Knowledge and Skills (TEKS) in workplace safety and health. One option would establish a one-credit standalone high school course and a second option would establish a set of standards to be imbedded within each career and technical education (CTE) principles course. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) I-1

4. Discussion of Renewal of Texas Certificate of High School Equivalency Contract (First Reading and Filing Authorization)

This item provides an opportunity for the committee to discuss extending the current test vendor contract relating to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency or proceeding with a competitive procurement process for a Fiscal Year 2025 award. The current 3-year contract with GED Testing Service allows for one 3-year extension. The current contract expires on August 31, 2024. Statutory authority is the Texas Education Code (TEC), §7.111.

(Agenda Exhibit) I-12

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

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and for the board to provide additional guidance to TEKS review work groups. The board will also have an opportunity to approve TEKS review process documents for publication on the website. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

(Agenda Exhibit) I-15

6. Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process (First Reading and Filing Authorization)

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process. The proposed amendment would modify the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf. Statutory authority is the Texas Education Code (TEC), §12.101.

(Agenda Exhibit) I-40

7. Consideration of the Commissioner of Education's Generation 28 Open-Enrollment Charter School Proposals

This item provides the committee and board an opportunity to review and take action or no action on the commissioner’s list of proposed Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2024-2025 school year. If awarded, the charters will have an initial five-year term. Statutory authority is the Texas Education Code (TEC), §12.101.

(Agenda Exhibit) I-44

COMMITTEE ON INSTRUCTION

8. Consideration of Innovative Courses

This item presents innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum for consideration by the committee and board for approval. Statutory authority is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) II-8

REPORTS OF COMMITTEES REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee chairs may provide an update about discussion items considered during the current meeting by any standing committee or ad hoc committee.

REPORTS OF OTHER STATE BOARD OF EDUCATION MEMBERS REGARDING AGENDA ITEMS AND EDUCATIONAL ACTIVITIES AND CONCERNS IN INDIVIDUAL DISTRICTS

Members of the State Board of Education may present information regarding agenda items or other relevant information about public education.

Information Materials

- 1. State Board of Education Operating Rules (amended February 2, 2023)**
Public testimony information begins on page V-10.
(Board agenda page V-1)

- 2. 2021-2025 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-27)

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

COMMITTEE OF THE FULL BOARD

**Proposed New Texas Essential Knowledge and Skills for Occupational Safety and Health in
19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career
and Technical Education, Subchapter B, High School
(Second Reading and Final Adoption)**

June 23, 2023

**COMMITTEE OF THE FULL BOARD: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023. The proposal would provide the opportunity for the board to consider two options for Texas Essential Knowledge and Skills (TEKS) in workplace safety and health. One option would establish a one-credit standalone high school course and a second option would establish a set of standards to be imbedded within each career and technical education (CTE) principles course.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 28.025(a).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed new section is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will allow districts to implement TEKS for occupational safety and health beginning with the 2023-2024 school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for career development in 2015 for implementation in the 2017-2018 school year. At the November 2022 SBOE meeting, the SBOE asked Texas Education Agency (TEA) staff to develop recommendations for TEKS for a new occupational safety and health course. At the January-February 2023 SBOE meeting, the SBOE discussed the development of the new standards.

At the April 2023 SBOE meeting, the board approved for first reading and filing authorization proposed new §127.17 and §127.18.

BACKGROUND INFORMATION AND JUSTIFICATION: In response to proposed updates to the state accountability system, TEA received feedback regarding the potential addition of industry-based certifications and/or additional courses to various career and technical education programs of study. Specifically, the agency received feedback recommending the development and adoption of a new TEKS-based course related to training standards established by the Occupational Safety and Health Administration, which could be included in a variety of relevant programs of study. TEA staff provided this feedback to the SBOE at the November 2022 meeting, and the SBOE agreed to move forward with development of TEKS for a course in occupational safety and health for implementation beginning in the 2023-2024 school year.

TEA staff developed a draft of TEKS for a new occupational safety and health course, and the draft was shared with board members in January 2023. A discussion item was presented to the board at the January-February 2023 SBOE meeting. In March 2023, the draft TEKS were presented to two CTE work groups for their review and feedback. Some work group members expressed interest in the standalone course while others expressed a preference for embedding occupational safety and health standards into existing CTE principles courses.

At the April 2023 SBOE meeting, TEA staff presented two options for occupational safety and health standards to the board. Proposed new §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, identifies standards that would be embedded into the content for relevant CTE principles courses. Proposed new §127.18, Occupational Safety and Health (One Credit), Adopted 2023, identifies standards for a one-credit standalone course in occupational safety and health. The SBOE approved both proposals for first reading and filing authorization in order to solicit feedback from the public to help inform a final decision on the standards.

The attachment to this item reflects the text of the two options under consideration by the SBOE for second reading and final adoption. The SBOE may choose to approve one or both options.

FISCAL IMPACT: No changes have been made to this section since published as proposed.

TEA has determined that there are no additional costs to state government.

During the first five years the proposal is in effect, there may be fiscal implications for school districts and charter schools to implement the proposed new TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by requiring school districts that wish to offer occupational safety and health standards to implement the new TEKS.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed.

The proposed new TEKS would support student learning in workplace safety as part of select programs of study. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed.

The proposal would have no data or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed.

TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: Following the April 2023 SBOE meeting, notice of proposed new §127.17 and §127.18 was filed with the Texas Register, initiating the public comment period. The public comment period began May 12, 2023, and ended at 5:00 p.m. on June 16, 2023. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE

prior to and during the June 2023 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2023 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 127. Texas Essential Knowledge and Skills for Career Development and Career and Technical Education

Subchapter B. High School

§127.17. Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.
- (b) General requirements. These standards may not be offered as a standalone course. These standards shall be offered together with the essential knowledge and skills for the following career and technical education (CTE) principles courses:
- (1) Principles of Education and Training;
 - (2) Principles of Health Science;
 - (3) Principles of Hospitality and Tourism;
 - (4) Principles of Law, Public Safety, Corrections, and Security;
 - (5) Principles of Applied Engineering;
 - (6) Principles of Biosciences;
 - (7) Principles of Agriculture, Food, and Natural Resources;
 - (8) Principles of Architecture;
 - (9) Principles of Construction;
 - (10) Principles of Information Technology;
 - (11) Principles of Cosmetology Design and Color Theory;
 - (12) Principles of Manufacturing;
 - (13) Principles of Transportation Systems; and
 - (14) Principles of Distribution and Logistics.
- (c) Introduction.
- (1) CTE instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.
 - (2) The goal of the occupational safety and health standards is to ensure that students develop safety consciousness in the workplace. Students build a strong foundation in the occupational safety and health concepts that are critical to protecting individuals in the workplace, increasing safety and health, and reducing the occurrence of job-related injuries and fatalities.
 - (3) These standards are required to be addressed in their entirety as part of each of the CTE principles courses identified in subsection (b) of this section.
 - (4) Successful completion of the standards may lead to a student earning a ten-hour general industry Occupational Safety and Health Administration (OSHA) card. To earn the ten-hour OSHA card, the content must be taught by an authorized OSHA outreach training program trainer.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills. The student understands the foundations of occupational safety and health. The student is expected to:

- (1) explain and discuss the responsibilities of workers and employers to promote safety and health in the workplace and the rights of workers to a secure workplace;
- (2) explain and discuss the importance of OSHA standards and OSHA requirements for organizations, how OSHA inspections are conducted, and the role of national and state regulatory entities such as the National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, National Center for Construction Education and Research, Texas Workforce Commission, and Texas Department of Insurance;
- (3) explain the role industrial hygiene plays in occupational safety and explain various types of industrial hygiene hazards, including physical, chemical, biological, and ergonomic;
- (4) identify and explain the appropriate use of types of personal protective equipment used in general industry;
- (5) discuss the importance of safe walking and working surfaces in the workplace and best practices for preventing or reducing slips, trips, and falls in the workplace;
- (6) describe types of electrical hazards in the workplace and the risks associated with these hazards and describe control methods to prevent electrical hazards in the workplace;
- (7) analyze the hazards of handling, storing, using, and transporting hazardous materials and identify and discuss ways to reduce exposure to hazardous materials in the workplace;
- (8) identify workplace health and safety resources, including emergency plans and Safety Data Sheets, and discuss how these resources are used to make decisions in the workplace;
- (9) describe the elements of a safety and health program, including management leadership, worker participation, and education and training;
- (10) explain the purpose and importance of written emergency action plans and fire protection plans and describe key components of each such as evacuation plans and emergency exit routes, list of fire hazards, and identification of emergency personnel;
- (11) explain the components of a hazard communication program; and
- (12) explain and give examples of safety and health training requirements specified by standard setting organizations.

§127.18. Occupational Safety and Health (One Credit), Adopted 2023.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.
- (b) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.
 - (2) In Occupational Safety and Health, students gain a strong foundation of safety consciousness in the workplace to increase safety and health and reduce the occurrence of job-related injuries and fatalities.
 - (3) Occupational safety and health concepts are critical and should be applied across all programs of studies and career clusters as appropriate. Students are encouraged to apply their experiences on a jobsite to the knowledge and skills taught in this course.

- (4) Successful completion of the standards in this course may lead to a student earning a ten-hour general industry Occupational Safety and Health Administration (OSHA) card. To earn the ten-hour OSHA card, the course must be taught by an authorized OSHA outreach training program trainer.
 - (5) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student applies professional standards and employability skills as required by business and industry. The student is expected to:
 - (A) model ethical conduct in complex situations;
 - (B) model a respectful and professional attitude when interacting with diverse populations, colleagues, and professionals;
 - (C) apply self-management skills such as stress and change management;
 - (D) apply interpersonal skills, including negotiation skills, conflict resolution, customer service, and teamwork;
 - (E) practice problem-solving skills in respect to complex ethical decision making; and
 - (F) compare unethical and illegal conduct in the workplace.
 - (2) The student evaluates the roles and responsibilities of occupational safety and health professions. The student is expected to:
 - (A) explain the role of occupational safety and health professionals in various occupational settings;
 - (B) identify career development and entrepreneurship opportunities in occupational safety and health; and
 - (C) investigate and discuss opportunities to earn a credential and certification in the field of occupational safety and health.
 - (3) The student understands the foundations of occupational safety and health. The student is expected to:
 - (A) identify and discuss workers' rights to participate in activities that support a safe and healthy workplace such as having access to appropriate training and the ability to communicate safety concerns;
 - (B) explain and discuss the roles and responsibilities of workers and employers in creating a safe workplace;
 - (C) give examples of responsibilities of workers and employers that promote safety and health in the workplace;
 - (D) explain and discuss the importance of Occupational Safety and Health Act (OSHA) standards and OSHA requirements for organizations as well as national and state regulatory entities such as the National Institute of Occupational Safety and Health, Center for Disease Control, National Center for Construction Education and Research, Texas Workforce Commission, and Texas Department of Insurance;
 - (E) identify and discuss how workplace health and safety resources, including emergency plans and Safety Data Sheets (SDS), are used to make decisions in the workplace; and
 - (F) apply OSHA's General Duty Clause to various workplace situations and common citations.

- (4) The student understands industrial hygiene and how it applies to improving occupational safety. The student is expected to:
- (A) define industrial hygiene in the workplace;
 - (B) identify warning signs of exposure to types of occupational health hazards, including physical, chemical, biological, and ergonomic;
 - (C) evaluate types of occupational health hazards, including physical, chemical, biological, and ergonomic;
 - (D) differentiate between health issues caused by workplace factors and those caused from pre-existing conditions; and
 - (E) identify ways to reduce, remove, and control different types of health hazards at work.
- (5) The student analyzes and interprets workplace safety and health programs to identify elements, project costs, and propose solutions that benefit employers and employees. The student is expected to:
- (A) compare accident types such as those caused by human error like poor judgement or memory lapse;
 - (B) describe how injury, illness, and accidents can potentially impact an organization or workplace;
 - (C) describe the elements of a safety and health program, including management leadership, worker participation, hazard identification and assessment, hazard prevention and control, education and training, and program evaluation and improvement;
 - (D) identify some of the direct and indirect costs of work-related hazards; and
 - (E) discuss the benefits of implementing an effective safety and health program.
- (6) The student knows the importance of personal protective equipment (PPE). The student is expected to:
- (A) explain the purpose and benefits of protection of the body, including the eyes, face, head, feet, arms, hands, and torso;
 - (B) explain and discuss the role an employer plays in practicing proper maintenance and sanitation of protective devices and in training employees to properly use PPE;
 - (C) explain the employee's responsibility in choosing and using PPE; and
 - (D) identify and explain the appropriate use of types of PPE used in general industry.
- (7) The student describes the science of ergonomics, identifies ergonomic problems in a variety of workplace settings, and applies control methods to reduce work-related musculoskeletal disorders (WMSDs). The student is expected to:
- (A) summarize and discuss the science and history of ergonomics;
 - (B) describe the three organizational domains of ergonomics, including physical, cognitive, and organizational, and identify the primary body systems involved in the three domains;
 - (C) identify common WMSDs and evaluate risk factors associated with WMSDs;
 - (D) identify and discuss control methods for reducing WMSDs; and
 - (E) develop an ergonomic workplace design based on OSHA standards.
- (8) The student analyzes walking and working surfaces and fall hazards and applies prevention and protection strategies to create safer working environments. The student is expected to:
- (A) research and analyze hazards in the workplace associated with walking and working surfaces and falling;

- (B) identify and discuss best practices for preventing or reducing slips, trips, and falls in the workplace; and
 - (C) investigate and explain employer requirements to protect workers from walking and working surface hazards and fall hazards.
- (9) The student understands the properties of hazardous materials and the fundamental principles of hazardous material safety and management. The student is expected to:
 - (A) research and analyze hazardous materials commonly found in workplace settings and the materials' physical properties;
 - (B) describe ways in which hazardous materials can enter the body;
 - (C) identify physical and health hazards associated with exposure to hazardous materials and compare hazards based on level of exposure; and
 - (D) identify and discuss ways to reduce exposure to hazardous materials in the workplace.
- (10) The student knows how to locate and communicate pertinent information about hazardous materials using the Hazard Communication Standard (HCS) and Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The student is expected to:
 - (A) compare the HCS and GHS and analyze employer responsibilities under each system;
 - (B) locate and communicate pertinent information on chemical labels and SDS to ensure "right to understanding" provisions of the GHS requirements;
 - (C) explain the components of a hazard communication program, including requirements of hazard communication labels;
 - (D) explain the role of a workplace hazard control committee and its contributions to the success of hazard control in the workplace; and
 - (E) compare effective and ineffective hazard control methods.
- (11) The student understands the processes and precautions for handling hazardous materials. The student is expected to:
 - (A) analyze the hazards of handling, storing, using, and transporting hazardous materials;
 - (B) identify and discuss the proper use of different types of tools, supplies, and equipment used for material handling;
 - (C) research and analyze the regulations that govern handling, storing, using, disposing of, and transporting hazardous materials; and
 - (D) identify key elements of material handling, storage, use, and disposal safety plans and discuss how they relate to an employer's responsibilities to protect workers from material handling hazards.
- (12) The student knows and applies bloodborne pathogen safety and control methods. The student is expected to:
 - (A) investigate and describe bloodborne pathogens and risks of exposure and identify workers most at risk;
 - (B) describe methods for controlling exposure to bloodborne pathogens;
 - (C) evaluate key aspects of a bloodborne pathogen exposure control plan; and
 - (D) describe the steps to take when exposed to a bloodborne pathogen.
- (13) The student understands the risks associated with electrical hazards found on a jobsite and applies control methods to increase safety and health. The student is expected to:
 - (A) describe types of electrical hazards in the workplace and associated risks;

- (B) evaluate methods to prevent electrical hazards, including lockout and tagout procedures; and
 - (C) research and discuss OSHA standards regarding electrical hazards.
- (14) The student evaluates tool and machine guarding as part of a safety and health plan. The student is expected to:
- (A) identify the tools and machines commonly used by workers on a hazardous worksite and describe the machinery parts that expose workers to hazards;
 - (B) describe and analyze the main causes of machinery accidents and situations that require machine guarding;
 - (C) identify and describe steps to reduce tool and machine hazards; and
 - (D) research and discuss OSHA standards for tool and machine safeguards in the workplace and an employer's related responsibilities.
- (15) The student understands general powered industrial truck safety operations and applies the information to employer safety and health programs. The student is expected to:
- (A) compare characteristics of powered industrial trucks and the risks associated with these machines;
 - (B) describe general powered industrial truck operation safety using OSHA information and checklists; and
 - (C) research examples of employer safety and health programs to discuss steps to reduce hazards related to powered industrial trucks.
- (16) The student explains the relationship between fire behavior, fire extinguishing and protection systems, and fire protection plans. The student is expected to:
- (A) identify and describe heat energy sources such as chemical, electrical, mechanical, and nuclear and heat transfer methods;
 - (B) describe the classes and stages of fires;
 - (C) describe possible deficiencies in fire safety;
 - (D) evaluate methods for extinguishing fires; and
 - (E) identify and describe the elements of a fire protection plan based on OSHA standards.
- (17) The student applies industrial hygiene and safety and health management to welding, cutting, and brazing industries. The student is expected to:
- (A) analyze different types of hazards related to welding, cutting, and brazing and explain the concept of hot work;
 - (B) research and evaluate the OSHA standards for welding, cutting, and brazing;
 - (C) compare standards for welding, cutting, and brazing with fire prevention and protection standards; and
 - (D) describe how welding, cutting, and brazing standards are incorporated into employer safety programs to improve industrial hygiene.
- (18) The student examines the positive impact of emergency management in the workplace. The student is expected to:
- (A) identify and discuss types of emergencies that should be addressed in emergency plans, including fire, toxic chemical release, weather, and workplace violence;
 - (B) describe strategies to enhance workplace security and prevent workplace violence;

- (C) compare conditions under which evacuation and shelter-in-place actions may be necessary in an emergency situation;
 - (D) explain the importance of emergency exits and emergency lighting;
 - (E) describe the purpose and importance of a written emergency action plan in the workplace; and
 - (F) assess emergency plans using information gathered through mock emergency drills.
- (19) The student understands the importance of inspections and accident prevention and reporting. The student is expected to:
- (A) identify the components of an OSHA inspection;
 - (B) compare reasons and methods for conducting internal inspections and OSHA inspections;
 - (C) identify hazards, injuries, and accidents to be tracked and evaluate the importance of maintaining records of these incidents;
 - (D) describe the roles of an accident log, accident form, and accident report in accident investigation;
 - (E) complete an accident report form and discuss processes businesses use for submitting accident report forms;
 - (F) research and discuss examples of corrective actions taken for common OSHA violations;
 - (G) define organizational culture and its impact on accident prevention efforts;
 - (H) discuss the processes for reporting a hazard to appropriate parties such as supervisor, union, or advisory committee; and
 - (I) research and discuss whistleblower labor laws, what qualifies an employee for whistleblower protection, and what employee rights whistleblower laws provide and create a whistleblower process for filing a complaint in a simulated workplace.
- (20) The student understands how the purposeful engineering of the workplace can reduce work-related risks. The student is expected to:
- (A) discuss and explain the significance of safety engineering to the hierarchy of controls;
 - (B) evaluate common workplace design flaws that lead to reduced safety and health; and
 - (C) investigate and describe how engineering for safety has improved industrial hygiene and created a safer workplace over time.
- (21) The student researches best practices in occupational safety and health training within specific industries. The student is expected to:
- (A) explain safety and health training requirements specified by standard setting organizations;
 - (B) research and identify best practices in safety and health training; and
 - (C) describe strategies for communicating safety and health training in the workplace.

Discussion of Renewal of Texas Certificate of High School Equivalency Contract

June 23, 2023

COMMITTEE OF THE FULL BOARD: ACTION STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item provides an opportunity for the committee to discuss extending the current test vendor contract relating to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency or proceeding with a competitive procurement process for a Fiscal Year 2025 award. The current 3-year contract with GED Testing Service allows for one 3-year extension. The current contract expires on August 31, 2024.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.111.

Texas Education Code (TEC), §7.111, requires the State Board of Education (SBOE) to adopt rules to develop and deliver high school equivalency examinations and provide for the administration of the examinations online.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency, to be effective September 1, 1996. Rules in 19 TAC Subchapter C, were last amended to be effective December 25, 2016. The board approved the award of a contract for the provider for the Texas Certificate of High School Equivalency examination to GED Testing Service at the April 2021 meeting. GED Testing Service's request for a contract amendment to increase pricing for the GED Ready practice test was approved at the November 2021 meeting. GED Testing Service's request to increase pricing for certain GED tests and reduce the number of discounted retests was denied at the January-February 2023 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: In January 2015, the Texas Education Agency (TEA) released a competitive request for proposals (RFP) to solicit proposals for a provider for the Texas Certificate of High School Equivalency examination. At the April 2015 SBOE meeting, TEA staff presented the results of the RFP. The SBOE requested that TEA extend the existing provider's Memorandum of Understanding for six months beyond the expiration date and begin the development of a new RFP to potentially identify multiple test providers.

At the July 2015 meeting, the committee held a public hearing. Additionally, at the July 2015 meeting, the board approved a decision matrix of requirements to be included in a future RFP. During the September 2015 meeting, the board approved the competitive RFP to be released in fall 2015.

On January 29, 2016, the board voted to award contracts to three separate companies to provide high school equivalency assessments in Texas. The three companies are Data Recognition Corporation, Educational Testing Service, and GED Testing Service. On September 16, 2016, the board gave the chair authority to sign new contracts with vendors beginning October 8, 2016, or when the vendors were ready to provide services and staff and the board chair were confident the vendor was able to execute the terms of the Request for Proposals.

On November 18, 2016, the board approved expanding the entities eligible to serve as official paper-based testing centers and defined the requirements for paper-based testing centers.

On November 16, 2018, the board instructed staff to proceed with renewal of existing contracts.

On February 1, 2019, the board approved the contract renewal for GED Testing Service with no amendments and approved the contract renewal for Educational Testing Service with an amendment to increase pricing for certain tests and services. Data Recognition Corporation notified TEA that it did not wish to renew its contract which would expire on August 31, 2019.

On November 15, 2019, the board instructed staff to proceed with the fiscal year 2021 renewal of existing contracts with GED Testing Service and Educational Testing Service and to proceed with the competitive procurement process for a fiscal year 2022 award.

On November 20, 2020, the board approved the content of the Texas Certificate of High School Equivalency Request for Proposals (RFP) for test providers.

On April 16, 2021, the board approved awarding a contract for the Texas Certificate of High School Equivalency Examination Provider to GED Testing Service, the sole respondent to the RFP.

On November 19, 2021, the board approved an increase in the price for the GED Ready test.

On February 3, 2023, the board denied GED Testing Service's request to increase pricing for certain GED tests and reduce the number of discounted retests.

MOTION TO BE CONSIDERED: The State Board of Education:

Provide approval for TEA to proceed with the 3-year renewal of the existing contract with GED Testing Service.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Cindee Tonnesen, Assistant Director, Texas Certificate of High School Equivalency, College, Career, and Military Preparation

Legislative Update

June 20, 2023

**COMMITTEE OF THE FULL BOARD: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides an opportunity for the committee to receive an update on legislation passed by the 88th Texas Legislature during the regular session.

BACKGROUND INFORMATION AND JUSTIFICATION: The 88th Texas Legislature convened on January 10, 2023, and concluded on May 29, 2023. Staff will report on legislation that passed and that impacts the work of the SBOE.

Staff Member Responsible:

Hunter Thompson, Director, Governmental Relations

Update on Texas Essential Knowledge and Skills (TEKS) Review

June 23, 2023

COMMITTEE OF THE FULL BOARD: ACTION STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and for the board to provide additional guidance to TEKS review work groups. The board will also have an opportunity to approve TEKS review process documents for publication on the website.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.025(a), requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for all subjects effective September 1, 1998. The English language arts and reading TEKS were amended effective September 4, 2008. The Spanish language arts and reading TEKS were amended effective November 26, 2008. The TEKS for high school English elective courses were amended effective August 23, 2010. The English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 were amended effective September 25, 2017, and the English language arts and reading and English as a second language (ESL) TEKS for high school were amended effective November 12, 2017. The K-12 TEKS for English and Spanish language arts and reading were again amended effective August 1, 2019, to make technical adjustments to the standards. The mathematics TEKS were amended effective August 1, 2006. The secondary mathematics TEKS were amended effective February 22, 2009. The mathematics TEKS were again amended effective September 12, 2012. The science TEKS were amended effective August 4, 2009 and were amended again to streamline the science TEKS effective August 27, 2018. The social studies TEKS were amended effective August 23, 2010 and were amended again to streamline the social studies TEKS in 2018. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017. The fine arts TEKS were amended effective August 24, 2015. The TEKS for languages other than English (LOTE) were amended effective July 15, 2014, and December 31, 2014. The technology applications TEKS were amended effective September 26, 2011. The health education TEKS and the physical education TEKS were amended to be effective August 1, 2022. The science TEKS were once again amended effective April 28, 2021, November 30, 2021, and April 26, 2022. The revised science TEKS are scheduled to be implemented in the 2024-2025 school year. The technology applications TEKS were amended effective August 7, 2022, and are also scheduled to be implemented in the 2024-2025 school year. At the November 2022 meeting, the SBOE approved

proposed revisions to the social studies TEKS to align with requirements of Senate Bill 3, 87th Texas Legislature, Second Called Session, for implementation beginning in the 2024-2025 school year.

At the June 2019 SBOE meeting, the board held a work session to discuss updating the TEKS and instructional materials review and adoption schedule. At the September 2019 meeting, the board approved the schedule through the 2030-2031 school year. The board held another work session to discuss updates to the TEKS and instructional materials review and adoption schedule at the January 2021 meeting. The board approved updates to the TEKS and instructional materials review and adoption schedule at the April 2021 meeting. At the April 2023 SBOE meeting, the board approved changes to the TEKS review process, including the addition of a process for selecting work group members.

BACKGROUND INFORMATION AND JUSTIFICATION: The board received training from a standards writing advisor at the July 2014 meeting. The standards writing advisor provided additional training to Texas Education Agency (TEA) staff in October 2014 to support future facilitation of the TEKS review committees.

In 2017, the SBOE significantly revised the process for the review and revision of the TEKS. The 2017 TEKS review process was used for the streamlining of the social studies TEKS. At the November 2018 meeting, the SBOE approved updates to the 2017 TEKS review and revision process to better clarify the process. The updated process was used for the review of the physical education, health education, and science TEKS.

In early 2019, the SBOE began the review of the ELPS in accordance with the SBOE's approved TEKS and instructional materials review schedule. At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification exams, adoption of instructional materials, and the completion of the Texas Resource Review. TEA provided an overview of CTE programs of study and a skills gap analysis to inform the review and revision of the CTE TEKS. The board discussed potential adjustments to the TEKS and Instructional Materials Review and Adoption Schedule. At the April 2021 meeting, the SBOE approved revisions to the TEKS and Instructional Materials Review and Adoption Schedule.

At the June and November 2021 SBOE meetings, the board discussed the review of the social studies TEKS. Work groups were convened to develop recommendations for the social studies TEKS in January, February, March, April, May, June, July, and August 2022. At a special called meeting held August 1, 2022, the SBOE discussed the proposed new social studies TEKS and held a public hearing regarding the new standards. The board determined that it would not move forward with new social studies TEKS at its August/September 2022 meeting. Instead, the board asked TEA staff to bring to the next meeting a draft of the current standards that only adds content to address requirements from Senate Bill (SB) 3, 87th Texas Legislature, Second Called Session, 2021.

At the November 2022 SBOE meeting, the board approved for second reading and final adoption proposed amendments to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter C, High School. Additionally at that meeting, the board approved a CTE TEKS review process that mirrors the process for other subjects, but accounts for factors unique to CTE. Staff provided SBOE members with applications received for work group members to review and revise the CTE TEKS for entrepreneurship and career preparation in November 2022 and January 2023. The approvals were due to TEA staff on December 1, 2022, and January 2023, respectively.

TEA convened work groups for entrepreneurship and career preparation CTE TEKS in February, March, and April 2023. A public hearing and a separate item in this agenda have been prepared to discuss the proposed revisions to the entrepreneurship and career preparation CTE TEKS.

In February 2023, TEA posted a work group application to develop recommendations for revisions to the TEKS for certain courses in the Agriculture, Food, and Natural Resources career cluster; two CTE science courses that may satisfy a science graduation requirement, Principles of Technology and Scientific Research and Design; and the courses in the Aviation Maintenance program of study. TEA provided SBOE members with applications received in February, March, and April 2023. The approvals were due to TEA staff on March 3, March 24, April 14, and May 5. At the April 2023 SBOE meeting, the board took no action to approve advisory group members to review and comment on the proposed draft recommendations for selected courses in Agriculture, Food, and Natural Resources career cluster.

Additionally at the April 2023 SBOE meeting, the board discussed and approved changes to the TEKS review process, including approving a process for selecting work group members. The changes are scheduled to begin with the next subject to be reviewed and revised.

This item provides the opportunity for the board to approve TEKS review process documents for publication on the TEA website.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance

June 20, 2023

**COMMITTEE OF THE FULL BOARD: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, June 20, 2023. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

TEC, §7.102(c)(4), requires the SBOE to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002.

The full text of statutory citations can be found in the statutory authority section of this agenda.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

During the November 2022 meeting, the SBOE approved a timeline for the review of career and technical education (CTE) courses for 2022-2025. The first review in the approved cycle, the winter 2023 CTE Texas Essential Knowledge and Skills (TEKS) review, includes a small group of courses in career preparation and entrepreneurship. Applications to serve on the winter 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from November 2022 through January 2023. TEA staff provided SBOE members with batches of applications for approval to serve on a CTE TEKS review work group in November 2022 and in January 2023. Work groups were convened to

develop recommendations for the career preparation and entrepreneurship courses in February, March, and April 2023. The proposed new CTE TEKS would ensure the standards for the career preparation and entrepreneurship courses are up to date.

A discussion item on proposed new 19 TAC Chapter 127, Subchapters B and F, is presented as a separate item in this agenda.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Discussion of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance

June 20, 2023

**COMMITTEE OF THE FULL BOARD: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides an opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Project-Based Research (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023. The proposal would update the Texas Essential Knowledge and Skills (TEKS) to ensure the content of the courses remains current.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

The full text of statutory citations can be found in the statutory authority section of this agenda.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the November 2022 meeting, the SBOE approved a timeline for the review of career and technical education (CTE) courses for 2022-2025. Also at the meeting, the SBOE approved a specific process to be used in the review and revision of the CTE TEKS. The CTE-specific process largely follows the process for TEKS review for other subject areas but was adjusted to account for differences specific to CTE. The 2022-2025 CTE cycle identifies two reviews, beginning with the winter 2023 review of a small group of courses in career preparation and entrepreneurship. An abbreviated version of the new CTE TEKS review process was used for the winter 2023 review. The second review in the 2022-2025 CTE TEKS review

cycle is scheduled to begin in summer 2023. The complete CTE TEKS review process will be used for the summer 2023 CTE TEKS review.

Applications to serve on the winter 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from November 2022 through January 2023. TEA staff provided SBOE members with batches of applications for approval to serve on a CTE work group in November 2022 and in January 2023. Work groups were convened to develop recommendations for the CTE courses in February, March, and April 2023. The proposed new CTE TEKS would ensure the standards for the career preparation and entrepreneurship courses included in the winter 2023 CTE TEKS review are up to date.

A public hearing on proposed new 19 TAC §§127.19-127.22 and 127.75-127.78 is presented as a separate item in this agenda.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Separate Exhibit:

Text of Draft TEKS for Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance

(to be provided in advance of the June 2023 SBOE meeting)

Discussion of Proposed Revisions to the English Language Proficiency Standards (ELPS)

June 20, 2023

COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides the opportunity for the board to discuss revisions to the ELPS. Revisions to the ELPS would ensure the standards remain current and comply with federal requirements.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c), and 29.051.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

The full text of statutory citations can be found in the statutory authority section of this agenda.

BACKGROUND INFORMATION AND JUSTIFICATION: In 1998, standards for English as a second language (ESL) for students in Kindergarten-Grade 12 were adopted as part of 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language. In a subsequent Title III monitoring visit, the U.S. Department of Education (USDE) indicated that there was insufficient evidence demonstrating that the ESL standards outlined in 19 TAC Chapter 128 were aligned to state academic content and achievement standards in mathematics, as required by the No Child Left Behind Act (NCLB), §2113(b)(2). In November 2007, the SBOE adopted the ELPS as part of 19 TAC Chapter 74, Curriculum Requirements, to comply with NCLB requirements. The adopted ELPS in 19 TAC §74.4 clarified that state standards in English language acquisition must be implemented as an integral part of the instruction in each foundation and enrichment subject. Additionally, English language proficiency levels of beginning, intermediate, advanced, and advanced high in the domains of listening, speaking, reading, and writing were established as part of the ELPS, as required by NCLB. The superseded second language acquisition standards in 19 TAC Chapter 128 were also repealed in September 2008 during the process of revising the Texas Essential Knowledge and Skills (TEKS) in 19 TAC Chapters 110 and 128.

The SBOE began the review of the ELPS in 19 TAC §74.4 in 2019, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on ELPS review work groups were posted on the Texas Education Agency (TEA) website in December 2018. Also in December 2018, TEA distributed a survey to collect information from educators regarding the review and revision of the ELPS. Work groups were convened in March, May, August, September, and October 2019. In September 2019, the USDE indicated that Texas only partially met the requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act. Specific to the ELPS, the USDE requested additional evidence that the ELPS are aligned to the state's academic content standards and contain language proficiency expectations needed for emergent bilingual students to

demonstrate achievement of the state academic standards appropriate to each grade-level/grade-band in at least reading language arts, mathematics, and science.

In response to feedback from the work group members and feedback from the USDE, TEA staff convened a panel of experts in second language acquisition from Texas institutions of higher education to complete an analysis of the work group recommendations and current research on English language acquisition. Based on the panel's findings and direction from the SBOE, TEA executed personal services contracts with the panel members and a representative of an education service center to prepare a draft of revisions to the ELPS. Text of the draft ELPS completed by the expert panel will be presented to the SBOE as a separate exhibit at the June 2023 meeting.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

Text of 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.4, English Language Proficiency Standards

Separate Exhibit:

Text of Draft English Language Proficiency Standards
(to be provided at the June 2023 SBOE meeting)

**ATTACHMENT
Text of 19 TAC**

Chapter 74. Curriculum Requirements

Subchapter A. Required Curriculum

§74.4. English Language Proficiency Standards.

- (a) Introduction.
- (1) The English language proficiency standards in this section outline English language proficiency level descriptors and student expectations for English language learners (ELLs). School districts shall implement this section as an integral part of each subject in the required curriculum. The English language proficiency standards are to be published along with the Texas Essential Knowledge and Skills (TEKS) for each subject in the required curriculum.
 - (2) In order for ELLs to be successful, they must acquire both social and academic language proficiency in English. Social language proficiency in English consists of the English needed for daily social interactions. Academic language proficiency consists of the English needed to think critically, understand and learn new concepts, process complex academic material, and interact and communicate in English academic settings.
 - (3) Classroom instruction that effectively integrates second language acquisition with quality content area instruction ensures that ELLs acquire social and academic language proficiency in English, learn the knowledge and skills in the TEKS, and reach their full academic potential.
 - (4) Effective instruction in second language acquisition involves giving ELLs opportunities to listen, speak, read, and write at their current levels of English development while gradually increasing the linguistic complexity of the English they read and hear, and are expected to speak and write.
 - (5) The cross-curricular second language acquisition skills in subsection (c) of this section apply to ELLs in Kindergarten-Grade 12.
 - (6) The English language proficiency levels of beginning, intermediate, advanced, and advanced high are not grade-specific. ELLs may exhibit different proficiency levels within the language domains of listening, speaking, reading, and writing. The proficiency level descriptors outlined in subsection (d) of this section show the progression of second language acquisition from one proficiency level to the next and serve as a road map to help content area teachers instruct ELLs commensurate with students' linguistic needs.
- (b) School district responsibilities. In fulfilling the requirements of this section, school districts shall:
- (1) identify the student's English language proficiency levels in the domains of listening, speaking, reading, and writing in accordance with the proficiency level descriptors for the beginning, intermediate, advanced, and advanced high levels delineated in subsection (d) of this section;
 - (2) provide instruction in the knowledge and skills of the foundation and enrichment curriculum in a manner that is linguistically accommodated (communicated, sequenced, and scaffolded) commensurate with the student's levels of English language proficiency to ensure that the student learns the knowledge and skills in the required curriculum;
 - (3) provide content-based instruction including the cross-curricular second language acquisition essential knowledge and skills in subsection (c) of this section in a manner that is linguistically accommodated to help the student acquire English language proficiency; and
 - (4) provide intensive and ongoing foundational second language acquisition instruction to ELLs in Grade 3 or higher who are at the beginning or intermediate level of English language proficiency in listening, speaking, reading, and/or writing as determined by the state's English language proficiency assessment system. These ELLs require focused, targeted, and systematic second language acquisition instruction to provide them with the foundation of English language

vocabulary, grammar, syntax, and English mechanics necessary to support content-based instruction and accelerated learning of English.

- (c) Cross-curricular second language acquisition essential knowledge and skills.
- (1) Cross-curricular second language acquisition/learning strategies. The ELL uses language learning strategies to develop an awareness of his or her own learning processes in all content areas. In order for the ELL to meet grade-level learning expectations across the foundation and enrichment curriculum, all instruction delivered in English must be linguistically accommodated (communicated, sequenced, and scaffolded) commensurate with the student's level of English language proficiency. The student is expected to:
- (A) use prior knowledge and experiences to understand meanings in English;
 - (B) monitor oral and written language production and employ self-corrective techniques or other resources;
 - (C) use strategic learning techniques such as concept mapping, drawing, memorizing, comparing, contrasting, and reviewing to acquire basic and grade-level vocabulary;
 - (D) speak using learning strategies such as requesting assistance, employing non-verbal cues, and using synonyms and circumlocution (conveying ideas by defining or describing when exact English words are not known);
 - (E) internalize new basic and academic language by using and reusing it in meaningful ways in speaking and writing activities that build concept and language attainment;
 - (F) use accessible language and learn new and essential language in the process;
 - (G) demonstrate an increasing ability to distinguish between formal and informal English and an increasing knowledge of when to use each one commensurate with grade-level learning expectations; and
 - (H) develop and expand repertoire of learning strategies such as reasoning inductively or deductively, looking for patterns in language, and analyzing sayings and expressions commensurate with grade-level learning expectations.
- (2) Cross-curricular second language acquisition/listening. The ELL listens to a variety of speakers including teachers, peers, and electronic media to gain an increasing level of comprehension of newly acquired language in all content areas. ELLs may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in listening. In order for the ELL to meet grade-level learning expectations across the foundation and enrichment curriculum, all instruction delivered in English must be linguistically accommodated (communicated, sequenced, and scaffolded) commensurate with the student's level of English language proficiency. The student is expected to:
- (A) distinguish sounds and intonation patterns of English with increasing ease;
 - (B) recognize elements of the English sound system in newly acquired vocabulary such as long and short vowels, silent letters, and consonant clusters;
 - (C) learn new language structures, expressions, and basic and academic vocabulary heard during classroom instruction and interactions;
 - (D) monitor understanding of spoken language during classroom instruction and interactions and seek clarification as needed;
 - (E) use visual, contextual, and linguistic support to enhance and confirm understanding of increasingly complex and elaborated spoken language;
 - (F) listen to and derive meaning from a variety of media such as audio tape, video, DVD, and CD ROM to build and reinforce concept and language attainment;

- (G) understand the general meaning, main points, and important details of spoken language ranging from situations in which topics, language, and contexts are familiar to unfamiliar;
 - (H) understand implicit ideas and information in increasingly complex spoken language commensurate with grade-level learning expectations; and
 - (I) demonstrate listening comprehension of increasingly complex spoken English by following directions, retelling or summarizing spoken messages, responding to questions and requests, collaborating with peers, and taking notes commensurate with content and grade-level needs.
- (3) Cross-curricular second language acquisition/speaking. The ELL speaks in a variety of modes for a variety of purposes with an awareness of different language registers (formal/informal) using vocabulary with increasing fluency and accuracy in language arts and all content areas. ELLs may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in speaking. In order for the ELL to meet grade-level learning expectations across the foundation and enrichment curriculum, all instruction delivered in English must be linguistically accommodated (communicated, sequenced, and scaffolded) commensurate with the student's level of English language proficiency. The student is expected to:
- (A) practice producing sounds of newly acquired vocabulary such as long and short vowels, silent letters, and consonant clusters to pronounce English words in a manner that is increasingly comprehensible;
 - (B) expand and internalize initial English vocabulary by learning and using high-frequency English words necessary for identifying and describing people, places, and objects, by retelling simple stories and basic information represented or supported by pictures, and by learning and using routine language needed for classroom communication;
 - (C) speak using a variety of grammatical structures, sentence lengths, sentence types, and connecting words with increasing accuracy and ease as more English is acquired;
 - (D) speak using grade-level content area vocabulary in context to internalize new English words and build academic language proficiency;
 - (E) share information in cooperative learning interactions;
 - (F) ask and give information ranging from using a very limited bank of high-frequency, high-need, concrete vocabulary, including key words and expressions needed for basic communication in academic and social contexts, to using abstract and content-based vocabulary during extended speaking assignments;
 - (G) express opinions, ideas, and feelings ranging from communicating single words and short phrases to participating in extended discussions on a variety of social and grade-appropriate academic topics;
 - (H) narrate, describe, and explain with increasing specificity and detail as more English is acquired;
 - (I) adapt spoken language appropriately for formal and informal purposes; and
 - (J) respond orally to information presented in a wide variety of print, electronic, audio, and visual media to build and reinforce concept and language attainment.
- (4) Cross-curricular second language acquisition/reading. The ELL reads a variety of texts for a variety of purposes with an increasing level of comprehension in all content areas. ELLs may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in reading. In order for the ELL to meet grade-level learning expectations across the foundation and enrichment curriculum, all instruction delivered in English must be linguistically accommodated (communicated, sequenced, and scaffolded) commensurate with the student's level of English language proficiency. For Kindergarten and Grade 1, certain of these student expectations apply to text read aloud for students not yet at the stage of decoding written text. The student is expected to:

- (A) learn relationships between sounds and letters of the English language and decode (sound out) words using a combination of skills such as recognizing sound-letter relationships and identifying cognates, affixes, roots, and base words;
 - (B) recognize directionality of English reading such as left to right and top to bottom;
 - (C) develop basic sight vocabulary, derive meaning of environmental print, and comprehend English vocabulary and language structures used routinely in written classroom materials;
 - (D) use prereading supports such as graphic organizers, illustrations, and pretaught topic-related vocabulary and other prereading activities to enhance comprehension of written text;
 - (E) read linguistically accommodated content area material with a decreasing need for linguistic accommodations as more English is learned;
 - (F) use visual and contextual support and support from peers and teachers to read grade-appropriate content area text, enhance and confirm understanding, and develop vocabulary, grasp of language structures, and background knowledge needed to comprehend increasingly challenging language;
 - (G) demonstrate comprehension of increasingly complex English by participating in shared reading, retelling or summarizing material, responding to questions, and taking notes commensurate with content area and grade level needs;
 - (H) read silently with increasing ease and comprehension for longer periods;
 - (I) demonstrate English comprehension and expand reading skills by employing basic reading skills such as demonstrating understanding of supporting ideas and details in text and graphic sources, summarizing text, and distinguishing main ideas from details commensurate with content area needs;
 - (J) demonstrate English comprehension and expand reading skills by employing inferential skills such as predicting, making connections between ideas, drawing inferences and conclusions from text and graphic sources, and finding supporting text evidence commensurate with content area needs; and
 - (K) demonstrate English comprehension and expand reading skills by employing analytical skills such as evaluating written information and performing critical analyses commensurate with content area and grade-level needs.
- (5) Cross-curricular second language acquisition/writing. The ELL writes in a variety of forms with increasing accuracy to effectively address a specific purpose and audience in all content areas. ELLs may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in writing. In order for the ELL to meet grade-level learning expectations across foundation and enrichment curriculum, all instruction delivered in English must be linguistically accommodated (communicated, sequenced, and scaffolded) commensurate with the student's level of English language proficiency. For Kindergarten and Grade 1, certain of these student expectations do not apply until the student has reached the stage of generating original written text using a standard writing system. The student is expected to:
- (A) learn relationships between sounds and letters of the English language to represent sounds when writing in English;
 - (B) write using newly acquired basic vocabulary and content-based grade-level vocabulary;
 - (C) spell familiar English words with increasing accuracy, and employ English spelling patterns and rules with increasing accuracy as more English is acquired;
 - (D) edit writing for standard grammar and usage, including subject-verb agreement, pronoun agreement, and appropriate verb tenses commensurate with grade-level expectations as more English is acquired;

- (E) employ increasingly complex grammatical structures in content area writing commensurate with grade-level expectations, such as:
 - (i) using correct verbs, tenses, and pronouns/antecedents;
 - (ii) using possessive case (apostrophe *s*) correctly; and
 - (iii) using negatives and contractions correctly;
 - (F) write using a variety of grade-appropriate sentence lengths, patterns, and connecting words to combine phrases, clauses, and sentences in increasingly accurate ways as more English is acquired; and
 - (G) narrate, describe, and explain with increasing specificity and detail to fulfill content area writing needs as more English is acquired.
- (d) Proficiency level descriptors.
- (1) Listening, Kindergarten-Grade 12. ELLs may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in listening. The following proficiency level descriptors for listening are sufficient to describe the overall English language proficiency levels of ELLs in this language domain in order to linguistically accommodate their instruction.
- (A) Beginning. Beginning ELLs have little or no ability to understand spoken English in academic and social settings. These students:
 - (i) struggle to understand simple conversations and simple discussions even when the topics are familiar and the speaker uses linguistic supports such as visuals, slower speech and other verbal cues, and gestures;
 - (ii) struggle to identify and distinguish individual words and phrases during social and instructional interactions that have not been intentionally modified for ELLs; and
 - (iii) may not seek clarification in English when failing to comprehend the English they hear; frequently remain silent, watching others for cues.
 - (B) Intermediate. Intermediate ELLs have the ability to understand simple, high-frequency spoken English used in routine academic and social settings. These students:
 - (i) usually understand simple or routine directions, as well as short, simple conversations and short, simple discussions on familiar topics; when topics are unfamiliar, require extensive linguistic supports and adaptations such as visuals, slower speech and other verbal cues, simplified language, gestures, and preteaching to preview or build topic-related vocabulary;
 - (ii) often identify and distinguish key words and phrases necessary to understand the general meaning during social and basic instructional interactions that have not been intentionally modified for ELLs; and
 - (iii) have the ability to seek clarification in English when failing to comprehend the English they hear by requiring/requesting the speaker to repeat, slow down, or rephrase speech.
 - (C) Advanced. Advanced ELLs have the ability to understand, with second language acquisition support, grade-appropriate spoken English used in academic and social settings. These students:
 - (i) usually understand longer, more elaborated directions, conversations, and discussions on familiar and some unfamiliar topics, but sometimes need processing time and sometimes depend on visuals, verbal cues, and gestures to support understanding;

- (ii) understand most main points, most important details, and some implicit information during social and basic instructional interactions that have not been intentionally modified for ELLs; and
 - (iii) occasionally require/request the speaker to repeat, slow down, or rephrase to clarify the meaning of the English they hear.
- (D) Advanced high. Advanced high ELLs have the ability to understand, with minimal second language acquisition support, grade-appropriate spoken English used in academic and social settings. These students:
- (i) understand longer, elaborated directions, conversations, and discussions on familiar and unfamiliar topics with occasional need for processing time and with little dependence on visuals, verbal cues, and gestures; some exceptions when complex academic or highly specialized language is used;
 - (ii) understand main points, important details, and implicit information at a level nearly comparable to native English-speaking peers during social and instructional interactions; and
 - (iii) rarely require/request the speaker to repeat, slow down, or rephrase to clarify the meaning of the English they hear.
- (2) Speaking, Kindergarten-Grade 12. ELLs may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in speaking. The following proficiency level descriptors for speaking are sufficient to describe the overall English language proficiency levels of ELLs in this language domain in order to linguistically accommodate their instruction.
- (A) Beginning. Beginning ELLs have little or no ability to speak English in academic and social settings. These students:
- (i) mainly speak using single words and short phrases consisting of recently practiced, memorized, or highly familiar material to get immediate needs met; may be hesitant to speak and often give up in their attempts to communicate;
 - (ii) speak using a very limited bank of high-frequency, high-need, concrete vocabulary, including key words and expressions needed for basic communication in academic and social contexts;
 - (iii) lack the knowledge of English grammar necessary to connect ideas and speak in sentences; can sometimes produce sentences using recently practiced, memorized, or highly familiar material;
 - (iv) exhibit second language acquisition errors that may hinder overall communication, particularly when trying to convey information beyond memorized, practiced, or highly familiar material; and
 - (v) typically use pronunciation that significantly inhibits communication.
- (B) Intermediate. Intermediate ELLs have the ability to speak in a simple manner using English commonly heard in routine academic and social settings. These students:
- (i) are able to express simple, original messages, speak using sentences, and participate in short conversations and classroom interactions; may hesitate frequently and for long periods to think about how to communicate desired meaning;
 - (ii) speak simply using basic vocabulary needed in everyday social interactions and routine academic contexts; rarely have vocabulary to speak in detail;
 - (iii) exhibit an emerging awareness of English grammar and speak using mostly simple sentence structures and simple tenses; are most comfortable speaking in present tense;

- (iv) exhibit second language acquisition errors that may hinder overall communication when trying to use complex or less familiar English; and
 - (v) use pronunciation that can usually be understood by people accustomed to interacting with ELLs.
- (C) Advanced. Advanced ELLs have the ability to speak using grade-appropriate English, with second language acquisition support, in academic and social settings. These students:
- (i) are able to participate comfortably in most conversations and academic discussions on familiar topics, with some pauses to restate, repeat, or search for words and phrases to clarify meaning;
 - (ii) discuss familiar academic topics using content-based terms and common abstract vocabulary; can usually speak in some detail on familiar topics;
 - (iii) have a grasp of basic grammar features, including a basic ability to narrate and describe in present, past, and future tenses; have an emerging ability to use complex sentences and complex grammar features;
 - (iv) make errors that interfere somewhat with communication when using complex grammar structures, long sentences, and less familiar words and expressions; and
 - (v) may mispronounce words, but use pronunciation that can usually be understood by people not accustomed to interacting with ELLs.
- (D) Advanced high. Advanced high ELLs have the ability to speak using grade-appropriate English, with minimal second language acquisition support, in academic and social settings. These students:
- (i) are able to participate in extended discussions on a variety of social and grade-appropriate academic topics with only occasional disruptions, hesitations, or pauses;
 - (ii) communicate effectively using abstract and content-based vocabulary during classroom instructional tasks, with some exceptions when low-frequency or academically demanding vocabulary is needed; use many of the same idioms and colloquialisms as their native English-speaking peers;
 - (iii) can use English grammar structures and complex sentences to narrate and describe at a level nearly comparable to native English-speaking peers;
 - (iv) make few second language acquisition errors that interfere with overall communication; and
 - (v) may mispronounce words, but rarely use pronunciation that interferes with overall communication.
- (3) Reading, Kindergarten-Grade 1. ELLs in Kindergarten and Grade 1 may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in reading. The following proficiency level descriptors for reading are sufficient to describe the overall English language proficiency levels of ELLs in this language domain in order to linguistically accommodate their instruction and should take into account developmental stages of emergent readers.
- (A) Beginning. Beginning ELLs have little or no ability to use the English language to build foundational reading skills. These students:
- (i) derive little or no meaning from grade-appropriate stories read aloud in English, unless the stories are:
 - (I) read in short "chunks;"

- (II) controlled to include the little English they know such as language that is high frequency, concrete, and recently practiced; and
 - (III) accompanied by ample visual supports such as illustrations, gestures, pantomime, and objects and by linguistic supports such as careful enunciation and slower speech;
 - (ii) begin to recognize and understand environmental print in English such as signs, labeled items, names of peers, and logos; and
 - (iii) have difficulty decoding most grade-appropriate English text because they:
 - (I) understand the meaning of very few words in English; and
 - (II) struggle significantly with sounds in spoken English words and with sound-symbol relationships due to differences between their primary language and English.
- (B) Intermediate. Intermediate ELLs have a limited ability to use the English language to build foundational reading skills. These students:
 - (i) demonstrate limited comprehension (key words and general meaning) of grade-appropriate stories read aloud in English, unless the stories include:
 - (I) predictable story lines;
 - (II) highly familiar topics;
 - (III) primarily high-frequency, concrete vocabulary;
 - (IV) short, simple sentences; and
 - (V) visual and linguistic supports;
 - (ii) regularly recognize and understand common environmental print in English such as signs, labeled items, names of peers, logos; and
 - (iii) have difficulty decoding grade-appropriate English text because they:
 - (I) understand the meaning of only those English words they hear frequently; and
 - (II) struggle with some sounds in English words and some sound-symbol relationships due to differences between their primary language and English.
- (C) Advanced. Advanced ELLs have the ability to use the English language, with second language acquisition support, to build foundational reading skills. These students:
 - (i) demonstrate comprehension of most main points and most supporting ideas in grade-appropriate stories read aloud in English, although they may still depend on visual and linguistic supports to gain or confirm meaning;
 - (ii) recognize some basic English vocabulary and high-frequency words in isolated print; and
 - (iii) with second language acquisition support, are able to decode most grade-appropriate English text because they:
 - (I) understand the meaning of most grade-appropriate English words; and
 - (II) have little difficulty with English sounds and sound-symbol relationships that result from differences between their primary language and English.

- (D) Advanced high. Advanced high ELLs have the ability to use the English language, with minimal second language acquisition support, to build foundational reading skills. These students:
- (i) demonstrate, with minimal second language acquisition support and at a level nearly comparable to native English-speaking peers, comprehension of main points and supporting ideas (explicit and implicit) in grade-appropriate stories read aloud in English;
 - (ii) with some exceptions, recognize sight vocabulary and high-frequency words to a degree nearly comparable to that of native English-speaking peers; and
 - (iii) with minimal second language acquisition support, have an ability to decode and understand grade-appropriate English text at a level nearly comparable to native English-speaking peers.
- (4) Reading, Grades 2-12. ELLs in Grades 2-12 may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in reading. The following proficiency level descriptors for reading are sufficient to describe the overall English language proficiency levels of ELLs in this language domain in order to linguistically accommodate their instruction.
- (A) Beginning. Beginning ELLs have little or no ability to read and understand English used in academic and social contexts. These students:
- (i) read and understand the very limited recently practiced, memorized, or highly familiar English they have learned; vocabulary predominantly includes:
 - (I) environmental print;
 - (II) some very high-frequency words; and
 - (III) concrete words that can be represented by pictures;
 - (ii) read slowly, word by word;
 - (iii) have a very limited sense of English language structures;
 - (iv) comprehend predominantly isolated familiar words and phrases; comprehend some sentences in highly routine contexts or recently practiced, highly familiar text;
 - (v) are highly dependent on visuals and prior knowledge to derive meaning from text in English; and
 - (vi) are able to apply reading comprehension skills in English only when reading texts written for this level.
- (B) Intermediate. Intermediate ELLs have the ability to read and understand simple, high-frequency English used in routine academic and social contexts. These students:
- (i) read and understand English vocabulary on a somewhat wider range of topics and with increased depth; vocabulary predominantly includes:
 - (I) everyday oral language;
 - (II) literal meanings of common words;
 - (III) routine academic language and terms; and
 - (IV) commonly used abstract language such as terms used to describe basic feelings;
 - (ii) often read slowly and in short phrases; may re-read to clarify meaning;
 - (iii) have a growing understanding of basic, routinely used English language structures;

- (iv) understand simple sentences in short, connected texts, but are dependent on visual cues, topic familiarity, prior knowledge, pretaught topic-related vocabulary, story predictability, and teacher/peer assistance to sustain comprehension;
 - (v) struggle to independently read and understand grade-level texts; and
 - (vi) are able to apply basic and some higher-order comprehension skills when reading texts that are linguistically accommodated and/or simplified for this level.
- (C) Advanced. Advanced ELLs have the ability to read and understand, with second language acquisition support, grade-appropriate English used in academic and social contexts. These students:
- (i) read and understand, with second language acquisition support, a variety of grade-appropriate English vocabulary used in social and academic contexts:
 - (I) with second language acquisition support, read and understand grade-appropriate concrete and abstract vocabulary, but have difficulty with less commonly encountered words;
 - (II) demonstrate an emerging ability to understand words and phrases beyond their literal meaning; and
 - (III) understand multiple meanings of commonly used words;
 - (ii) read longer phrases and simple sentences from familiar text with appropriate rate and speed;
 - (iii) are developing skill in using their growing familiarity with English language structures to construct meaning of grade-appropriate text; and
 - (iv) are able to apply basic and higher-order comprehension skills when reading grade-appropriate text, but are still occasionally dependent on visuals, teacher/peer assistance, and other linguistically accommodated text features to determine or clarify meaning, particularly with unfamiliar topics.
- (D) Advanced high. Advanced high ELLs have the ability to read and understand, with minimal second language acquisition support, grade-appropriate English used in academic and social contexts. These students:
- (i) read and understand vocabulary at a level nearly comparable to that of their native English-speaking peers, with some exceptions when low-frequency or specialized vocabulary is used;
 - (ii) generally read grade-appropriate, familiar text with appropriate rate, speed, intonation, and expression;
 - (iii) are able to, at a level nearly comparable to native English-speaking peers, use their familiarity with English language structures to construct meaning of grade-appropriate text; and
 - (iv) are able to apply, with minimal second language acquisition support and at a level nearly comparable to native English-speaking peers, basic and higher-order comprehension skills when reading grade-appropriate text.
- (5) Writing, Kindergarten-Grade 1. ELLs in Kindergarten and Grade 1 may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in writing. The following proficiency level descriptors for writing are sufficient to describe the overall English language proficiency levels of ELLs in this language domain in order to linguistically accommodate their instruction and should take into account developmental stages of emergent writers.

- (A) Beginning. Beginning ELLs have little or no ability to use the English language to build foundational writing skills. These students:
- (i) are unable to use English to explain self-generated writing such as stories they have created or other personal expressions, including emergent forms of writing (pictures, letter-like forms, mock words, scribbling, etc.);
 - (ii) know too little English to participate meaningfully in grade-appropriate shared writing activities using the English language;
 - (iii) cannot express themselves meaningfully in self-generated, connected written text in English beyond the level of high-frequency, concrete words, phrases, or short sentences that have been recently practiced and/or memorized; and
 - (iv) may demonstrate little or no awareness of English print conventions.
- (B) Intermediate. Intermediate ELLs have a limited ability to use the English language to build foundational writing skills. These students:
- (i) know enough English to explain briefly and simply self-generated writing, including emergent forms of writing, as long as the topic is highly familiar and concrete and requires very high-frequency English;
 - (ii) can participate meaningfully in grade-appropriate shared writing activities using the English language only when the writing topic is highly familiar and concrete and requires very high-frequency English;
 - (iii) express themselves meaningfully in self-generated, connected written text in English when their writing is limited to short sentences featuring simple, concrete English used frequently in class; and
 - (iv) frequently exhibit features of their primary language when writing in English such as primary language words, spelling patterns, word order, and literal translating.
- (C) Advanced. Advanced ELLs have the ability to use the English language to build, with second language acquisition support, foundational writing skills. These students:
- (i) use predominantly grade-appropriate English to explain, in some detail, most self-generated writing, including emergent forms of writing;
 - (ii) can participate meaningfully, with second language acquisition support, in most grade-appropriate shared writing activities using the English language;
 - (iii) although second language acquisition support is needed, have an emerging ability to express themselves in self-generated, connected written text in English in a grade-appropriate manner; and
 - (iv) occasionally exhibit second language acquisition errors when writing in English.
- (D) Advanced high. Advanced high ELLs have the ability to use the English language to build, with minimal second language acquisition support, foundational writing skills. These students:
- (i) use English at a level of complexity and detail nearly comparable to that of native English-speaking peers when explaining self-generated writing, including emergent forms of writing;
 - (ii) can participate meaningfully in most grade-appropriate shared writing activities using the English language; and
 - (iii) although minimal second language acquisition support may be needed, express themselves in self-generated, connected written text in English in a manner nearly comparable to their native English-speaking peers.

- (6) Writing, Grades 2-12. ELLs in Grades 2-12 may be at the beginning, intermediate, advanced, or advanced high stage of English language acquisition in writing. The following proficiency level descriptors for writing are sufficient to describe the overall English language proficiency levels of ELLs in this language domain in order to linguistically accommodate their instruction.
- (A) Beginning. Beginning ELLs lack the English vocabulary and grasp of English language structures necessary to address grade-appropriate writing tasks meaningfully. These students:
- (i) have little or no ability to use the English language to express ideas in writing and engage meaningfully in grade-appropriate writing assignments in content area instruction;
 - (ii) lack the English necessary to develop or demonstrate elements of grade-appropriate writing such as focus and coherence, conventions, organization, voice, and development of ideas in English; and
 - (iii) exhibit writing features typical at this level, including:
 - (I) ability to label, list, and copy;
 - (II) high-frequency words/phrases and short, simple sentences (or even short paragraphs) based primarily on recently practiced, memorized, or highly familiar material; this type of writing may be quite accurate;
 - (III) present tense used primarily; and
 - (IV) frequent primary language features (spelling patterns, word order, literal translations, and words from the student's primary language) and other errors associated with second language acquisition may significantly hinder or prevent understanding, even for individuals accustomed to the writing of ELLs.
- (B) Intermediate. Intermediate ELLs have enough English vocabulary and enough grasp of English language structures to address grade-appropriate writing tasks in a limited way. These students:
- (i) have a limited ability to use the English language to express ideas in writing and engage meaningfully in grade-appropriate writing assignments in content area instruction;
 - (ii) are limited in their ability to develop or demonstrate elements of grade-appropriate writing in English; communicate best when topics are highly familiar and concrete, and require simple, high-frequency English; and
 - (iii) exhibit writing features typical at this level, including:
 - (I) simple, original messages consisting of short, simple sentences; frequent inaccuracies occur when creating or taking risks beyond familiar English;
 - (II) high-frequency vocabulary; academic writing often has an oral tone;
 - (III) loosely connected text with limited use of cohesive devices or repetitive use, which may cause gaps in meaning;
 - (IV) repetition of ideas due to lack of vocabulary and language structures;
 - (V) present tense used most accurately; simple future and past tenses, if attempted, are used inconsistently or with frequent inaccuracies;
 - (VI) undetailed descriptions, explanations, and narrations; difficulty expressing abstract ideas;

- (VII) primary language features and errors associated with second language acquisition may be frequent; and
 - (VIII) some writing may be understood only by individuals accustomed to the writing of ELLs; parts of the writing may be hard to understand even for individuals accustomed to ELL writing.
- (C) Advanced. Advanced ELLs have enough English vocabulary and command of English language structures to address grade-appropriate writing tasks, although second language acquisition support is needed. These students:
- (i) are able to use the English language, with second language acquisition support, to express ideas in writing and engage meaningfully in grade-appropriate writing assignments in content area instruction;
 - (ii) know enough English to be able to develop or demonstrate elements of grade-appropriate writing in English, although second language acquisition support is particularly needed when topics are abstract, academically challenging, or unfamiliar; and
 - (iii) exhibit writing features typical at this level, including:
 - (I) grasp of basic verbs, tenses, grammar features, and sentence patterns; partial grasp of more complex verbs, tenses, grammar features, and sentence patterns;
 - (II) emerging grade-appropriate vocabulary; academic writing has a more academic tone;
 - (III) use of a variety of common cohesive devices, although some redundancy may occur;
 - (IV) narrations, explanations, and descriptions developed in some detail with emerging clarity; quality or quantity declines when abstract ideas are expressed, academic demands are high, or low-frequency vocabulary is required;
 - (V) occasional second language acquisition errors; and
 - (VI) communications are usually understood by individuals not accustomed to the writing of ELLs.
- (D) Advanced high. Advanced high ELLs have acquired the English vocabulary and command of English language structures necessary to address grade-appropriate writing tasks with minimal second language acquisition support. These students:
- (i) are able to use the English language, with minimal second language acquisition support, to express ideas in writing and engage meaningfully in grade-appropriate writing assignments in content area instruction;
 - (ii) know enough English to be able to develop or demonstrate, with minimal second language acquisition support, elements of grade-appropriate writing in English; and
 - (iii) exhibit writing features typical at this level, including:
 - (I) nearly comparable to writing of native English-speaking peers in clarity and precision with regard to English vocabulary and language structures, with occasional exceptions when writing about academically complex ideas, abstract ideas, or topics requiring low-frequency vocabulary;
 - (II) occasional difficulty with naturalness of phrasing and expression; and

- (III) errors associated with second language acquisition are minor and usually limited to low-frequency words and structures; errors rarely interfere with communication.
- (e) Effective date. The provisions of this section supersede the ESL standards specified in Chapter 128 of this title (relating to Texas Essential Knowledge and Skills for Spanish Language Arts and English as a Second Language) upon the effective date of this section.

Discussion of Pending Litigation

June 20, 2023

COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: The State Board of Education (SBOE) may enter into executive session in accordance with the Texas Government Code, §551.071(1)(A), to discuss pending and contemplated litigation with the general counsel, legal staff, and, if necessary, attorney(s) from the Attorney General's Office. The Committee of the Full Board will meet in Room 1-103 to discuss any litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

BOARD RESPONSE: Board may advise and comment.

BACKGROUND INFORMATION AND JUSTIFICATION: At every regularly scheduled meeting, the SBOE has the opportunity to be apprised of pending litigation as the need arises. The SBOE may also receive continued briefing on procedural developments.

Staff Member Responsible:

Von Byer, General Counsel, Legal Services

Commissioner's Comments

June 21, 2023

COMMITTEE OF THE FULL BOARD: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the board to be briefed on current agenda items, agency operations, policy implementation, and public education-related legislation.

BOARD RESPONSE: Review and comment.

BACKGROUND INFORMATION AND JUSTIFICATION: On an as needed basis, the board will be briefed on significant public education issues and events.

Staff Member Responsible:

Yolanda Walker, Executive Director, State Board of Education Support Division

**Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process
(First Reading and Filing Authorization)**

June 23, 2023

**COMMITTEE OF THE FULL BOARD: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process. The proposed amendment would modify the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf.

STATUTORY AUTHORITY: Texas Education Code (TEC), §12.101.

TEC, §12.101, requires the commissioner to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. It also establishes that unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant each charter takes effect.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed amendment is August 26, 2024.

PREVIOUS BOARD ACTION: At its January-February 2023 meeting, the SBOE directed Texas Education Agency (TEA) staff to present an amendment to §100.1 that would end the no-contact period for charter school applicants on the date the applicant passes the external review with a passing score. A discussion item on the proposed amendment to §100.1 was presented to the Committee of the Full Board at the April 2023 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 100.1 establishes the process for approval of an open-enrollment charter, including a no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf with the commissioner of education, the commissioner's designee, a member of the SBOE, or a member of an external application review panel.

A petition was received from the Texas Public Charter Schools Association requesting that the no-contact period established in §100.1(d) be eliminated. The SBOE considered the petition at its January-February 2023 meeting and directed TEA staff to present an amendment to §100.1 that would end the no-contact period for charter school applicants on the date the applicant passes the external review with a passing score.

The proposed amendment to §100.1(d) would remove the no-contact period for open-enrollment charter applicants or any person or entity acting on their behalf with the commissioner, the commissioner's designee, or a member of an external application review panel. The no-contact period with a member of the SBOE would be modified to end on the date the applicant passes through an external review with a qualifying score.

FISCAL IMPACT: TEA has determined there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would limit an existing regulation by moving the end of the no-contact period from 90 days after the commissioner's proposal to the date a charter applicant passes through an external review with a qualifying score.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would provide applicants for open-enrollment charter schools with a less restrictive timeline for when they can contact SBOE members. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins July 21, 2023, and ends at 5:00 p.m. on August 25, 2023. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in August-September 2023 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on July 21, 2023.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and System Support
Marian Schutte, Executive Director, Authorizing

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.1, Selection Process

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 100. Charters

Subchapter A. Open-Enrollment Charter Schools

§100.1. Selection Process.

- (a) In accordance with ~~[the]~~ Texas Education Code (TEC), §12.101, a State Board of Education (SBOE) member shall be designated by the SBOE chair to work in coordination with the commissioner of education on the review of TEC, Chapter 12, Subchapter D, open-enrollment charter school applicants.
- (b) Following the commissioner's notification to the SBOE of the charters the commissioner proposes to grant, a majority of the SBOE members present and voting may vote to veto the commissioner's proposed charter(s) or may vote to take no action. The SBOE's consideration of the proposed charters will occur no later than 90 days following the commissioner's notification.
- (c) The SBOE may not vote or deliberate on any charter application that has not been proposed by the commissioner. For purposes of this section, deliberation is defined in Texas Government Code, §551.001.
- (d) An applicant for an open-enrollment charter, or any person or entity acting on behalf of an applicant for an open-enrollment charter, shall not communicate with ~~[the commissioner or the commissioner's designee,]~~ a member of the SBOE ~~[or a member of an external application review panel]~~ concerning a charter school application beginning on the date the application is submitted and ending on the date the applicant passes through an external review with a qualifying score ~~[90 days after the commissioner's proposal]~~ . The SBOE may veto a proposed application for violation of this subsection.

Consideration of the Commissioner of Education's Generation 28 Open-Enrollment Charter School Proposals

June 23, 2023

COMMITTEE OF THE FULL BOARD: ACTION STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item provides the committee and board an opportunity to review and take action or no action on the commissioner's list of proposed Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2024-2025 school year. If awarded, the charters will have an initial five-year term.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§12.101](#).

TEC, §12.101 requires the commissioner to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting, vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: Annually, within 90 days of the commissioner's notification of his intent to grant open-enrollment charter school(s), the SBOE has an opportunity to formally consider the commissioner's proposals and to take action or no action. At the June 2022 meeting, the SBOE took into consideration the five (5) applicants recommended by the commissioner of education for charter award. The SBOE took no action on the following one (1) charter applicant: Academy of Visual and Performing Arts (Fort Worth). The SBOE voted to veto the following four (4) charter applicants: Heritage Classical Academy (Houston), ONE Collegiate Charter School (Houston), Patterns High School of Technology (Del Valle), Spelligent San Antonio (San Antonio).

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §12.101 grants the commissioner the authority to award up to 305 open-enrollment charters to eligible entities that are considered capable of carrying out the responsibilities of the charter, are likely to operate a school of high quality, have been proposed by the commissioner, and are not vetoed by a majority of the SBOE members present and voting. Prior to the charter school award cycle, the commissioner adopted the Generation 28 Open-Enrollment Charter Instructions and Guidance and Request for Application documents, establishing the timeline and procedures for the application cycle, the contents of the application, and the criteria by which charter schools would be awarded to eligible entities. Generation 28 applications must have earned a minimum cut score of 85% to be granted an interview.

Twenty-five applications were submitted by the November 11, 2022 deadline, and after eligibility, completion, and plagiarism checks by Texas Education Agency (TEA) staff, 19 applications advanced to external review. The external reviewers, designated through a Request for Qualifications (RFQ) process, scored the 19 applications. Nine of the applications met the minimum cut score of 85% to advance to capacity interviews. The commissioner's designee and TEA staff conducted interviews on Tuesday, May 9, Wednesday, May 10, and Thursday, May 11, 2023. SBOE members were invited to attend the interviews.

MOTION TO BE CONSIDERED: The State Board of Education:

Review and take no action on the commissioner's list of proposed Generation 28 Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2024-2025 school year.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and System Support
Marian Schutte, Executive Director, Authorizing

Separate Exhibit:

Commissioner of Education's Generation 28 Open-Enrollment Charter School Proposals
(to be provided at the June 2023 SBOE meeting)

Work Session on House Bill 1605, 88th Texas Legislature, Regular Session

June 22, 2023

COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: House Bill (HB), 1605, 88th Texas Legislature, Regular Session, addresses instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials. This item provides the opportunity for the committee to hear an overview of HB 1605 and to begin discussing implementation.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§26.0061(f) as added by [HB 1605](#), 28.002(c-4), 31.003, 31.022, 31.023, and 31.154.

TEC, §26.0061(f) as added by HB 1605, permits the State Board of Education (SBOE) to adopt rules to implement new §26.0061, Rights to Request Instructional Material Review, a process by which a parent of a student may request an instructional material review under TEC §31.0252 for a subject area in the grade level in which the student is enrolled.

TEC, §28.002(c-4) as added by HB 1605, requires the SBOE to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

TEC, §31.003, permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEC, §31.023 requires the commissioner to establish, in consultation with and with the approval of the State Board of Education, a process for the annual review of instructional materials by TEA. In conducting a review under this section, TEA must use a rubric developed by TEA in consultation with and approved by the State Board of Education.

TEC, §31.154 requires the SBOE to adopt standards for entities that supply instructional materials reviewed by TEA to make instructional materials supplied by the entity available on a parent portal hosted by the entity.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code, Chapter 31, addresses instructional materials in public education and permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. HB 1605, passed by the 88th Texas Legislature, Regular Session, significantly revises Chapter 31 including several provisions under SBOE authority. HB 1605 also adds a new provision to TEC, Chapter 48, to provide additional funding to school districts and charter schools that adopt and implement SBOE approved materials. The bill adds requirements related to adoption of essential knowledge and skills in TEC, Chapter 28. The SBOE will need to amend rules and take related action to align with the requirements of this legislation.

Staff Member Responsible:

Kristen Hole, Associate Commissioner, Instructional Strategy

COMMITTEE ON INSTRUCTION

**Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411; Subchapter M, Law and Public Service, §127.633; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.744, 127.756, 127.757, 127.765, 127.769, and 127.770
(Second Reading and Final Adoption)**

June 23, 2023

**COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC), Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for eight career and technical education (CTE) courses that will be superseded by 19 TAC §§127.428, 127.652, 127.778, 127.779, 127.780, 127.792, 127.793, and 127.794 beginning with the 2023-2024 school year. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(4) and §28.002(a) and (c).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

The full text of statutory citations can be found in the statutory authority section of this agenda.

EFFECTIVE DATE: The proposed effective date of the proposed repeals is August 1, 2023. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date would repeal sections to avoid confusion with new TEKS that are being implemented at the beginning of the 2023-2024 school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for CTE, including career development, in 19 TAC Chapters 119-125 and 127 effective September 1, 1998. The SBOE approved revisions to the CTE TEKS in Chapter 127 and new Chapter 130, Subchapters A-P, August 23, 2010. In 2015, the CTE TEKS were amended effective August 28, 2017. In 2018, the SBOE adopted revisions to 19 TAC Chapter 130, Subchapters B, H, M, and O, effective March 27, 2018. In 2020, the SBOE

approved revisions to the CTE TEKS in 19 TAC Chapter 130, Subchapters A, C, K, O, and Q, effective August 1, 2020.

At the November 2021 meeting, the board approved new CTE TEKS in 19 TAC Chapter 127, Subchapters G, I, J, M, and O, effective April 26, 2022. At the January 2022 SBOE meeting, the board approved the repeal of CTE TEKS in 19 TAC Chapter 130, Subchapters E, G, H, I, L, and O, and new CTE TEKS in 19 TAC Chapter 127, Subchapters G, I, J, M, and O, effective April 7, 2022. The board approved new CTE TEKS in 19 TAC Chapter 127, Subchapters G and O, at the April 2022 meeting, effective June 14, 2022. At the June 2022 meeting, the board approved the repeal of CTE TEKS in 19 TAC Chapter 127, Subchapters G, I, and O, and Chapter 130, Subchapter J, effective August 1, 2022, and approved new CTE TEKS in 19 TAC Chapter 127, Subchapter O, effective August 7, 2022.

At the April 2023 SBOE meeting, the board approved for first reading and filing authorization proposed repeal of 19 TAC, Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit).

BACKGROUND INFORMATION AND JUSTIFICATION: The TEKS for courses associated with 17 CTE career clusters are codified by subchapter in 19 TAC Chapters 127 and 130. In December 2020, the SBOE began initial steps to prepare for the review and revision of CTE courses in programs of study for the education and training; health science; and science, technology, engineering, and mathematics career clusters. Two additional courses eligible to satisfy a graduation requirement in science were also part of the review. The board approved for second reading and final adoption new TEKS for these courses in November 2021 and January, April, and June 2022.

Due to the current structure of Chapter 130, there were not enough sections to add the new CTE courses under consideration in their assigned subchapters. To accommodate the addition of proposed new courses, the CTE TEKS in Chapter 130 are being moved to existing 19 TAC Chapter 127, which was renamed "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education."

The proposed repeal would remove the TEKS for eight CTE courses that will be superseded by new TEKS in 19 TAC §§127.428, 127.652, 127.778, 127.779, 127.780, 127.792, 127.793, and 127.794, beginning with the 2023-2024 school year.

The board approved the proposed repeal of 19 TAC Chapter 127, §§127.411, 127.633, 127.744, 127.756, 127.757, 127.761, 127.764, 127.765, 127.769, and 127.770 for first reading and filing authorization at its April 2023 meeting.

Due to the volume of the text proposed to be repealed, the rule text is not included as an attachment in this agenda. However, the rules can be found on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-127>.

FISCAL IMPACT: No changes have been made to this section since published as proposed.

TEA has determined that there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing CTE TEKS that will be superseded by a newly adopted set of TEKS.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed.

The proposed repeals would remove the TEKS for eight CTE courses that will be superseded by 19 TAC §§127.428, 127.652, 127.778, 127.779, 127.780, 127.792, 127.793, and 127.794 beginning with the 2023-2024 school year. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed.

The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed.

TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: Following the April 2023 SBOE meeting, notice of the proposed repeals was filed with the Texas Register, initiating the public comment period. The public comment period began May 12, 2023, and ended at 5:00 p.m. on June 16, 2023. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE during the June 2023 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2023 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit); and

Make an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit), is necessary and shall have an effective date of August 1, 2023. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Discussion of Possible Amendment to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs**

June 22, 2023

COMMITTEE ON INSTRUCTION: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to discuss a possible amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), §28.002(f).

TEC, §28.002(f), authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education (SBOE) to be flexible in approving a course for credit for high school graduation.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: A proposed amendment to §74.27 could be presented for first reading and filing authorization at the September 2023 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the experimental courses previously approved were phased out as of August 31, 1998. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process outlined in §74.27 provides authority for the commissioner of education to approve discipline-based courses but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. The board last amended §74.27 in November 2022 to require that an applicant for an innovative course pilot the proposed course in a Texas school prior to seeking approval from the SBOE. At the April 2023 SBOE meeting, TEA staff provided an overview of the innovative course approval process, including key data related to historical implementation of innovative courses. The Committee on Instruction requested that an item be added to a future agenda for the committee to discuss the rule for innovative courses in §74.27.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

[Attachment:](#)

Text of 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs

ATTACHMENT

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.
 - (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
 - (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
 - (3) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.
 - (4) To request approval from the SBOE or the commissioner, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:
 - (A) a description of the course and its essential knowledge and skills;
 - (B) the rationale and justification for the request in terms of student need;
 - (C) data that demonstrates successful piloting of the course in Texas;
 - (D) a description of activities, major resources, and materials to be used;
 - (E) the methods of evaluating student outcomes;
 - (F) the qualifications of the teacher;
 - (G) any training required in order to teach the course and any associated costs; and
 - (H) the amount of credit requested.
 - (5) To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
 - (6) To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.
 - (7) With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.
- (b) An ethnic studies course that has been approved by the commissioner as an innovative course shall be presented to the SBOE for discussion and consideration for inclusion in the TEKS.
 - (1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be presented to the SBOE for consideration.

- (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

Consideration of Innovative Courses

June 23, 2023

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum for consideration by the committee and board for approval.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§28.002\(f\)](#).

TEC, §28.002(f), authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education (SBOE) to be flexible in approving a course for credit for high school graduation.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.27, Innovative Courses and Programs, to be effective September 1, 1996, with amendments to be effective September 1, 1998, and December 25, 2007. In November 2019, the SBOE adopted additional amendments to 19 TAC §74.27 to be effective December 25, 2019. In November 2022, the SBOE again adopted amendments to 19 TAC §74.27 to be effective February 26, 2023.

From May 1998 through July 2003, the SBOE approved a total of 45 new innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum through the annual approval process. In May 2004, July 2007, July 2009, January 2011, January 2012, January 2013, and July 2014 the SBOE approved the renewal of innovative courses in addition to approving new courses. In April 2005, April 2006, May 2008, May 2010, and April 2014 the SBOE approved renewal of innovative courses. In July 2010, the SBOE approved one new course. In April 2015, the SBOE approved for a period of five years three expiring course series submitted for renewal. In April 2016, the SBOE approved one new course for a period of three years and one new course for a one-year period. The SBOE approved for a period of five years each the renewal of three expiring innovative courses in November 2016. At the January-February 2017 meeting, the SBOE approved for renewal two expiring innovative courses for a period of five years, and at the April 2017 SBOE meeting, the SBOE approved for renewal three additional courses for a period of five years each. At the June 2017 SBOE meeting, the SBOE approved two new courses for a period of five years each. At the April 2018 SBOE meeting, the SBOE approved one new course for a period of five years. At the January-February 2019 SBOE meeting, the SBOE renewed one course for a period of three years and granted one course a one-year extension. At the April 2019 SBOE meeting, the board approved for renewal two courses for a period of three years and one course for a period of five years. At the June 2019 SBOE meeting, the board approved renewal of one course for a period of three years and one new course for a period of two years. The board approved renewal of eight innovative courses for a period of five years at the January 2020 SBOE meeting. At the June-July 2020 SBOE meeting, the SBOE renewed ten courses for a period of five years and granted one new course a two-year approval. In January 2021, the SBOE renewed one course for a period of five years. At the January 2022 SBOE meeting, the board approved renewal of one course for a period of three years and five courses for a period of five years. At the April 2022 SBOE meeting, the board approved renewal of six courses for a period of five years.

BACKGROUND INFORMATION AND JUSTIFICATION: After the board adopted new rules concerning graduation requirements, the experimental courses previously approved were phased out as of August 31, 1998. As a result of the adoption of the Texas Essential Knowledge and Skills (TEKS), districts now submit new requests for innovative course approval for courses that do not have TEKS.

The process outlined in 19 TAC §74.27 provides authority for the commissioner of education to approve discipline-based courses, but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

A brief description of the courses submitted for SBOE review and consideration will be provided to SBOE members in advance of the June 2023 meeting. If approved, the recommended effective date for the courses would be August 1, 2023. With the approval of the local board of trustees, the courses would be available for school districts' use beginning with the 2023-2024 school year.

PUBLIC BENEFIT AND COST TO PERSONS: Students would have access to courses that meet local district needs.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum as shown in the separate exhibit.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

Text of 19 TAC §74.27, Innovative Courses and Programs

Separate Exhibit:

Innovative Courses for Consideration

(to be provided in advance of the June 2023 SBOE meeting)

ATTACHMENT

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.
 - (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
 - (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
 - (3) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.
 - (4) To request approval from the SBOE or the commissioner, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:
 - (A) a description of the course and its essential knowledge and skills;
 - (B) the rationale and justification for the request in terms of student need;
 - (C) data that demonstrates successful piloting of the course in Texas;
 - (D) a description of activities, major resources, and materials to be used;
 - (E) the methods of evaluating student outcomes;
 - (F) the qualifications of the teacher;
 - (G) any training required in order to teach the course and any associated costs; and
 - (H) the amount of credit requested.
 - (5) To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
 - (6) To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.
 - (7) With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.
- (b) An ethnic studies course that has been approved by the commissioner as an innovative course shall be presented to the SBOE for discussion and consideration for inclusion in the TEKS.
 - (1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be presented to the SBOE for consideration.

- (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

Approval of Updates and Substitutions to Adopted Instructional Materials

June 23, 2023

COMMITTEE ON INSTRUCTION: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides the opportunity for the committee and board to approve update and/or substitution requests received since the last board meeting. The updated content has been reviewed by subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.003 and §31.022.

TEC, §31.003, permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEC, §31.022(b), requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum and for each subject in the enrichment curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: In February 2015, the SBOE approved a substitution request for three science products, kindergarten–grade 2, from Discovery Education. In April 2016, the SBOE approved an update request for two math products, grades 6–8, from Texas State University. In April 2019, the Committee on Instruction (COI) postponed a vote on an update request for three English language arts and reading products, grades 6–8, from ThinkCERCA. The board approved the update request from ThinkCERCA at the June 2019 meeting. At the September 2019 meeting, the SBOE postponed a vote on an update request from EDUSPARK, Inc. for four Spanish language arts and reading products, kindergarten, and grades 1, 4, and 5. The request from EDUSPARK, Inc. was approved by the SBOE at the November 2019 meeting. In January 2020, a substitution request from Origo Education for English and Spanish math, kindergarten–grade 5, was submitted to the COI but no action was taken. In April 2020, the SBOE approved the substitution request from Origo Education for English and Spanish math, kindergarten–grade 5. In September 2020, the SBOE approved an update request from Learning A–Z for six English language arts and reading products, kindergarten–grade 2. In November 2020, the SBOE approved an update request from Learning A–Z for three English language arts and reading products, grades 2–4. In January 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grade 5 and a substitution request from QuaverEd for their prekindergarten product. In April 2021, the SBOE approved an update request from EDUSPARK, Inc. for English and Spanish prekindergarten products and a substitution request from Cheng & Tsui Co. Inc. for their Chinese Level I languages other than English product. In June 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grades 2–4. In September 2021, the SBOE approved update requests from The Children’s Learning Institute at UT Health Science Center for prekindergarten English and Spanish. In November 2021, the SBOE approved a substitution request from Cheng & Tsui and an update request from Learning A–Z, grades 1–5. In January 2022, the SBOE approved update requests from Learning A–Z, English language arts and reading, grades 2 and 3. In April 2022, the SBOE approved a substitution request from Learning Without Tears for kindergarten handwriting, and an update request from Learning A–Z for English language arts and reading, grades K–4. In June 2022, the SBOE approved an update request from Learning A–Z for English language arts and reading, grades 2–5. In

September 2022, the SBOE approved update requests from Learning A–Z for English language arts and reading, grades 2–5 and from Goodheart-Wilcox Publisher for health, grades 6–8 and high school. In November 2022, the SBOE approved update requests from Learning A–Z for English language arts and reading, grades K–5. In February 2023, the SBOE postponed action on the approval of update requests from Learning A–Z for English language arts and reading, grades K–5 until the April 2023 SBOE meeting. In April 2023, no action was taken due to Learning A–Z withdrawing their English language arts and reading, grades K–5 update requests.

BACKGROUND INFORMATION AND JUSTIFICATION: Rules in 19 TAC §66.75 permit a publisher to submit a request for approval to update content in state-adopted instructional materials. The rule also requires that all requests for updates involving content that was used to demonstrate alignment to standards in state-adopted instructional materials be approved by the SBOE prior to their introduction into state-adopted instructional materials.

Rules in 19 TAC §66.76 permit a publisher to submit a request for approval to substitute a new edition of state-adopted instructional materials. The rule also requires that all requests for updates involving content used in determining the product's eligibility for adoption must be approved by the SBOE prior to their introduction into state-adopted instructional materials.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the request from Children's Learning Institute at The University of Texas Health Science Center at Houston, to update content in its CIRCLE Pre-K Curriculum English/Spanish, adopted under *Proclamation 2021*.

Staff Member Responsible:

Amie Phillips, Director, Instructional Materials Review

Attachment I:

[Children's Learning Institute at The University of Texas Health Science Center at Houston, CIRCLE Pre-K Curriculum English and Spanish](#)

Separate Exhibit:

Additional Updates and/or Substitutions Submitted for Approval
(to be provided at the June 2023 SBOE meeting)

**Discussion of Annual Audit Reports for Credit by Examination from
Texas Tech University and The University of Texas at Austin**

June 22, 2023

**COMMITTEE ON INSTRUCTION: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides an opportunity for the committee to discuss the annual audit reports submitted by Texas Tech University and The University of Texas at Austin regarding examinations used for credit by examination.

STATUTORY AUTHORITY: Texas Education Code (TEC), §28.023.

TEC, §28.023 requires districts to develop or select for review examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects based on guidelines established by the State Board of Education (SBOE).

The full text of statutory citations can be found in the statutory authority section of this agenda.

BACKGROUND INFORMATION AND JUSTIFICATION: General provisions in 19 TAC §74.24, Credit by Examination, include the option for school districts to administer examinations developed by Texas Tech University or The University of Texas at Austin for credit for secondary school academic subjects.

During the February 2007 meeting of the Committee on Instruction, the committee chair instructed Texas Education Agency (TEA) staff to request that the two institutions provide the information necessary for review of each of their examinations used for credit by examination. Correspondence was sent to the institutions requesting the review. Staff members from both universities responded that the process for aligning the examinations with the Texas Essential Knowledge and Skills (TEKS) was under way for some examinations and completed for others.

During the July 2007 committee meeting, public testimony raised additional concerns regarding the examinations. The committee chair asked staff to investigate the possibility of a third-party review of the updated examinations. During the September 2007 meeting, the committee instructed staff to draft proposed changes to the rule for action at the November 2007 meeting that would require an annual report by an outside auditor to confirm TEKS alignment of the examinations developed by Texas Tech University and The University of Texas at Austin.

The SBOE established a process for the regular review and audit of examinations provided by Texas Tech University and The University of Texas at Austin for credit by examination and acceleration by examination. During the January 2008 meeting, the SBOE adopted a proposed amendment to 19 TAC §74.24 that added language in subsection (a)(2) specifying that these two entities must ensure that their assessments are aligned with the TEKS, arrange for a third-party audit of 20% of their assessments annually, and report the results of each audit to the TEA by May 31 of each year. In July 2009, TEA staff presented the first audit results. Audit results have been presented to the SBOE for discussion annually since 2009. This item presents the annual audit results that were due to the agency May 31, 2023.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment I:

Text of Current 19 TAC §74.24, Credit by Examination

Attachment II:

Audit Summary from Texas Tech University

Attachment III:

Audit Summary from The University of Texas at Austin

**ATTACHMENT
Text of 19 TAC**

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.24. Credit by Examination.

- (a) General provisions.
 - (1) A school district must provide at least one window to test between January 1 and March 31, one window to test between April 1 and June 30, one window to test between July 1 and September 30, and one window to test between October 1 and December 31 annually when each examination for acceleration for each primary school grade level and for credit for secondary school academic subjects required under Texas Education Code, §28.023, shall be administered in Grades 1-12 unless the examination has an administration date that is established by an entity other than the school district. A student may take a specific examination only once during each window. The testing window must be designed to meet the needs of all students. The dates must be publicized in the community.
 - (2) A school district shall provide opportunities for a student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year.
 - (3) A school district shall not charge for an examination for acceleration for each primary school grade level or for credit for secondary school academic subjects. If a parent requests an alternative examination, the district may administer and recognize results of a test purchased by the parent or student from Texas Tech University or The University of Texas at Austin.
 - (A) For each grade level or course, Texas Tech University and The University of Texas at Austin shall ensure that the assessments they provide for the purposes of this section are aligned to and address all assessable Texas Essential Knowledge and Skills (TEKS) at the appropriate level of rigor.
 - (B) Texas Tech University and The University of Texas at Austin shall arrange for a third party to conduct an audit, on a rotating basis, of at least 20% of the assessments they provide for the purposes of this section. The audit shall be conducted annually.
 - (C) The results of each audit shall be provided to the Texas Education Agency in the form of a report to be delivered no later than May 31 of each year.
 - (4) A school district must have the approval of the school district board of trustees for the development and use of its own tests or to purchase examinations that thoroughly test the essential knowledge and skills in the applicable grade level or subject area.
 - (5) A school district may allow a student to accelerate at a time other than one required in paragraph (1) of this subsection by developing a cost-free option approved by the school district board of trustees that allows students to demonstrate academic achievement or proficiency in a subject or grade level.
- (b) Assessment for acceleration in kindergarten through Grade 5.
 - (1) A school district must develop procedures for kindergarten acceleration that are approved by the school district board of trustees. The board of trustees shall approve an audit process to be completed for assessments for acceleration.
 - (2) A student in any of Grades 1-5 must be accelerated one grade if he or she meets the following requirements:

- (A) the student scores 80% on a criterion-referenced test for the grade level he or she wants to skip in each of the following areas: language arts, mathematics, science, and social studies;
 - (B) a school district representative recommends that the student be accelerated; and
 - (C) the student's parent or guardian gives written approval for the acceleration.
- (c) Assessment for course credit in Grades 6-12.
- (1) A school district board of trustees shall approve for each high school course, to the extent available, at least four examinations. The board of trustees shall approve an audit process to be completed for examinations under subparagraph (B)(iii) of this paragraph.
 - (A) The examinations shall include the following, which are not subject to the requirements in paragraphs (2)-(7) of this subsection:
 - (i) College Board advanced placement examinations; and
 - (ii) examinations administered through the College-Level Examination Program.
 - (B) The examinations may include examinations developed by:
 - (i) Texas Tech University;
 - (ii) The University of Texas at Austin;
 - (iii) the school district; and
 - (iv) another entity if the assessment meets all of the requirements in paragraph (2) of this subsection.
 - (2) In order for a school district to administer an examination for credit, prior to the first administration, the school district or the provider of the assessment must certify that the examination:
 - (A) is aligned to all assessable TEKS for the course;
 - (B) has not been published and is not publicly available;
 - (C) will only be administered in a secure environment under standardized conditions by a school district or institution of higher education; and
 - (D) has been evaluated to ensure:
 - (i) test scores can be interpreted as indicators of what the test is intended to measure; and
 - (ii) consistency of test results across testing conditions.
 - (3) A school district or the provider of the assessment must make public an annual report, including:
 - (A) the test development process;
 - (B) a statement certifying that the examination meets the criteria in paragraph (2)(D) of this subsection;
 - (C) the number of students who took each examination;
 - (D) the number of students who scored 70% or above on each examination;
 - (E) the number of students who scored 80% or above on each examination; and
 - (F) the average score for all students who took the examination for each examination.
 - (4) In order for a school district to administer an examination for credit for a course that has a state end-of-course assessment instrument, the school district or the provider of the assessment must certify, prior to the first administration, that the examination:

- (A) meets the requirements of paragraph (2) of this subsection;
 - (B) has been externally validated and determined to:
 - (i) align to and appropriately address all assessable TEKS for the course;
 - (ii) assess the appropriate level of rigor for each student expectation; and
 - (iii) yield comparable distribution of results across tested subgroups.
- (5) If the number of students who take an examination in a given year is not sufficient to determine comparable results among subgroups, the provider may obtain approval from the State Board of Education to demonstrate comparable results over a specified number of years. Approval may authorize use of the assessment, if the assessment meets all other criteria, during the period authorized by the SBOE to achieve comparable results.
- (6) For an examination that is validated in accordance with paragraph (4) of this subsection, a school district or the provider of the assessment must make public:
- (A) the annual report required by paragraph (3) of this subsection;
 - (B) all relevant test development specifications; and
 - (C) a statement certifying that the examination meets the criteria in paragraph (4)(B) of this subsection.
 - (D) results for all tested subgroups disaggregated by students who receive prior instruction and students with no prior instruction and including descriptive data for small subgroups.
- (7) Examinations for courses that do not have a state end-of-course assessment shall meet all requirements in paragraph (2) of this subsection no later than the 2019-2020 school year.
- (8) A student in any of Grades 6-12 must be given credit for an academic subject in which he or she has had no prior instruction if the student scores:
- (A) a three or higher on a College Board advanced placement examination that has been approved by the school district board of trustees for the applicable course;
 - (B) a scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the school district board of trustees for the applicable course; or
 - (C) 80% on any other criterion-referenced test approved by the school district board of trustees for the applicable course.
- (9) A student may not attempt to earn credit by examination for a specific high school course more than two times.
- (10) If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit.
- (11) If a student is given credit in accordance with paragraph (8) of this subsection in a subject on the basis of an examination on which the student scored 80% or higher, the school district must enter the examination score on the student's transcript, and the student is not required to take an applicable end-of-course assessment instrument for the course.
- (12) In accordance with local school district policy, a student in any of Grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction if the student scores 70% on a criterion-referenced test approved by the school district board of trustees for the applicable course.



May 22, 2023

Liz Baker, M.A.
Secondary Science Curriculum Specialist
PAEMST science Coordinator
Office of School Programs
Texas Education Agency
1701 N. Congress
Austin, TX 78701

RE: 2023 Credit by Examination Audit

Please find attached a list of the most recent Credit by Examination (CBE) audits for May 2023. There are 22 CBEs included in this audit, and these represent 20% of our currently active examinations. This is the fifteenth year of the audit and thus the fifth year of the current five-year cycle. This year's selections focused on Science 4 and Science 5, Business Information Management, Digital Interactive Media, Health Education, Interpersonal Studies, Lifetime Nutrition and Wellness, Money Matters, Principles of Information Technology, Web Design, Dollars and Sense, and French. Where indicated, we have passed auditor feedback to our curriculum department for author review and revision.

As in previous years, our auditors are all Texas-certified instructors who are not otherwise affiliated with Texas Tech University Independent School District (TTUISD / TTU K-12):

- Business Information Management 1A and 1B, Digital and Interactive Media 1A and 1B, Principles of Information Technology 1A and 1B, Web Design 1A and Web Design 1B – Karen Leron – White Deer ISD
- Dollars and Sense, Interpersonal Studies, Money Matters 1A and Money Matters 1B – Julia Setliff – Lubbock Cooper ISD
- Elementary Science 4 and Elementary Science 5 – Michelle Curran – Heritage Middle School – Frenship ISD
- French 1A, French 1B, French 2A and French 2B – Jolie Moody – Tascosa High School and Amarillo High School – Amarillo ISD
- Health Education – Bric Turner – Meadow ISD
- High School Physics 1A and 1B – Jim Gruhlkey - Roosevelt ISD
- Lifetime Nutrition and Wellness – Stephanie Humphrey – Frenship High School/Frenship ISD

If you have any questions regarding these CBEs or our audit process, please don't hesitate to contact me at (806) 742-7227 or by email at scott.lucas@ttu.edu.

We greatly appreciate your support.

Scott Lucas
Superintendent, TTU K-12
Texas Tech University

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An EEO/Affirmative Action Institution

Detailed Results of the 2023 CBE Audit for TTU K-12

CBE Title	Results	Detailed Summary of Auditor Responses	Action Taken
Business Information Management 1A	<ul style="list-style-type: none"> -Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered 	<p>General comments provided. Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 1 (A-B).</p>	<p>Referred to Curriculum for author review/revision.</p>
Business Information Management 1B	<ul style="list-style-type: none"> -Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered 	<p>General comments provided. Specific comments provided for TEKS: 13 (A-B). Comments provided for the following TEKS: “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 13 (C).</p>	<p>Referred to Curriculum for author review/revision.</p>
Digital and Interactive Media 1A	<ul style="list-style-type: none"> -Aligned with TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	<p>General comments provided. Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 7 (A-D), 8 (A-B, D-F), 9 and 10.</p>	<p>Referred to Curriculum for author review/revision.</p>

Digital and Interactive Media 1B	<ul style="list-style-type: none"> -Aligned with TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	<p>General comments provided.</p> <p>Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 7 (A-D), 8 (A-B, D-F), 9 and 10.</p>	Referred to Curriculum for author review/revision.
Dollars and Sense	<ul style="list-style-type: none"> -Aligned with the TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	<p>General comments provided.</p> <p>Specific comments provided for TEKS: 1 (A-D), 3 (F, I), 4 (A-C), 5 (A-D), 8 (A, C-D).</p> <p>Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 7 (E)</p>	Referred to Curriculum for author review/revision.
Elementary Science Grade 4	<ul style="list-style-type: none"> -Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered 		No action necessary.
Elementary Science Grade 5	<ul style="list-style-type: none"> -Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered 		No action necessary.

French 1A	<ul style="list-style-type: none"> -Aligned with the TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	<p>General comments provided. Specific comments provided for TEKS 2 (A-D) and 3 (A). Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 1 (A)</p>	Referred to Curriculum for author review/revision.
French 1B	<ul style="list-style-type: none"> -Aligned with TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	<p>General comments provided. Specific comments provided for TEKS 2 (A-D) and 3 (A-B). Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the time (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 1 (A)</p>	Referred to Curriculum for author review/revision.
French 2A	<ul style="list-style-type: none"> -Aligned with TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	<p>General comments provided. Specific comments provided for TEKS 2 (A-D) and 3 (A-B). Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 1 (A-F)</p>	Referred to Curriculum for author review/revision.
French 2B	<ul style="list-style-type: none"> -Aligned with TEKS with changes specified below 	<p>General comments provided. Specific comments provided for TEKS 2 (A-D) and 3 (A-B).</p>	Referred to Curriculum for author review/revision.

	<ul style="list-style-type: none"> -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 1 (A-F)	
Health Education	<ul style="list-style-type: none"> -Aligned with the TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered 		No action necessary.
High School Physics 1A	<ul style="list-style-type: none"> -Aligned with the TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered 	General comments provided.	No action necessary.
High School Physics 1B	<ul style="list-style-type: none"> -Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered 	General comments provided.	No action necessary.
Interpersonal Studies	<ul style="list-style-type: none"> -Aligned with TEKS with changes below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below 	General comments provided. Specific comments provided for TEKS: 10 (C) and 14 (A).	Referred to Curriculum for author review/revision.
Lifetime Nutrition and Wellness	<ul style="list-style-type: none"> -Aligned with TEKS -Contains appropriate breadth of coverage of TEKS 	General comments provided. Specific comments provided for TEKS: 4(L) and 8 (D).	Referred to Curriculum for author review/revision.

	-Contains appropriate level of rigor for TEKS covered		
Money Matters 1A	-Aligned with TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below	General comments provided. Specific comments provided for TEKS: 1 (A-D), 7 (A-B, D-E, G), 8 (A-C), 9 (D-F, I), 10 (A-B, D-F, G-H). Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 3(B)	Referred to Curriculum for author review/revision.
Money Matters 1B	-Aligned with TEKS with changes specified below -Contains appropriate breadth of coverage of TEKS with changes specified below -Contains appropriate level of rigor for TEKS covered with changes specified below	General comments provided. Specific comments provided for TEKS: 1 (A-D), 7 (A-B, D-E, G), 8 (A-C), 9 (D-F, I), 10 (A-B, D-F, G-H). Comments provided for the following TEKS “is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”: 3(B)	Referred to Curriculum for author review/revision.

Principles of Information Technology 1A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	General comments provided. Specific comments provided for TEKS: 8 (A-E) and 10.	Referred to Curriculum for author review/revision.
Principles of Information Technology 1B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	General comments provided. Specific comments provided for TEKS: 8 (A-E) and 10.	Referred to Curriculum for author review/revision.
Web Design 1A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level or rigor for TEKS covered	General comments provided. Comments provided for the following TEKS “is not assessable on a standard CBE due to time limitations (and/or item has secondary importance); exam still has appropriate breadth of TEKS coverage”: 2 (A) and 5 (A-J).	Referred to Curriculum for author review/revision.
Web Design 1B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level or rigor for TEKS covered	General comments provided. Comments provided for the following TEKS “is not assessable on a standard CBE due to time limitations (and/or item has secondary importance); exam still has appropriate breadth of TEKS coverage”: 2 (A) and 5 (A-J).	Referred to Curriculum for author review/revision.



Notes on TEKS (by course)

HIGH BUSIM 1A – Business Information Management I – First Semester

Comments provided for the following TEKS 1 (A-B)

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Note:

“This test is very good and looks like many of mine for this same course. The TEKS included are well covered and reasonable. This first semester's coverage of systems, word processing, software, spreadsheets and databases is more than sufficient to prove a student has prior understanding of the TEKS.

Specific comments follow, with each TEKS item quoted for reference.

TEKS Item: 1 (A-B)

1 (A-B): “The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to (A) “**communicate effectively with others using oral and written skills;**” (B) “**demonstrate collaboration skills through teamwork**”.

Auditor Comment:

“Communicate orally and demonstrate collaboration skills are not possible on a paper test, though TEKS C-F can be considered covered in the manner in which they test, timely, professional, & compliant with rules”.

HIGH BUSIM 1B – Business Information Management I – First Semester

Comments provided for the following TEKS 13 (A-C)

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Note:

“The test is comprehensive in bringing the database from the 1st semester into the 2nd with more advanced properties and other features like wizards. The presentation questions are excellent”.

Specific comments follow, with each TEKS item quoted for reference.

13 (A-B): “The student applies desktop publishing technology. The student is expected to: (A) **“identify technologies available for desktop publishing;”** (B) **“identify customary standards and styles of desktop publishing;”**”

Auditor Comment

- “A program besides word or docs that can be used to easily design menus, brochures, business cards and other desktop publishing documents is _____”
 - “Publisher, Canva, InDesign or Infinity”
- “Lines, shapes, mass, texture, and color are **Standard** building blocks in desktop publishing”

13 (C): “The student applies desktop publishing technology. The student is expected to: (C) “create desktop publications importing text and graphics”

Auditor Comment

“Creating a desktop publishing document during a standard testing session is not appropriate for this test because of time considerations and software availability along with computer access”.

HIGH DIMED – Digital and Interactive Media 1A and 1B

Comments provided for the following TEKS: 7 (A-D), 8 (A, B, D-F), 9 & 10

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS which changes specified below
- B. Contains appropriate breadth of coverage of TEKS with changes specified below
- C. Contains appropriate level of rigor for TEKS covered with changes specified below

Auditor Note:

“The TEKS required demonstration, design and creation are impossible to prove in the breadth of a written exam. The test provides questions that are related to the legal & personal portions of the course with enough of the basics of graphic design to be a sufficient representation by including the elements & principles of design and enough about graphics to show understanding of the concept if unable to demonstrate file type, safety, transfers, and other hands-on requirements of the course. There are sufficient questions to test planning projects but no viable way to TEST student’s abilities to do so without hand-on interactive lab settings”.

Specific comments follow, with each TEKS item quoted for reference.

TEKS item: 7 (A-D), 8 (A, B, D-F), 9 & 10

7(A-D): “The student demonstrates appropriate use of digital photography equipment and techniques. The student is expected “(A) **Demonstrate proper use of safety procedures while using digital**

photography equipment;" (B) "Capture still shot images using digital photography equipment incorporating various photo composition techniques such as lighting, perspective, candid versus posed, rule of thirds and level of horizon;" (C) "Transfer still shot images from equipment to the computer; and"; (D) "Demonstrate photographic enhancement techniques such as feathering, layering, masking, and color enhancement using appropriate photo editing software".

Auditor Comment:

"Demonstration of equipment and techniques of Digital photography requires lab time which is unavailable with this form of testing.

8 (A, B, D-F): "The student demonstrates appropriate use of video equipment and techniques. The student is expected to: (A) "Demonstrate proper use of safety procedures while using digital video equipment"; (B) "Demonstrate proper use of terminology in relation to video technology"; (D) "Transfer video images from equipment to the computer"; (E) "Apply videographic enhancement and editing techniques such as panning, transitioning, zooming, content editing, and synchronizing audio and video using appropriate digital manipulation software; and"; (F) "Export video files in digital formats to be used in various delivery systems such as podcasts, downloadable media, social media, and streaming video".

Auditor Comment:

"The demonstration of ethics is covered in the Copyright, Fair Use sections of the test. The transfer, export, edit, enhancements and skills required for manipulation of the files is not possible in this form of testing".

9: "The student demonstrates appropriate use of audio equipment and techniques. The student is expected to: (A) "Demonstrate proper use of safety procedures while using digital audio equipment"; (B) "Demonstrate proper use of terminology and concepts in relation to audio technology"; (C) "Demonstrate proper use of digital audio equipment to capture audio files"; (D) "Transfer audio files from equipment to the computer"; (E) "Demonstrate proper use of audio editing software such as adding effects, fading, volume control, and manipulation of waveforms using appropriate digital manipulation software; and;" (F) "Export audio files to be used in digital formats in various delivery systems such as podcasts, downloadable files, social media, and streaming video".

Auditor Comment:

"Students will be unable to demonstrate skills in use of audio/visual. There are questions about story boards and planning".

10: "The student demonstrates appropriate use of animation. The student is expected to: (A) "Plan and create a linear and non-linear animation using accepted standards such as design principles, frames and key frames, integration of audio into an animation, and user interactive controls"; (B) "Deploy animation to be used in various digital formats and on various video animation players; and"; (C) "Create an interactive animation";

Auditor Comment:

“Students will be unable to demonstrate skills in use of audio/visual. There are questions about story boards and planning”.

HIGH DOLLARS – Dollars and Sense

Comments provided for the following TEKS: 1 (A-D), 3 (F, I), 4(A-C) 5(A-D) 8 (A, C-D)

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS with changes specified below
- B. Contains appropriate breadth of coverage of TEKS with changes specified below
- C. Contains appropriate level of rigor for TEKS covered with changes specified below

Auditor Note: “1A, 1B, 1C, 1D, 3F, 3I, 4A, 4B, 4C, 5A, 5B, 5C, 5D, 8A, 8C, 8D are not addressed in the test”.

Specific comments follow, with each TEKS item quoted for reference.

1(A-D): “The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to: (A) **“apply interpersonal communication skills in business and industry settings”**; (B) **“explain and recognize the value of collaboration within the workplace”**; (C) **“examine the importance of time management to succeed in the workforce”**; (D) **“identify work ethics and professionalism in a job setting”**.”

3(F, I): “The student demonstrates management of financial resources to meet the goals of individuals and families across the life span. The student is expected to: (F) **“investigate the benefits of charitable giving”**, (I) **“investigate bankruptcy laws; including bankruptcy”**.”

4(A-C): “The student demonstrates effective consumer skills related to housing needs. The student is expected to: (A) **“explain consumer rights and responsibilities associated with renting or buying a home”**; (B) **“analyze legal and financial aspects of purchasing and leasing housing; and”** (C) **“propose money-management skills necessary to make the transition from renting to home ownership”**.”

5(A-D): “The student analyzes the relationship of the environment to family and consumer resources. The student is expected to: (A) **“analyze individual and family responsibilities in relation to environmental trends and (B) “summarize environmental trends and issues affecting families and future generations; (C) demonstrate behaviors that conserve, reuse, and recycle resources to maintain the environment; and (D) explain governmental regulations for conserving natural resources.**

8 (A, C-D): **“The student integrates knowledge, skills, and practices required for careers in consumer services. The student is expected to: (A) “explain the roles and functions of individuals engaged in consumer services careers; (C) “summarize education and training requirements for consumer services careers; and (D) investigate professional organizations for consumer services”**.”

Auditor Comment:

“These TEKS are not addressed in the test. Need to be added”.

7(E): “The student identifies skills and attributes necessary for sustaining a chosen lifestyle. The student is expected to: (E) **“use presentation skills to communicate and apply knowledge of careers in consumer services”**”.

Auditor Comment:

“TEKS 7E is not something that can be tested on a test, the TEKS states a student must be present”.

Elementary Science Grade 4

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Elementary Science Grade 5

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

HIGH – French 1A – High School French 1A

Comments provided for the following TEKS: 1(A), 2 (A-D), 3 (A-B)

The auditor’s comments fall into three general areas:

- A. Aligned with the TEKS with changes specified below
- B. Contains appropriate breadth of coverage of TEKS with changes specified below
- C. Contains appropriate level of rigor for TEKS covered with changes specified below

Specific comments follow, with each TEKS item quoted for reference.

Auditor Comment:

TEKS Alignment:

114.39 C2 A-D - “The exam does not assess interpretive communication with reading and listening. Reading and audio samples could be provided to assess this. Without this type of assessment, students cannot really demonstrate if they have reached the Novice Mid or Novice High level of proficiency”.

Breadth of Coverage and Level of Rigor

C3A

“The exam does not assess presentational communication allowing students to state and support an opinion or preference orally or in writing. Prompts could be given to assess their level of proficiency in speaking and writing. The speaking questions seem only to allow for narrow responses.

Specific comments follow, with each TEKS item quoted for reference.

1(A) “Interpersonal communication: speaking and writing. The student negotiates meaning through the spoken and written exchange of information in rehearsed and unrehearsed situations in a variety of contexts. The student uses a mixture of words and phrases and some simple sentences with appropriate and applicable grammar structures and processes at the specified proficiency levels. The student is expected to: (A) **“ask and respond to questions about everyday life in spoken and written conversation”**.

Auditor Comment:

“Is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage”

2(A-D) “Interpretive communication: reading and listening. The student comprehends sentence-length information from culturally authentic print, digital, audio, and audiovisual materials as appropriate with highly contextualized situations and sources. The student uses the interpretive mode in communication with appropriate and applicable grammatical structures and processes at the specified proficiency levels. The student is expected to: (A) **“demonstrate an understanding of culturally authentic print, digital, audio, and audiovisual materials in everyday contexts”**; (B) **“identify key words and details from fiction and nonfiction texts and audio and audiovisual materials”**; (C) **“infer meaning of unfamiliar words or phrases in highly contextualized texts, audio, and audiovisual materials”**; (D) **“identify cultural practices from authentic print, digital, audio, and audiovisual materials”**.

Auditor Comment:

“In order to assess interpretive communication in reading, articles/excerpts from articles or digital texts (fiction and non-fiction) could be provided. Students would be given questions to assess their level of comprehension. Audio and audiovisual samples could be provided with comprehension questions to assess their listening proficiency.

3(A-B) “Presentational communication: speaking and writing. The student presents information orally and in writing using a mixture of words and phrases and some simple sentences with appropriate and applicable grammar structures and processes at the specified proficiency levels. The student is expected to: (A) **“state and support an opinion or preference orally and in writing; and”** (B) **“describe people, objects, and simple situations orally and in writing using a mixture of words, phrases, and simple sentences”**.

Auditor Comment:

“The amount of speaking (including breadth and rigor) is very limited. The only question where they are asked to describe something is question #5. The question is so narrow that students cannot really demonstrate more than a Novice Mid level of proficiency. There are no questions that ask them to write to describe people, objects or simple situations in a capacity to demonstrate a Novice Mid or Novice High level of proficiency. They need speaking and writing prompts that allow them to describe as well as speaking and writing prompts that assess their proficiency level to state and support an opinion or preference.

HIGH – French 1B – High School French 1B

Comments provided for the following TEKS: 1(A), 2 (A-D), 3 (A-B)

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS with changes specified below
- B. Contains appropriate breadth of coverage of TEKS with changes specified below
- C. Contains appropriate level of rigor for TEKS covered with changes specified below

Specific comments follow, with each TEKS item quoted for reference.

Auditor Comment:**TEKS Alignment**

114.39c2 A-D - “The exam does not assess interpretive communication with reading and listening. Reading and audio samples could be provided to assess this. Without this type of assessment, students cannot really demonstrate if they have reached the Novice Mid or Novice High level of proficiency.”

Breadth of Coverage and Level of Rigor

C3A - “The exam does not assess presentation communication allowing students to state and support an option or preference orally or in writing. Prompts could be given to assess their level of proficiency in speaking and writing. The speaking questions seem only to allow for narrow responses”.

C3B: Concerning questions 1-10

“Questions 5 and 8-10 allow for only very minimal oral descriptions of people, objects, and simple situations. Speaking questions could be broader and ask for more information. Prompts need to be added to assess the proficiency level of writing to describe people, objects and simple situations.

1(A): “Interpersonal communication: speaking and writing. The student negotiates meaning through spoken and written exchange of information in rehearsed and unrehearsed situations in a variety of contexts. The student uses a mixture of words and phrases and some simple sentences with appropriate and applicable grammar structures processes at the specified proficiency levels. The student is expected to (A) **“ask and respond to questions about everyday life in spoken and written conversation”**;

Is not assessable on a standard CBE due to the nature of the item (not conventionally testable); exam still has appropriate breadth of TEKS coverage.

2(A-D) “Interpretive communication: reading and listening. The student comprehends sentence-length information from culturally authentic print, digital, audio, and audiovisual materials as appropriate with highly contextualized situations and sources. The student uses the interpretive mode in communication with appropriate and applicable grammatical structures and processes at the specified proficiency levels. The student is expected to: (A) **“demonstrate an understanding of culturally authentic print, digital, audio, and audiovisual materials in everyday contexts”**; (B) **“identify key words and details from fiction and nonfiction texts and audio and audiovisual materials;”**(C) **“infer meaning of unfamiliar words or phrases in highly contextualized texts, audio, and audiovisual materials;”** (D) **“identify cultural practices from authentic print, digital, audio, and audiovisual materials”**.

Auditor Comment

“In order to assess interpretive communication in reading, articles/excerpts from articles or digital texts (fiction or non-fiction) could be provided. Students would be given questions to assess their level of comprehension. Audio and audiovisual samples could be provided with comprehension questions to assess their listening proficiency”.

3(A-B) “Presentational communication: speaking and writing. The student presents information orally and in writing using a mixture of words and phrases and some simple sentences with appropriate and applicable grammar structures and processes at the specified proficiency levels. The student is expected to: (A) **“state and support an opinion or preference orally and in writing; and;”** (B) **“describe people, objects, and simple situations orally and in writing using a mixture of words, phrases, and simple sentences”**.

Auditor Comment

“The amount of speaking (including breadth and rigor) is very limited. The only question where they are asked to describe something is questions 5 and 8-10. The questions are so narrow that students cannot really demonstrate more than a Novice Mid level of proficiency. There are no questions that ask them to write to describe people, objects or simple situations in a capacity to demonstrate higher than a Novice Mid level of proficiency. They need speaking and writing prompts that allow them to describe with more rigor as well as speaking and writing prompts that assess their proficiency level to state and support an opinion or preference”.

HIGH – French 2A – High School French 2A and 2B

Comments provided for the following TEKS: 1(A-F), 2 (A-D), 3 (A-B)

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS with changes specified below
- B. Contains appropriate breadth of coverage of TEKS with changes specified below

C. Contains appropriate level of rigor for TEKS covered with changes specified below

Auditor Comment

TEKS Alignment

114.40c2 A-D

“This section of TEKS is completely missing. The exam does not assess interpretive communication with reading and listening. Reading and audio samples could be provided to assess this. Without this type of assessment, students cannot really demonstrate if they have reached the Novice High or Intermediate Low level of proficiency. Concerning c2D: Identify cultural practices is not assessed. Authentic print/digital/audio and/or audiovisual materials can be provided to assess this”.

C3A

“The exam does not assess presentational communication allowing students to state and support an opinion or preference orally or in writing. Prompts could be given to assess their level of proficiency in speaking and writing. The speaking questions seem only to allow for narrow responses”.

Breadth of Coverage and Level of Rigor:

C3B

“Questions 1-10 allow for only very minimal oral descriptions of people, objects and simple situations. Questions 5 and 8 could be expanded/modified to allow appropriate assessment of proficiency level. Prompts need to be added to assess the proficiency level of writing to describe people, objects and simple situations”.

1 (A-F): “Interpersonal communication: speaking and writing. The student negotiates meaning through the spoken and written exchange of information in rehearsed and unrehearsed situations in a variety of contexts. The student uses a mixture of short statements and sentences with appropriate and applicable grammar structures and processes at the specified proficiency level. The student is expected to: (A) **“ask and respond to questions about everyday life with simple elaboration in spoken and written conversation;** (B) **express and exchange personal opinions or preferences with simple supporting statements in spoken and written conversation;** (C) **ask and tell others what they need to, should, or must do with simple supporting reasons in spoken and written conversation;** (D) **articulate requests, offer alternatives, and develop plans with simple supporting statements in spoken and written conversation;** (E) **interact and react in spoken conversation using culturally appropriate expressions, register, and gestures;** and (F) **interact and react in writing using culturally appropriate expressions, register, and style”.**

Auditor Comment

“Although these TEKS would be difficult to assess without someone with whom they could interact, it would not be impossible. At the level of French 2, this might be something to consider in the future”.

2(A-D): “Interpretive communication: reading and listening. The student comprehends simple connected statements from culturally authentic print, digital, audio, and audiovisual materials as appropriate within contextualized situations and sources. The student uses the interpretive mode in communication with appropriate and applicable grammatical structures and processes at the specified proficiency levels. The student is expected to: (A) **“demonstrate an understanding of culturally authentic print, digital, audio, and audiovisual materials in everyday contexts; (B) identify the main idea, theme, and supporting details from fiction and nonfiction texts and audio and audiovisual materials; (C) infer meaning of unfamiliar words or phrases in highly contextualized texts, audio, and audiovisual materials; and (D) identify cultural practices from authentic print, digital, audio, and audiovisual materials”**”.

Auditor Comment

“In order to assess interpretive communication in reading, articles/exerts from articles or digital texts (fiction and non-fiction) could be provided. Students would be given questions to assess their level of comprehension. Audio and audiovisual samples could be provided with comprehension questions to assess their listening proficiency”.

3(A-B): “Presentational communication: speaking and writing. The student presents information orally and in writing, using a mixture of phrases and sentences with appropriate and applicable grammar structures and processes at the specified proficiency levels. The student is expected to: (A) **“express and support an opinion or preference orally and in writing with supporting statements; and (B) describe people, objects, and situations orally and in writing using a series of sequenced sentences with essential details and simple elaboration”**”.

Auditor Comment:

“The amount of speaking (including breadth and rigor) is very limited. The only question where they are asked to describe something are questions 5 and 8. The questions are so narrow that students cannot really demonstrate more than a Novice Mid level of proficiency. There are no questions that ask them to write to describe people, objects or simple situations in a capacity to demonstrate higher than a Novice Mid level of proficiency. They need speaking and writing prompts that allow them to describe with more rigor as well as speaking and writing prompts that assess their proficiency level to state and support an opinion or preference”.

HIGH HLTHED – High School Health Education

The auditor’s comments fall into three general areas:

- A. Aligned with the TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

HIGH Physics 1A – High School Physics 1A

The auditor's comments fall into three general areas:

- A. Aligned with the TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Comment:

"I thought it looked good. There is some crossover from semester one to semester two".

HIGH Physics 1B – High School Physics 1B

The auditor's comments fall into three general areas:

- A. Aligned with the TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Comment:

"I thought it looked good. There is some crossover from semester one to semester two".

HIGH INTERSTU – Interpersonal Studies

Comments provided for the following TEKS: 7 (A-D), 8 (A, B, D-F), 9 & 10

The auditor's comments fall into three general areas:

- A. Aligned with TEKS which changes specified below
- B. Contains appropriate breadth of coverage of TEKS with changes specified below
- C. Contains appropriate level of rigor for TEKS covered with changes specified below

Auditor Comment:

"#9 – there is not a TEK that covers this question. 8E – not covered in the exam".

Specific comments follow, with each TEKS item quoted for reference.

10 (C): "The student analyzes types of needs and crises experienced by individuals and families. The student is expected to: (C) **"identify resources and support systems that provide assistance to families in crisis"**.

Auditor Comment

"Question 45 on test B covers TEK 10 C. I would add that question to test A".

14 (A): “The student analyzes management practices to help an individual assume multiple family, community, and wage-earner roles. The student is expected to: (A) **“determine the impact of career choice on family life”**.”

Auditor Comment

“Questions 47, 54 and 63 cover different career paths but don’t touch on the impact the career choices have on family life. This TEK is a hard concept to test”.

HIGH LifeFIT – Lifetime Nutrition and Wellness

Comments provided for the following TEKS: 4 (L), 8 (D)

The auditor’s comments fall into three general areas:

- A. Aligned with the TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Note:

“Part E, questions 57, 58, 59 & 60 align with the following TEKS: 2A, 2D, 4D, 4E

Specific comments follow, with each TEKS item quoted for reference.

TEKS ITEM 4(L)

4 (L): “The student demonstrates knowledge of nutritionally balanced diets. The student is expected to (L) **“compare organic and green food choices; and”**”

Auditor Comment:

“Create a question that requires the student to specifically describe organic/green food choices; and/or contrast & compare organic/green foods.

8 (D): “The student investigates careers in nutrition. The student is expected to: (D) **“apply a problem-solving approach to a business challenge or opportunity to improve sustainability efforts while maintaining or increasing profits and/or organizational health”**.”

Auditor Comment:

“Create a question/case study related to business scenario”.

HIGH – Money Matters – High School Money Matters 1A and 1B

Comments provided for the following TEKS: 1(A-D), 7 (A-B, D-E, G), 8 (A-C), 9(D-F) 10(A-B, D-H) and 11 (B-C, E).

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS with changes specified below
- B. Contains appropriate breadth of coverage of TEKS with changes specified below
- C. Contains appropriate level of rigor for TEKS covered with changes specified below

Auditor Comment: “1A, 1B, 1C, 7A, 7B, 7D, 7E, 7G, 8A, 8B, 8C, 9D, 9E, 9F, 9I, 10A, 10B, 10D, 10E, 10F, 10G, 10H and 11B, 11C, 11E are not addressed in the test.

Specific comments follow, with each TEKS item quoted for reference.

3(B): “The student demonstrates an understanding of a postsecondary plan. The student is expected to: (B) **“create a postsecondary plan that includes topics such as application requirements; testing requirements; certification requirements; associated deadlines; associated costs, including living expenses, job prospects and opportunities; beginning earnings, expected future earnings; and resumes and cover letters”**

Auditor Comment:

“The TEKS states to create a post-secondary plan that includes topics such as application requirements, testing requirements, certification requirements, associated deadlines, associated costs, including living expenses; job prospects and opportunities, beginning earnings; expected future earnings, and resume and cover letters”.

“This TEKS can’t be tested in a traditional sense, but multiple parts of the TEKS is covered in the test”.

1(A-D): “The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to: (A) **“demonstrate an understanding of appropriate communication with customers, employers, and coworkers through verbal, nonverbal, and digital means”**; (B) **“demonstrate an understanding of the use of business etiquette”**; (C) **“demonstrate an understanding of appropriate customer service such as building customer relationships and resolving customer complaints; and”** (D) **“demonstrate an understanding of ethical and legal issues in business”**.”

7 (A-B, D-E, G): “The student discusses economic indicators impacting personal financial decision making. The student is expected to: (A) **“analyze the measure of consumer spending as an economic indicator”**; (B) **“analyze the impact of a nation’s unemployment rates”**; (D) **“analyze the economic impact of inflation on personal financial decision making”**; (E) **“analyze unemployment and inflation tradeoffs”**; (G) **“analyze the impact of business cycles on personal financial decision making”**.”

8 (A-C): “The student analyzes the impact of international activities on personal financial decision making. The student is expected to: (A) **“examine international current events as related to personal financial decision making”**; (B) **“examine currency exchange rates; and”**; (C) **“examine domestic and international labor issues as related to personal financial decision”**.”

9(D-F, I): “The student examines how personal financial decisions are used to achieve financial goals. The student is expected to: (D) **“analyze a pay stub”**; (E) **“interpret and reconcile bank statements”**; (F) **“maintain financial records”**; (I) **“prepare personal income tax forms by completing a 1040EZ with a W-2 form and using current tax tables”**;

10 (A-B, D-H): “The student understands the purposes of financial service providers. The student is expected to: (A) **“describe types of financial service providers, including banks and credit unions”**; (B) **“evaluate financial service providers based on selection criteria such as location, interest rates, and benefits”**; (D) **“explain loan evaluation criteria used by lending institutions”**; (E) **“summarize the components of a loan application package”**; (F) **“calculate a home loan payment schedule:”**; (G) **“calculate an automobile loan payment schedule; and”** (H) **“understand the risks of using a payday loan and title loan”**.

11 (B-C, E): “The student identifies various investment strategies. The student is expected to: (B) **“evaluate investment goals and objectives as they relate to risk tolerance”**; (C) **“investigate the opportunities and costs of postsecondary education; (E) “investigate the factors that affect the value of investments.**

Auditor Comment:

“These TEKS are not covered, need to be added to the test”.

HIGH PRINT – Principles of Information Technology 1A and 1B

Comments provided for the following TEKS: 8 (A-E) & 10

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Note:

“This test looks very much like mine in teaching this PIT course. Question 43 is ambiguous because all answers depend on settings”.

“Spreadsheet and Database programs are not covered in this test. The remainder of the TEKS are covered sufficiently for this course. The questions are a reasonable representation of the skills required for an entry level job position or a beginning in upper-level education”.

Specific comments follow, with each TEKS item quoted for reference.

TEKS ITEM 8 (A-E) & 10

8(A-E): “The student applies spreadsheet technology. The student is expected to (A) **“Identify the terminology associated with the spreadsheet software;”** (B) **“Use numerical content to perform**

mathematical calculations;” (C) “Use student-created and preprogrammed functions to produce documents such as budget, payroll, statistical tables, and personal checkbook register”; (D) “Identify, generate, and describe the function of comma separated value files”; (E) “Create and analyze spreadsheets incorporating advanced features such as lookup tables, nested IF statements, subtotals, cell protection conditional formatting, charts, and graphs”.

Auditor Comment:

“Can be assessed using the suggestions below”:

- A. “What symbol is required to create a formula instead of a label. (=)”
- B. “What is a group of cells called? (Range)”
- C. “What order of operations is required in the arrangement of a formula (PENUMBRA)”
- D. “Which of the following formulas is correct? =8,89 =8&89 =8*89”
- E. “Which of the following symbols is used in a formula for division? /”

10: “The student explores database technology. The student is expected to: (A) “**Identify the terminology associated with database software and database functions**”; (B) “**Explore the application of databases**”; (C) “**Identify and explain the purpose and elements of a query language**”; (D) “**Identify and explain the purpose of fields and records; and**” (E) “**Describe the process of constructing a query, including multiple search parameters**”;

Auditor Comment:

“Can be assessed using the suggestions below”:

- A. “What kind of business would use a database?”
- B. “What is the purpose of a database system?”
- C. “What is the difference between a file and record in a database?”

HIGH TAWWEBDN – Web Design 1A

Comments provided for the following TEKS: 2 (A) & 5(A-J)

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Note:

“This test does an expansive job of covering internet protocols, basic html programming, communication, history and through written requests just enough write it down html to prove they are basics familiar with the program. It asks about layouts and choices plus size and domains. The test is sufficient to test the first semester of Web Design”

Specific comments follow, with each TEKS item quoted for reference.

2(A): “Communication and collaboration. The student uses digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning experience of others. The student is expected to (A) **“analyze and implement the proper and acceptable use of digital/virtual communications technologies such as instant messaging (IM), chat, email, and social networking”**;

Auditor Comment:

“Collaboration is impossible to prove when taking a written CBE test. The test does a sufficient job on basic web design & protocols”.

5(A-J): “Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected (A) **“engage in online activities that follow appropriate behavioral, communication, and privacy guidelines, including ethics, personal security, verbiage determined by the intended audience, and ethical use of files and file sharing”**; (B) **“understand the negative impact of inappropriate technology use, including online bullying and harassment”**; (C) **“implement online security guidelines, including identity protection, limited personal information sharing, and password protection of a secure website”**; (D) **“engage in safe legal, and responsible use of information and technology”**; (E) **“understand and respond to local, state, national, and global issues to ensure appropriate cross-browser and cross-platform usability”**; (F) **“interpret, use, and develop a safe online shared computing environment”**; (G) **“identify legal, ethical appropriate, and safe website marketing practices”**; (H) **“identify legal, ethical, appropriate, and safe multimedia usage, including video, audio, graphics, animation, and emerging trends”**; (I) **“analyze the impact of the World Wide Web on society through research, interviews, and personal observation; and”**; (J) **“participate in relevant and meaningful activities in the larger community and society to create electronic projects”**.

Auditor Comment:

“It is impossible to prove the ability to engage online or implement security guidelines or participate in meaningful activities without a hands-on lab setting”.

HIGH TAWWEBDN – Web Design 1B

Comments provided for the following TEKS: 5(F) & 6 (L-S)

The auditor’s comments fall into three general areas:

- A. Aligned with TEKS
- B. Contains appropriate breadth of coverage of TEKS
- C. Contains appropriate level of rigor for TEKS covered

Auditor Note:

“The test incorporates everything that should be completed in the 2nd semester of Web Design. This semester test added to the 1st semester test covered the more advanced html and includes JAVA, covers planning a website and the protocols required to publish an active functioning website. The html programming that is required written since there is no online activity with this written test is reasonable and short enough not to overwhelm the tester. The same TEKS was used to evaluate this 2-semester course. Scaffolding is the best method for teaching anything that involves technology and the advancement from one test to another is sufficient to meet the requirements”.

Specific comments follow, with each TEKS item quoted for reference.

5 (F): “Digital citizenship. The student understands human, cultural, and societal issues related to technology and practices legal and ethical behavior. The student is expected “(F) **“interpret, use, and develop a safe online shared computing environment”**;

Auditor Comment:

“Continuance with the inability to implement and prove that protocols are in place that projects work or that students can demonstrate a secure communication for a server to a client”.

6(L-S): “Technology operations and concepts. The student demonstrates a sound understanding of technology concepts, systems, and operations. The student is expected to: (L) **“implement escape codes, Hypertext Markup Language (HTML), cascading style sheets (CSS), and JavaScript through hard coding, web editors, and web authoring programs”**; (M) **“identify and use FTP client software”**; (N). **“implement java applet insertion”**; (O) **“identify and differentiate various network topologies, including physical and logical”**; (P) **“create, evaluate, and use web-based animation”**; (Q) **“create, evaluate, and use video, including editing, compression, exporting, appropriateness, and delivery”**; (R) **“demonstrate the ability to conduct secure communications from a web server to a client; and”**; (S) **“use hypertext linking appropriately when creating web pages”**;

Auditor Comment:

“Creating or inventing is unreasonable in a paper test. The student does not have a chance to implement, create or evaluate their work or to test for quality assurance”.



The University of Texas at Austin UT High School

Liz Baker
Secondary Science Curriculum Specialist
Office of School Programs
Curriculum Standards and Student Support Division
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701

RE: 2022-23 Credit by Examination Audit

Please find attached a list of the most recent Credit by Examination (CBE) audits for the 2022-23 school year. There are 19 CBEs included in this audit, which represent about 20% of our active examinations. Our selections focused on examinations that have not been audited in the past four years.

Sandi Adair, Amy Brodbeck, Kimberly Villarreal, Amy Klein, Elisa Pinno, and Yilin Tang, all Texas-certified instructors and highly qualified in their area of audit, performed this year's audits. None are employees of the University of Texas at Austin High School.

All changes suggested by auditors to better meet the Texas Essential Knowledge and Skills were considered and implemented in these Credit by Exams. Ongoing dialogue occurred regularly between curriculum developers and auditors to ensure complete coverage while maintaining the integrity and rigor of the exams.

If you have any questions regarding these CBEs or our audit process, please do not hesitate to contact me at (512) 232-8328 or by email at kristina.huff@austin.utexas.edu.

Thank you,

Kristina Huff
Assistant Director of Curriculum and Instruction
kristina.huff@austin.utexas.edu
512-232-8328



The University of Texas at Austin UT High School

Credit by Exam Audit
Five-Year Plan
Updated: 10/2/18

2019	2020	2021	2022	2023
German 1 (2 semesters) German 2 (2 semesters) Integrated Physics and Chemistry (2 semesters) Biology (2 semesters) Chemistry (2 semesters) Physics (2 semesters) Environmental Systems (2 semesters) K-8 Math (9 exams)	K-8 Social Studies (9 exams) Japanese 1 (full year) Japanese 2 (full year) Korean 1 (full year) Korean 2 (full year) Vietnamese 1 (2 semesters) Vietnamese 2 (2 semesters) Art 1 (2 semesters)	Health 1 (One Semester) Foundations of Personal Fitness (One Semester) PE 1B (One Semester, total 6 exams) Algebra 1 (2 semesters) Algebra 2 (2 semesters) Geometry (2 semesters) Precalculus (2 semesters) US History (2 semesters) Economics (1 semester) US Government (1 semester) World Geography (2 semesters) World History (2 semesters)	K-8 Science (9 exams) K-8 English (9 exams) Spanish 1 (2 semesters) Spanish 2 (2 semesters) Spanish 3 (2 semesters)	Business Information Management (2 semesters) French 1 (2 semesters) French 2 (2 semesters) Chinese 1, traditional (full year) Chinese 1, simplified (full year) Chinese 2, traditional (full year) Chinese 2, simplified (full year) Communication Applications (1 semester) 9-12 English (8 semesters)
23	19	24	24	19



**UT High School Credit by Exam Audit
 2022-23**

CBE Title	Results	Detailed Summary of Auditor Responses
English 1A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 2, 10, 11, 25, 47, and 49 to fully meet the TEKS.
English 1A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 2, 16, 25, 35, 45, and 46 to fully meet the TEKS.
English 1B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 5, 21, 23, 25, and 26 to fully meet the TEKS.
English 1B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
English 2A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 2 to fully meet the TEKS.
English 2A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
English 2B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
English 2B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
English 3A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 46 and 47 to fully meet the TEKS.
English 3A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 46 to fully meet the TEKS.
English 3B, Form A	-Aligned with TEKS	No revisions required.



The University of Texas at Austin
UT High School

	-Contains appropriate breadth of coverage of TEKS with changes	
English 3B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 15 to fully meet the TEKS.
English 4A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 17, 46, and 47 to fully meet the TEKS.
English 4A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 13, 46, and 47 to fully meet the TEKS.
English 4B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 17, 46, and 47 to fully meet the TEKS.
English 4B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 13, 46, and 47 to fully meet the TEKS.
Communication Applications, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 1, 5, 10, 17, 23, 24, and 29 to fully meet the TEKS.
Communication Applications, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 1, 2, 11, 18, 25, and 30 to fully meet the TEKS.
Business Information Management 1A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 1, 2, 3, 4, 5, 6, 7, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 37, 46, 49, and 50 to fully meet the TEKS.
Business Information Management 1A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 3, 4, 5, 8, 11, 12, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 40, 46, 47, and 49 to fully meet the TEKS.
Business Information Management 1B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 4, 5, 6, 8, 9, 10, 13, 14, 15, 17, 20, 21, 24, 25, 33, 35, 36, 37, 39, 42, 45, 46, 47, 49, and 50 to fully meet the TEKS.
Business Information Management 1B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 1, 2, 3, 5, 6, 8, 10, 13, 14, 15, 16, 18, 19, 20, 21, 24, 31, 34, 35, 37, 38, 40, 41, 42, 43, 44, 45, 47, 48, 49, and 50 to fully meet the TEKS.



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French 1A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
French 1A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
French 1B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
French 1B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
French 2A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
French 2A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 27, 30, 31, 32, 33, 34, 35, 41, 42, 43, 44, and 45 to fully meet the TEKS.
French 2B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S1, S3, S4, S5 11, 12, 13, 14, 15, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 to fully meet the TEKS.
French 2B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S1, S2, S3, S4, S5, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 41, 42, 43, 44, and 45 to fully meet the TEKS.
Chinese 1 Simplified, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S3, S4, 13, and 17 fully meet the TEKS.
Chinese 1 Simplified, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S3 and S5 fully meet the TEKS.
Chinese 2 Simplified, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S5, 42, 43, 44, and 45 to fully meet the TEKS.



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Chinese 2 Simplified, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S2 and S5 to fully meet the TEKS.
Chinese 1 Traditional, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S4 to fully meet the TEKS.
Chinese 1 Traditional, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S3, S5, 43, and 45 to fully meet the TEKS.
Chinese 2 Traditional, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S4, S5, 42, 43, 44, and 45 to fully meet the TEKS.
Chinese 2 Traditional, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) S2 and S5 to fully meet the TEKS.

**COMMITTEE ON SCHOOL FINANCE/
PERMANENT SCHOOL FUND**

Per Capita Apportionment Rate for the 2022-2023 School Year

June 22, 2023

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: A per capita apportionment rate for each school year is set by the commissioner of education based on an estimate of the amount available for expenditure from the Available School Fund (ASF). A preliminary 2022–2023 per capita apportionment rate of \$629.518 was set in September 2022. A final per capita apportionment rate is set by commissioner of education based on actual funds available for expenditure. Agency staff will present the final rate for the 2022–2023 school year at the June 2023 meeting of the Committee on School Finance/Permanent School Fund.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§48.004, 48.251(c), and 43.001(b).

TEC, §48.004, requires the commissioner of education to implement and administer the Foundation School Program (FSP).

TEC, §48.251(c), requires the FSP to be financed with state available school funds distributed in accordance with the law.

TEC, §43.001(b), describes the appropriations that make up the ASF.

The full text of statutory citations can be found in the statutory authority section of this agenda.

PREVIOUS BOARD ACTION: A preliminary 2022–2023 per capita apportionment rate of \$629.518 was established in September 2022.

BACKGROUND INFORMATION AND JUSTIFICATION: House Bill 1, the General Appropriations Bill enacted by the 87th Texas Legislature, Regular Session, 2021, contains an estimate of the amount that will be available for expenditures from the ASF for the 2022-2023 school year. The per capita apportionment will include distributions from the Permanent School Fund and funds from state occupation taxes and from the Motor Fuels Tax. The preliminary per capita apportionment rate set by the commissioner of education is based on an estimate of the funds available for expenditure. A final rate is established later in the school year by the commissioner of education based on actual funds available for expenditure.

FISCAL IMPACT: The per capita apportionment rate finances part of the cost of the FSP. State aid comes from the ASF and the Foundation School Fund (FSF). The per capita apportionment rate determines how much of each district's total state aid is paid from the ASF. The part that is not financed by the ASF must be paid from the FSF.

Staff Members Responsible:

Mike Meyer, Deputy Commissioner for Finance
Amy Copeland, State Funding Director

Separate Exhibit:

Final Per Capita Apportionment Rate for 2022-2023
(to be provided at the June 2023 SBOE meeting)

Review the Process to Consider Board Member Nominees for a School Land Board Position

June 23, 2023

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides an opportunity for the committee and board to review the process to consider nominees for a School Land Board position.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); and Natural Resources Code ([NRC](#)), [§32.012](#); and Texas Government Code ([TGC](#)), [§825.003](#).

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage the permanent school fund.

NRC §32.012 provides that two of the citizens appointed to the School Land Board by the governor must be selected from the lists of nominees submitted by the SBOE.

TGC §825.003 requires the governor to appoint two members to the Teacher Retirement System Board of Trustees from the lists of nominees submitted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

Staff Member Responsible:

Mark Shewmaker, Managing Director of Special Projects, Portfolio Manager, Texas Permanent School Fund Corporation

COMMITTEE ON SCHOOL INITIATIVES

**Recommendation for One Reappointment to the
Boys Ranch Independent School District Board of Trustees**

June 23, 2023

**COMMITTEE ON SCHOOL INITIATIVES: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

The full text of statutory citations can be found in the statutory authority section of this agenda.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for special purpose ISDs created under its authority to establish special purpose school districts. Trustees so appointed hold office for two years until their successors are appointed and qualified. When a vacancy occurs, the chief executive officer (CEO) of Cal Farley’s Boys Ranch notifies the commissioner of education of the vacancy in compliance with TEC, §11.352. The CEO submits resumes and other documents verifying that individuals are qualified to hold the position as well as a statement that the individual would accept the position if appointed. The CEO is required by 19 TAC §61.2 to provide one nomination to the SBOE. The nominee must be qualified under the general school laws of Texas.

Mr. Richard Nedelkoff, president and CEO of Cal Farley’s Boys Ranch, has notified the commissioner that the term of one trustee is expiring. Mr. Nedelkoff has requested that Ms. Jacque Branch be reappointed for a two-year term. Supporting documentation for the recommended candidate is attached.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Mr. Richard Nedelkoff’s recommendation, approve the reappointment of Ms. Jacque Branch to serve a two-year term of office from June 23, 2023, to June 22, 2025, on the Boys Ranch ISD Board of Trustees.

Staff Members Responsible:

Steve Lecholop, Deputy Commissioner, Office of Governance
Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

Attachment:

Correspondence from Mr. Richard Nedelkoff, president and CEO of Cal Farley’s Boys Ranch ISD that includes supporting material for the nominee



April 17, 2023

Mr. Mike Morath
Commissioner
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Commissioner Morath,

In my capacity as President and Chief Executive Officer of Cal Farley's Boys Ranch, I request that the State Board of Education, at its June meeting, reappoint **Jacque Branch** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Ms. Branch is qualified under Texas Law and meets all requirements.

The following documents are provided: resume, signed statement expressing willingness to accept appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct, and background check information.

I understand that the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power as President and Chief Executive Officer of Cal Farley's Boys Ranch is limited to duty as defined by statues relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with the provisions of the Texas Education Code, section 11.352. I further certify that the role of the BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-322-2609 or via email at richardnedelkoff@calfarley.org.

I appreciate your consideration and look forward to confirmation of this appointment.

Sincerely,

Richard Nedelkoff
President and Chief Executive Officer

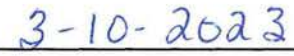
RN:ss

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST
FOR
Jacque Branch

I, Jacque Branch, verify that I am qualified under the general school laws of Texas to be a BRISD School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the appointment as BRISD School Board Trustee and serve in such capacity with full adherence to the state-established standards for the duties and responsibilities of school board members.



Jacque Branch (signature)



Date

Jacque Branch

Vice President & Trust Officer, Amarillo National Bank

Professional Designation

Certified Trust & Financial Advisor

Education

B.B.A. in Finance, West Texas State University, 1989

Texas Bankers Association Texas Trust School II, 2001

Cannon Financial Institute Trust School I, May 2002

Cannon Financial Institute Trust School II, January 2003

Cannon Financial Institute Trust School III, October 2003

Experience

Amarillo National Bank, 1989 to Present:

Currently responsible for fiduciary administration of estates, trusts and investment management accounts. Assist clients with estate planning, tax planning, retirement planning and financial planning.

Vice President and Trust Officer, 2005 - present

Assistant Vice President and Trust Officer, 2001 - 2005

Trust Officer, Assistant Operations Manager, 1998 - 2001

Investment Assistant, 1994 - 1998

Personal Trust Assistant, 1990 - 1994

Credit Analyst, 1989 - 1990

Community Involvement

Member and Past President Amarillo Area Estate Planning Council

West Texas A&M University Foundation Professional Advisory Council

Prior involvement with United Way of Amarillo, Canyon –

Community Investment Committee

Clear

DPS Computerized Criminal History (CCH) Verification
(AGENCY COPY)

I, Jacque Branch, acknowledge that a Computerized Criminal
APPLICANT or EMPLOYEE NAME (Please print)

History (CCH) check may be performed by accessing the Texas Department of Public Safety Secure Website and may be based on name and DOB identifiers. (This is not a consent form, but serves as information for the applicant.) Authority for this agency to access an individual's criminal history data may be found in Texas Government Code 411; Subchapter F.

Name-based information is not an exact search and only fingerprint record searches represent true identification to criminal history record information (CHRI), therefore the organization conducting the criminal history check is not allowed to discuss with me any CHRI obtained using the name and DOB method. The agency may request that I also have a fingerprint search performed to clear any misidentification based on the result of the name and DOB search.

In order to complete the fingerprint process I must make an appointment with the Fingerprint Applicant Services of Texas (FAST) as instructed online at www.txdps.state.tx.us /Crime Records/Review of Personal Criminal History or by calling the DPS Program Vendor at 1-888-467-2080, submit a full and complete set of fingerprints, request a copy be sent to the agency listed below, and pay a fee of \$25.00 to the fingerprinting services company.

Once this process is completed the information on my fingerprint criminal history record may be discussed with me.

(This copy must remain on file by this agency. Required for future DPS Audits)

Jacque Branch
Signature of Applicant or Employee (optional)

2-21-23
Date

Boys Ranch ISD
Agency Name (Please print)

Laquitta Dook
Agency Representative Name (Please print)

Laquitta Dook
Signature of Agency Representative

March 27, 2023
Date

Please:		
Check and Initial each Applicable Space		
CCH Report Printed:		
YES _____	NO <u>X</u>	<u>LD</u> initial
Purpose of CCH: <u>Board of Trustee Check</u>		
Empl ___	Vol/Contractor ___	<u>LD</u> initial
Date Printed: <u>N/A</u>		<u>LD</u> initial
Destroyed Date: <u>N/A</u>		<u>LD</u> initial
Retain in your files		

Discussion of Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

June 22, 2023

**COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides an opportunity for the committee to discuss a proposed 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 proposed amendment would modify the experience requirements for independent hearing examiners.

STATUTORY AUTHORITY: Texas Education Code (TEC), §21.252(a).

TEC, §21.252(a), requires the State Board of Education (SBOE) to establish certification criteria for independent hearing examiners.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: The proposed amendment to §157.41 will be presented for first reading and filing authorization at the August-September 2023 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 157, Subchapter D, addresses criteria for the certification of hearing examiners eligible to conduct hearings.

During the rule review required under Texas Government Code, §2001.039, the SBOE requested that Texas Education Agency staff present a proposed amendment to §157.41 that would modify the experience requirements for hearing examiners.

Subsection (d)(2) would be amended to require that an independent hearing examiner must not have had his or her license reprimanded, suspended, or revoked within the last three years.

Subsection (d)(3) and (4) would be amended to reduce the requirements that an independent hearing examiner must have been licensed to practice law and engaged in the practice of law on a full-time basis from five years to three years.

Subsection (e) would be amended to expand the experience requirements to include family law, criminal law, and personal injury law.

Staff Member Responsible:

Christopher Maska, Director, Hearings and Appeals, Office of General Counsel

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 157. Hearings and Appeals

Subchapter D. Independent Hearing Examiners

§157.41. Certification Criteria for Independent Hearing Examiners.

- (a) License required. An individual who is certified as an independent hearing examiner must be licensed to practice law in the State of Texas.
- (b) Representations prohibited. An independent hearing examiner, and the law firm with which the independent hearing examiner is associated, must not serve as an agent or representative of:
 - (1) a school district;
 - (2) a teacher in any dispute with a school district; or
 - (3) an organization of school employees, school administrators, or school boards.
- (c) Moral character and criminal history. An independent hearing examiner must:
 - (1) possess good moral character; and
 - (2) as demonstrated by a criminal history report process required by the commissioner of education, not have been convicted, given probation (whether through deferred adjudication or otherwise), or fined for:
 - (A) a felony;
 - (B) a crime of moral turpitude; or
 - (C) a crime that directly relates to the duties of an independent hearing examiner in a public school setting.
- (d) Status as a licensed attorney. An independent hearing examiner must:
 - (1) currently be a member in good standing of the State Bar of Texas;
 - (2) within the last ~~three~~ **[five]** years, not have had the independent hearing examiner's bar license:
 - (A) reprimanded, either privately or publicly;
 - (B) suspended, either probated or otherwise; or
 - (C) revoked;
 - (3) have been licensed to practice law in the State of Texas or any other state for at least ~~three~~ **[five]** years prior to application; and
 - (4) have engaged in the actual practice of law on a full-time basis, as defined by the Texas Board of Legal Specialization, for at least ~~three~~ **[five]** years.
- (e) Experience. During the three years immediately preceding certification, an independent hearing examiner must have devoted a minimum of 50% of the examiner's time practicing law in some combination of the following areas, with a total of at least one-tenth or 10% of the independent hearing examiner's practice involving substantial responsibility for taking part in a contested evidentiary proceeding convened pursuant to law in which the independent hearing examiner personally propounded and/or defended against questions put to a witness under oath while serving as an advocate, a hearing officer, or a presiding judicial officer:
 - (1) civil litigation;
 - (2) administrative law;

- (3) school law; or
 - (4) labor law ;
 - (5) family law;
 - (6) criminal law; or
 - (7) personal injury law.
- (f) Continuing education. During each year of certification, an independent hearing examiner must receive credit for ten hours of continuing legal education, with three hours in the area of school law and seven hours in the area of civil trial advocacy and legal writing skills, which must include any combination of course work in evidence, civil procedure, and legal writing skills, during the period January 1 to December 31 of each year of certification.
- (g) Sworn application. In order to be certified as an independent hearing examiner, an applicant must submit a sworn application to the commissioner of education. The application shall contain the following acknowledgments, waivers, and releases.
- (1) The applicant agrees to authorize appropriate institutions to furnish relevant documents and information necessary in the investigation of the application, including information regarding grievances maintained by the State Bar of Texas.
 - (2) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose grievance matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
 - (3) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose criminal matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
- (h) Assurances as to position requirements. In the sworn application, the applicant must:
- (1) demonstrate that the applicant currently maintains an office or offices within the State of Texas;
 - (2) designate the office locations from which the applicant will accept appointments;
 - (3) demonstrate that the applicant provides telephone messaging and facsimile services during regular business hours;
 - (4) agree to attend meetings of independent hearing examiners in Austin, Texas, at the examiner's expense; and
 - (5) agree to comply with all reporting and procedural requirements established by the commissioner.
- (i) Voluntary evaluations. The commissioner may solicit voluntary evaluations from parties to a case regarding their observations of the independent hearings process.
- (j) Insufficient examiners in a region. In the event that insufficient numbers of independent hearing examiners are certified for any geographic region of the state, the commissioner may assign an independent hearing examiner whose office is within reasonable proximity to the school district.
- (k) Annual recertification.
- (1) Certification expires on December 31 of each calendar year. All independent hearing examiners seeking recertification shall reapply on a date specified by the commissioner. Certification as a hearing examiner is effective on a yearly basis only and does not confer any expectation of recertification in subsequent years.
 - (2) The commissioner, in his discretion, after providing notice and an opportunity to respond, may decline to recertify an independent hearing examiner, if the commissioner determines that the independent hearing examiner has failed to perform the duties of an independent hearing examiner

in a competent manner. The commissioner may consider, but is not limited to, the following factors:

- (A) timeliness;
 - (B) accuracy and appropriateness of procedural and evidentiary rulings;
 - (C) decorum or control; or
 - (D) application of appropriate legal standards.
- (3) The commissioner's decision in regard to recertification is final and not appealable.
- (l) Action against certification. The commissioner, after providing notice and an opportunity to respond, may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner or the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, has:
- (1) served as an agent or representative of a school district;
 - (2) served as an agent or representative of a teacher in any dispute with a school district;
 - (3) served as an agent or representative of an organization of school employees, school administrators, or school boards; or
 - (4) failed to timely issue a recommendation.

Open-Enrollment Charter School Generation 29 Application Updates

June 22, 2023

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to receive updates regarding the Generation 29 Open-Enrollment Charter Application cycle.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§12.101](#).

TEC, §12.101 requires the commissioner to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting, vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect.

The full text of statutory citations can be found in the statutory authority section of this agenda.

FUTURE ACTION EXPECTED: Following the conclusion of the application cycle, the board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation 29 Subchapter D Open-Enrollment Charter Schools.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and prepare to address areas that are within its jurisdiction. To that end, this item is for discussion of updates pertaining to the Generation 29 application.

Public information concerning open-enrollment charter schools is available at the division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/charterapp.aspx>). The Generation 29 applications and required attachments are also linked from that page.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and System Support
Marian Schutte, Executive Director, Authorizing

Discussion of Ongoing State Board for Educator Certification Activities

June 22, 2023

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to receive updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

TEC, §21.031, charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct of public school educators and ensuring that all candidates for certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of the state.

TEC, §21.035, requires Texas Education Agency (TEA) staff to provide administrative functions and services to the SBEC.

TEC, §21.041(a), authorizes the SBEC to adopt rules necessary to implement its own procedures.

TEC, §21.041(b)(1)–(4), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(c) and (d), authorizes the SBEC to adopt fees for the issuance and maintenance of an educator certificate and for the approval or renewal of an educator preparation program.

TEC, §21.042, requires the SBEC to submit a written copy of each rule it proposes to adopt to the State Board of Education (SBOE) for review.

The full text of statutory citations can be found in the statutory authority section of this agenda.

BACKGROUND INFORMATION AND JUSTIFICATION: On May 30, 1995, the 74th Texas Legislature enacted Senate Bill 1, a revision of the TEC. The TEC, §21.031 and §21.041, establish and authorize the SBEC to adopt rules to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators. In addition, the 79th Texas Legislature enacted House Bill 1116, continuing the SBEC following sunset review. This legislation amended TEC, §21.035 to require the TEA to provide all administrative services and functions required by the SBEC. Most of these functions have been assigned to TEA's Department of Educator Preparation, Certification, and Enforcement.

Under TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposal by a vote of at least two-thirds of the members of the SBOE present and voting. If the SBOE fails to reject the rules contained in the proposal before the 90th day after the date on which it receives the rules, the rules take effect as rules of the SBEC as provided by

Chapter 2001, Government Code. The SBOE may not modify a rule proposed by the SBEC. Since 1996, the SBEC has submitted a number of rules it proposed to the SBOE for review.

Staff Member Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(amended February 2, 2023)

CHAPTER 1. BOARD ORGANIZATION

The statutory citation for this chapter is the Texas Education Code, §7.107.

§1.1. Officers of the Board.

(a) Selection.

- (1) The vice chair and secretary of the board shall be elected by a majority vote in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
- (2) Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (3) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect by a majority vote a board member to fill the vacancy for the unexpired term of that officer at the next board meeting.

(b) Duties.

- (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
- (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
- (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board and their areas of oversight are:

Committee of the Full Board

1. Establishment of essential knowledge and skills (TEKS)
2. Instructional materials proclamations and adoption of instructional materials
3. Consideration of the Commissioner of Education's open-enrollment charter school proposals

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including credit by examination, Texas Advanced Placement Incentive Program, and procedures concerning dyslexia and related disorders)
3. Student assessment program implementation
4. General education
5. Education of individuals with disabilities
6. Gifted and talented education
7. Adult education
8. Library standards
9. Texas School for the Blind and Visually Impaired/Texas School for the Deaf

Committee on School Finance/Permanent School Fund

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Instructional materials financing and operations
5. Community education funding
6. Oversight of the Bond Guarantee Program including coordination with the TEA and the Texas Permanent School Fund Corporation (Texas PSF)
7. Oversight of the Texas PSF, including receipt of required reports
8. Review of nominations for gubernatorial appointments: Teacher Retirement System, School Land Board

Committee on School Initiatives

1. Long-range plans required by statute
2. Educational technology and telecommunications
3. Updates regarding open-enrollment application cycles and processes
4. School safety and items pertaining to the Texas school safety center and recommendations from the chief of school safety and security
5. State Board for Educator Certification rules review
6. School board member training policy
7. Hearing examiners
8. Military reservation and special purpose school districts
9. Extracurricular activities
10. Home-rule school district probation and revocation

- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board's periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.
- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall consider relevant qualifications specific to a committee assignment in making committee assignments.
- (f) Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee. Should the committee chair be unable or unwilling to continue to serve as chair, the chairman of the board shall declare a vacancy and a new election shall be held by the committee.
- (g) Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (h) Occasionally, committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to State Board of Education Support staff and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request that the Attorney General issue an opinion under Texas Government Code §402.042.
- (i) The members appointed to the Committee on School Finance/Permanent School Fund will serve as the members of the board of directors of the Texas PSF that are appointed by the SBOE as provided under Texas Education Code §43.053(a)(1) and will cease to serve as a director upon the expiration of his or her term of service or other separation from such committee in accordance with these rules as provided under 19 TAC Chapter 33, Texas Permanent School Fund Corporation, §33.21.

§1.3. Board Member Seating Selection.

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, at least four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet. The chair may limit in-person attendance at a meeting to ensure health and safety of board members and members of the public. In such instances, governor's orders shall be followed, and members of the public shall be given access to view all portions of the meetings virtually.

§2.4. Executive Sessions.

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

§2.5. Agendas.

- (a) The chair has the primary responsibility for creating the SBOE meeting agendas. This includes the SBOE agenda, the Committee of the Full Board agenda, and all committee agendas. Other than as provided in this subsection and subsections (b) and (c) of this section, all agenda items are subject to the approval of the chair. If a member wishes an item to be placed on the agenda of the Committee of the Full Board, the member should request in writing that the chair place the item on the agenda. The chair will respond in writing whether or not the item will be placed on the agenda. If the chair declines in writing to place the item on the agenda, the member may make a motion during a board meeting to include the item on the agenda. If the board approves the request, it is placed on the agenda of the Committee of the Full Board for the next meeting.
- (b) The chairs of the Committee on Instruction, Committee on School Finance/Permanent School Fund, Committee on School Initiatives, and ad hoc committees shall collaborate with the board chair regarding items to be placed on their respective committee agendas. Committee agendas shall include statutorily mandated motions, items assigned to the

committee by the board chair, items posted at the discretion of the committee chair and items voted on as set out in subsection (c) below. Committee chairs may post discussion items per their discretion, but action items must be approved by the board chair, subject to the process set out in (c) below.

- (c) Any member of the board may request that a committee chair place an item on the agenda of that chair's committee, other than the Committee of the Full Board, as either a discussion item or an action item. If the committee chair agrees, the item is placed on the agenda of that chair's committee in accordance with the member's request, subject to the approval of the board chair. If the committee chair denies the member's request, the member may appeal the denial to the board chair. If the board chair denies the request, the member may appeal the denial to the board. If the board approves the request, it is placed on the agenda of the committee to which the request was made at the next meeting of that committee.
- (d) A subject on the agenda that is outside the scope of the board's authority may only be considered by the board or the Committee of the Full Board by a vote of a majority of the membership of the board. The chair, in consultation with Agency legal counsel, shall make a determination regarding whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting.
- (e) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a draft agenda schedule listing item titles with short summaries of each item. Materials supplementing the agenda may be included as attachments.
- (f) Official agendas and agenda attachments will be available one week before the board meeting. Any items submitted after this deadline may be considered at the next board meeting.

§2.6. Official Transaction of Business.

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a majority of the board members present and voting.
- (b) The chair may authorize the board to meet via remote video or web conference. As required by Government Code §551.127(c), if videoconference calling technology is used, the meeting location where the presiding officer of the meeting is present must be open to the public, except during executive sessions. The chair may limit the number of remote conference locations in the interest of decorum and capacity.
- (c) The chair may modify procedures for conducting meetings of the board if emergency protocols are enacted by the governor related to a pandemic or similar event. In such instances, governor's orders and emergency rules shall be followed.
- (d) A board member who wishes to participate in a meeting virtually shall notify the board chair and the State Board of Education Support office at least five business days prior to the start of the full board meeting during which the member will need to participate virtually. In the event of an emergency, every effort will be made to accommodate the board member. If a board member participates in a meeting virtually, the board member

must be visible by video and must have capabilities to be heard by other board members and members of the public. A member who is not present on camera during a vote of the board will be noted as absent for the vote.

- (e) No posters, props, or other visual displays are allowed by board members within the meeting rooms or at remote locations without permission from the presiding chair.
- (f) The presiding chair shall designate the area inside the velvet ropes as the bar of the meeting (the only place where discussion and votes may take place). Members of the public shall not enter areas of the bar of the meeting space designated for SBOE members only and shall not impede or interfere with the movement of SBOE members to or from designated areas. At the start of each meeting, the presiding chair shall inform members of the public that the bar has been established, that they are not permitted inside the bar, and that they may not limit members' movements to or from the bar.
- (g) For the sake of expediency, each board member shall be limited to 10 minutes of questions and discussion on each agenda item.

§2.7. Rules of Order.

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings by informing all individuals in attendance of the rules of decorum and providing notice that written rules are posted at the entrance to the room and in the room. The presiding chair shall also provide notice that an individual who does not comply with the rules of decorum may be removed from the meeting. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) Members in the audience shall not distract or disrupt SBOE members or others in the audience during a meeting. Anyone needing to engage in a conversation should quietly exit the meeting room to a public space. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.
- (d) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (e) No applause, outburst, other demonstration, or disruption by any spectator shall be permitted during any portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings. If, after at least one warning from the presiding officer, any individual continues to disrupt a meeting by his or her words or actions, the presiding officer may direct that the individual be removed as necessary to preserve decorum during meetings.
- (f) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

§2.8. Minutes.

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved, and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the State Board of Education Support staff not less than four weeks prior to the Monday of the week during which the meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following a date and time consistent with the staff's pre-meeting preparation timeline.
- (c) The board may consider a resolution which expresses an opinion related to specific instructional materials or which expresses concerns as to the appropriateness of specific instructional materials for certain ages or populations. Resolutions considered under this subsection must conform to the following:
 - (1) The resolution shall be submitted in compliance with subsection (a) of this section.
 - (2) Board action on a resolution expressing an opinion related to specific instructional materials may only be considered after final action has been taken concerning placement of the specific instructional materials on the list of adopted instructional materials for use in the public schools of Texas. Board action relative to instructional materials resolutions must take place within 90 days of adoption of the specific instructional materials under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(b).
 - (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
 - (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
 - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner. Materials should focus on scientific processes and recognize the ongoing process of scientific discovery and change over time in the natural world.
 - (B) Instructional materials should promote citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears,

should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.

- (i) Instructional materials should present positive aspects of the United States and Texas and its heritage and abundant natural resources.
 - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
- (C) Instructional materials should not include blatantly offensive language or illustrations.
- (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
- (i) Instructional materials should not encourage lifestyles deviating from generally accepted standards of Texas society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
 - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
 - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.
 - (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
 - (vii) Instructional materials shall present factual information, avoid bias, and encourage discussion.

- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
- (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

(a) General Provisions.

- (1) In accordance with Texas Education Code, §7.110, the board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
- (2) Work session and ad hoc committee meetings are exempt from this requirement.
- (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
- (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.
- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
- (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (7) At the start of public testimony or a public hearing, the presiding chair shall announce that testimony will be heard for a maximum of two consecutive hours at which time a recess of at least 15 minutes will be observed. Testimony will continue in this manner until such time as all registered testifiers have been permitted to speak. The presiding chair shall also announce that reasonable lunch and dinner breaks will be observed.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. (Central Time) on the Monday preceding the board meeting and 5 p.m. on the Friday preceding the board meeting on the agency website at [Operating Rules](#) or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.
- (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
- (3) Those registering online will receive an email confirming the registration during the next business day.
- (4) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
- (5) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
- (6) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
- (7) All speakers may provide an electronic copy of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide an electronic copy of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.

(c) Oral Public Testimony to Committees.

- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.
- (2) In order to maximize the total number of testifiers who are able to provide oral testimony, two-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
- (4) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee.
- (5) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

(d) Oral Public Testimony to the General Meeting of the Board.

- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.
- (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Two-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
- (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, an electronic copy may be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who are unable to attend or to testify at a committee or board meeting due to time constraints may provide an electronic copy of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
 - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to adoption of Texas Essential Knowledge and Skills (TEKS) and instructional materials issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public

hearings regarding the instructional materials adoption process are governed by 19 TAC §66.60. Public hearings regarding revision of the TEKS are governed by the SBOE-approved TEKS Review and Revision Process.

- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b).
- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
 - (1) Providing for presentations from invited persons or an introduction from staff;
 - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
 - (3) Establishing time limits for speakers, generally two minutes each;
 - (4) Adjourning the hearing at the end of the allotted time period listed in the agenda item or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing may bring an electronic copy of their testimony for distribution to board members and agency executive staff.
- (e) Persons who are unable to testify at a public hearing due to time constraints may provide an electronic copy of their testimony to agency staff for distribution to board members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.

§2.13. Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments will be noted in the *Texas Register* posting for each item. A minimum of 30 days will be allotted for public comment on a rule item. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, ride share services or limousine);
 - (2) car rental;
 - (3) lodging; and
 - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the General Appropriations Act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
 - (1) parking fees (including personal vehicles);
 - (3) notary fees for official documents; and
 - (4) wireless connection.

- (h) Board members may not claim reimbursement for expenses such as the following:
 - (1) laundry or other personal items;
 - (2) tips or gratuities of any kind; and
 - (3) alcoholic beverages.
- (i) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (j) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (k) A board member may be reimbursed for travel expenses for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
 - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
 - (2) Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary).
- (l) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its officers of the board.
- (m) None of the funds appropriated in the General Appropriations Act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings. Agency travel coordinators are available for assistance.
- (b) A State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.

- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.
 - (1) An entity making a gift and/or grant under this section may not:
 - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
 - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
 - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
 - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
 - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
 - (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
 - (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
 - (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.
 - (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.
- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.
 - (1) A charter may not be evaluated using funds under this section unless the commissioner has:

- (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
 - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
- (2) The commissioner shall receive, disburse, and account for funds accepted by the board.
 - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment charter schools under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
 - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
 - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
 - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
 - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
 - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.
- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
 - (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a private or personal interest including financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter (See Texas Government Code §572.058 for further information.).
- (b) The ethical standards that govern the conduct of State Board of Education members with respect to their duties as to the Permanent School Fund are as provided under 19 TAC Chapter 33, §33.4 *Ethical Standards for Members of the State Board of Education*.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education and distributed to board members 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
 - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
 - (2) "contract, grant, or charter" means any application to enter into a direct contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
 - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
 - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

§4.4. Instructional Materials Submitted to the Texas Resource Review.

- (a) 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.

CHAPTER 5. RULES AND THE RULEMAKING PROCESS

The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).

§5.1. State Board of Education Rules.

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as first reading and second reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered at least one week before the board meeting.
- (c) The board may take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) **First Reading and Filing Authorization.** The board may authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) **Second Reading and Final Adoption.** If the public comment period after filing the proposal with the Secretary of State has elapsed, the board may adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) **Withdrawal.** The board may authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) **Refiling.** The board may authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board may authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules may be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements. The commissioner will provide a mark-up of any such corrections to the board.

§5.5. Rulemaking Authority.

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

§5.6. Review of the State Board of Education Rules.

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules.

§5.7. Filing of Amendments.

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

Content advisors and work group members will be selected in accordance with the TEKS Review and Revision Process.

CHAPTER 7. NOMINATIONS FOR GUBERNATORIAL APPOINTMENTS

The statutory citations for this chapter are the Texas Government Code, §651.009(a) and §825.003, and Texas Natural Resources Code, §32.012.

§7.1. Gubernatorial Appointments.

Pursuant to statute, the State Board of Education shall submit to the Governor lists of citizens from which appointments are to be made for the boards described in this section: Teacher Retirement System Board of Trustees and School Land Board.

§7.2. Timelines.

The Chair and/or his or her designee shall work collaboratively with staff and the Governor's Appointments Office to establish appropriate timelines for the placement on the agenda to meet appointment timelines and ensure that proper criteria are applied by the State Board of Education.

§7.3. Nominee Selection.

The board shall select nominees in such a manner as to facilitate adherence to diversity of appointments: "In each case in which the governing body of a state board, commission, or other state agency that has statewide jurisdiction is appointed by the governor or another appointing authority, the governor or appointing authority shall ensure that, to the extent possible, the membership of the governing body reflects the racial, ethnic, and geographic diversity of this state." (§651.009(a), Government Code)

§7.4. Teacher Retirement System.

The Governor shall appoint two members of the TRS board of trustees, subject to confirmation by two-thirds of the senate, from lists of nominees submitted by the State Board of Education. These persons must be persons who have demonstrated financial expertise, have worked in private business or industry, and have broad investment experience preferably in investment of pension funds (Government Code §825.003). The board selection process shall be as follows:

- (a) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (b) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (c) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

§7.5. School Land Board.

The Governor shall appoint two members of the School Land Board, subject to confirmation by the senate, from lists of candidates submitted by the State Board of Education. One of the

members appointed by the governor must be a resident of a county with a population of less than 200,000.

- (a) The School Land Board duties as described in the Texas Natural Resources Code (§§32.061, 51.011, 51.413) are to:
 - (1) manage and control any land, mineral or royalty interest, real estate investment, or other interest, including revenue received from those sources, that is set apart to the permanent school fund together with the mineral estate in riverbeds, channels, and the tidelands, including islands;
 - (2) acquire, sell, lease, trade, improve, maintain, protect, or otherwise manage, control, or use land, mineral and royalty interests, real estate investments, or other interests, including revenue received from those sources, that are set apart to the permanent school fund in any manner, at such prices, and under such terms and conditions as the board finds to be in the best interest of the fund;
 - (3) consult with the president, chairman, or other head of the department, board, or agency, as applicable, or with the representative of the head, on each matter before the board that affects land owned or held in trust for the use and benefit of a department, board, or agency of the state; and,
 - (4) make determinations as to the release of any funds to the available school fund or to the State Board of Education for investment in the permanent school fund.
- (b) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (c) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (d) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

§7.6. Rules and Procedures.

The board may adopt additional rules and procedures related to these selection processes.

2021-2025 Rule Review Plan for State Board of Education Rules

STATE BOARD OF EDUCATION: INFORMATION

SUMMARY: This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2021-2025 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2017-2021 SBOE rule review period with the addition of new rules that took effect subsequent to the adoption of that plan and the removal of rules that were repealed. The 2021-2025 plan, approved by the SBOE in June 2021, is the seventh rule review cycle of SBOE rules. In accordance with Texas Education Code, §28.002(m), and as was the case with previous rule review plans, the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2021-2025 rule review plan. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the curriculum content on a schedule determined by the SBOE.

The 2021-2025 rule review plan for SBOE rules will appear on an ongoing basis in the information pages of the SBOE agenda. Any necessary modifications to the plan will also appear in the information pages of the SBOE agenda. The rule review plan will also be posted on the agency's website and updated if necessary.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in TGC, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples that present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.

Example 1. Rule Review with No Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

Example 2. Rule Review with Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule under Review

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking
Lynette Smith, Program Specialist, Rulemaking

Attachment I:

2021-2025 Rule Review Plan for State Board of Education Rules

Attachment II:

Sample Notices of Proposed Review and Adopted Review

ATTACHMENT I

2021-2025 Rule Review Plan for State Board of Education Rules
(Approved June 25, 2021)

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.

Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE.

Review Period: September 2021–August 2022			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 74. Curriculum Requirements	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2021
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
Chapter 89. Adaptations for Special Populations	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2022
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
Chapter 61. School Districts	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2022
	<i>Subchapter B. Special Purpose School Districts</i>		

Review Period: September 2022–August 2023			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 129. Student Attendance	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2023
	<i>Subchapter B. Student Attendance Accounting</i>		
Chapter 157. Hearings and Appeals	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	January 2023
	<i>Subchapter D. Independent Hearing Examiners</i>		

Review Period: September 2023–August 2024			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2023
Chapter 66. State Adoption and Distribution of Instructional Materials	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2023
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
Chapter 100. Charters	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2024
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2024–August 2025			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 30. Administration	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2024
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
Chapter 101. Assessment	<i>Subchapter A. General Provisions</i>	Assessment	January 2025
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
Chapter 109. Budgeting, Accounting, and Auditing	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2025
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

SAMPLES

Attachment II

Notice of Proposed Review (Intention to review)

The State Board of Education (SBOE) proposes the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts.

As required by TGC, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist.

The public comment period on the review begins December 18, 2020, and ends at 5:00 p.m. on January 22, 2021. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/State_Board_of_Education_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures.

Notice of Adopted Review (with no changes to rule) (Readoption)

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code, §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

The SBOE finds that the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

**Notice of Adopted Review (with changes to rule)
(Readoption with changes)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

Relating to the review of 19 TAC Chapter 30, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rule. The SBOE received no comments related to the review of Subchapter A. As a result of the review, the SBOE approved a proposed amendment to 19 TAC §30.1, which can be found in the Proposed Rules section of this issue. The proposed amendment would update the SBOE petition procedures to allow for electronic submission of a petition authorized under TGC, §2001.021.

Relating to the review of 19 TAC Chapter 30, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.

STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

Sec. 2. PERMANENT SCHOOL FUND.

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
 - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
 - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
 - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
 - (2) the land is not patentable under the law in effect before January 1, 2002; and
 - (3) the person claiming title to the land:

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

- (A) holds the land under color of title;
 - (B) holds the land under a chain of title that originated on or before January 1, 1952;
 - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
 - (D) has a deed to the land recorded in the appropriate county; and
 - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
 - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
 - (2) change the mineral reservation in an existing patent.

Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
 - (2) any navigable waterway or related interest owned by a governmental entity; or
 - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

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ARTICLE 7. EDUCATION
SECTION 5

Sec. 5. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND: COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION.

- (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:
- (1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
 - (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
 - (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and
 - (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.
- (c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

- (d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.
- (e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.
- (f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section [70](#), of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- (g) Notwithstanding any other provision of this constitution or of a statute, the State Board of Education, the General Land Office, or another entity that has responsibility for the management of revenues derived from permanent school fund land or other properties may, in its sole discretion and in addition to other distributions authorized under this constitution or a statute, distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$600 million by each entity each year.

(Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011; Subsec. (g) amended Nov. 5, 2019.)

AN ACT

relating to instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.164 , Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board of trustees of each school district shall limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. A classroom teacher may not be required to prepare any written information other than:

(1) any report concerning the health, safety, or welfare of a student;

(2) a report of a student 's grade on an assignment or examination;

(3) a report of a student 's academic progress in a class or course;

(4) a report of a student 's grades at the end of each grade reporting period;

(5) a report on instructional materials;

- 1 (6) subject to Subsection (a-1), a unit or weekly
2 lesson plan that outlines, in a brief and general manner, the
3 information to be presented during each period at the secondary
4 level or in each subject or topic at the elementary level;
5 (7) an attendance report;
6 (8) any report required for accreditation review;
7 (9) any information required by a school district that
8 relates to a complaint, grievance, or actual or potential
9 litigation and that requires the classroom teacher 's involvement;
10 or
11 (10) any information specifically required by law,
12 rule, or regulation.

13 (a-1) A unit or weekly lesson plan that is included in
14 instructional material, as defined by Section 31.002 , and adopted
15 by the board of trustees of the school district at which a teacher
16 is employed is sufficient to satisfy a requirement to prepare
17 written information described by Subsection (a)(6).

18 SECTION 2. Section 21.044 , Education Code, is amended by
19 amending Subsection (a-1) and adding Subsection (h) to read as
20 follows:

21 (a-1) Any training requirements for a certificate specified
22 under Subsection (a) must require that the person demonstrate:

23 (1) basic knowledge of:

24 (A) each disability category under the
25 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
26 et seq.) and how each category can affect student learning and
27 development; and

1 (B) conditions that may be considered a
2 disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C.
3 Section 794), and how a condition covered by that section can affect
4 student learning and development;

5 (2) competence in the use of proactive instructional
6 planning techniques that:

7 (A) provide flexibility in the ways:

8 (i) information is presented;

9 (ii) students respond or demonstrate
10 knowledge and skills; and

11 (iii) students are engaged;

12 (B) reduce barriers in instruction;

13 (C) provide appropriate accommodations,
14 supports, and challenges; and

15 (D) maintain high achievement expectations for
16 all students, including students with disabilities and students of
17 limited English proficiency; ~~and~~

18 (3) competence in the use of evidence-based inclusive
19 instructional practices, including:

20 (A) general and special education collaborative
21 and co-teaching models and approaches;

22 (B) multitiered systems of support, including
23 response to intervention strategies, classroom and school level
24 data-based collaborative structures, and evidence-based strategies
25 for intervention and progress monitoring systems in academic areas;

26 (C) classroom management techniques using
27 evidence-based behavioral intervention strategies and supports;

1 and

2 (D) appropriate adaptation strategies, including
3 accommodations, modifications, and instruction in the use of
4 assistive technology for instruction; and

5 (4) thorough understanding of and competence in the
6 use of open education resource instructional materials included on
7 the list of approved instructional materials maintained by the
8 State Board of Education under Section 31.022 in each subject area
9 and grade level covered by the person 's certificate.

10 (h) An educator preparation program may not include
11 instruction on the use of instructional materials that incorporate
12 the method of three-cueing, as defined by Section 28.0062 (a-1),
13 into foundational skills reading instruction.

14 SECTION 3. Subchapter I, Chapter 21, Education Code, is
15 amended by adding Section 21.4045 to read as follows:

16 Sec. 21.4045. PLANNING AND NONINSTRUCTIONAL DUTIES OF
17 TEACHERS. (a) A school district may enter into a supplemental
18 agreement with a classroom teacher under which the teacher agrees
19 to perform a duty relating to initial lesson plan design or
20 instructional material selection that is not a duty generally:

21 (1) anticipated to be performed during the
22 instructional day; and

23 (2) assigned to all classroom teachers of the same
24 subject and grade level under those teachers ' employment contracts.

25 (b) A school district may not require a classroom teacher
26 for a foundation curriculum course to spend planning and
27 preparation time to which the teacher is entitled under Section

1 21.404 creating or selecting instructional materials to initially
2 cover the applicable essential knowledge and skills for the course
3 unless the teacher has entered into a supplemental agreement
4 described by Subsection (a). This subsection may not be construed
5 to prohibit a classroom teacher from choosing to spend the
6 teacher 's planning and preparation time creating or selecting
7 instructional materials.

8 (c) A supplemental agreement between a school district and a
9 classroom teacher described by Subsection (a) under which a teacher
10 is assigned responsibility for a greater number of duties unrelated
11 to providing instruction than other full-time teachers of the same
12 grade level in the district must explicitly state each of the
13 teacher 's duties unrelated to providing instruction.

14 SECTION 4. Subchapter B, Chapter 22, Education Code, is
15 amended by adding Section 22.05125 to read as follows:

16 Sec. 22.05125. IMMUNITY FROM DISCIPLINARY PROCEEDINGS FOR
17 CLASSROOM TEACHERS. (a) In this section, "disciplinary
18 proceeding" has the meaning assigned by Section 22.0512 .

19 (b) A classroom teacher employed by a school district may
20 not be subject to disciplinary proceedings for an allegation that
21 the teacher violated Section 28.0022 , the Establishment Clause of
22 the First Amendment of the United States Constitution, or a related
23 state or federal law if:

24 (1) the teacher used only instructional material
25 included on the list of approved instructional material maintained
26 by the State Board of Education under Section 31.022 and adopted by
27 the district; and

1 (2) the allegation does not dispute that the teacher
2 delivered instruction from instructional material described by
3 Subdivision (1) with fidelity.

4 (c) The immunity provided by Subsection (b) is in addition
5 to any other immunity provided by law. This section may not be
6 construed to interfere with any other immunity provided by law.

7 SECTION 5. Section 26.006 , Education Code, is amended by
8 amending Subsection (b) and adding Subsections (b-1) and (f) to
9 read as follows:

10 (b) A school district shall make tests readily available for
11 review by parents in person and teaching materials ~~[and tests]~~
12 readily available for review by parents both in person and, if
13 applicable, through an instructional materials parent portal
14 established under Section 31.154. In providing access to
15 instructional materials to a student 's parent under this section,
16 the district shall:

17 (1) allow access beginning not later than 30 days
18 before the school year begins and concluding not earlier than 30
19 days after the school year ends; and

20 (2) include, for the entire period specified in
21 Subdivision (1), access to all instructional materials that pertain
22 to each subject area in the grade level in which the student is
23 enrolled, except for:

24 (A) tests or exams that have not yet been
25 administered to the student; and

26 (B) the student 's graded assignments.

27 (b-1) The district may specify reasonable hours for

1 in-person review.

2 (f) A school district may not deny a parent access to an
3 instructional materials parent portal hosted under Section 31.154.

4 SECTION 6. Chapter 26, Education Code, is amended by adding
5 Section 26.0061 to read as follows:

6 Sec. 26.0061. RIGHT TO REQUEST INSTRUCTIONAL MATERIAL
7 REVIEW. (a) The board of trustees of each school district shall
8 establish a process by which a parent of a student, as indicated on
9 the student registration form at the student 's campus, may request
10 an instructional material review under Section 31.0252 for a
11 subject area in the grade level in which the student is enrolled.

12 (b) A process established under Subsection (a):

13 (1) may not require more than one parent of a student
14 to make the request;

15 (2) must provide for the board of trustees of the
16 school district to determine if the request will be granted, either
17 originally or through an appeal process; and

18 (3) may permit the requesting parent to review the
19 instructional material directly before the district conducts an
20 instructional material review under Section 31.0252.

21 (c) If the parents of at least 25 percent of the students
22 enrolled at a campus present to the board of trustees of the school
23 district in which the campus is located a petition for the board to
24 conduct an instructional material review under Section 31.0252, the
25 board shall, subject to Subsection (d), conduct the review, unless
26 the petition is presented by the parents of less than 50 percent of
27 the students enrolled at the campus and, by a majority vote, the

1 board denies the request. A review conducted under this subsection
2 shall include a review of instructional materials for each subject
3 area or grade level specified in the petition.

4 (d) The board of trustees of a school district is not
5 required to conduct a review under this section for a specific
6 subject area or grade level at a specific district campus more than
7 once per school year.

8 (e) Parental access to instructional material provided by
9 an instructional material review conducted under this section is in
10 addition to any other right to access instructional material
11 granted by this title or school district policy.

12 (f) The State Board of Education may adopt rules to
13 implement this section.

14 SECTION 7. Section 28.002 , Education Code, is amended by
15 adding Subsections (c-4) and (c-5) to read as follows:

16 (c-4) In adopting essential knowledge and skills for
17 English language arts under Subsection (a)(1)(A), the State Board
18 of Education shall specify a list of required vocabulary and at
19 least one literary work to be taught in each grade level. The
20 vocabulary specified by the board must support the essential
21 knowledge and skills adopted for other courses offered under the
22 foundation curriculum under Subsection (a)(1).

23 (c-5) The State Board of Education shall initiate the
24 process of specifying an initial list of vocabulary and literary
25 works as required by Subsection (c-4) not later than February 1,
26 2024. The State Board of Education shall request from the agency
27 recommendations regarding the list, and that request for

1 recommendations may be considered an initiation of the process.

2 This subsection expires September 1, 2025.

3 SECTION 8. The heading to Section 28.0027 , Education Code,
4 is amended to read as follows:

5 Sec. 28.0027. DISTRICT CURRICULUM SCOPE , ~~[AND]~~ SEQUENCE ,
6 AND INSTRUCTIONAL MATERIAL.

7 SECTION 9. Sections 28.0027 (a) and (b), Education Code, are
8 amended to read as follows:

9 (a) In adopting a recommended or designated scope and
10 sequence or instructional materials for a subject in the required
11 curriculum under Section 28.002 (a) in a particular grade level, a
12 school district shall ensure sufficient time is provided for
13 teachers to teach and students to learn the essential knowledge and
14 skills for that subject and grade level.

15 (b) Except as provided by Subsection (c), a school district
16 may not penalize a teacher who does not follow the pacing of [a]
17 recommended or designated instructional materials or the pacing of
18 the recommended or designated scope and sequence for a subject in
19 the required curriculum under Section 28.002 (a) in a particular
20 grade level based on the teacher 's determination that the teacher 's
21 students need more or less time in a specific area to demonstrate
22 proficiency in the essential knowledge and skills for that subject
23 and grade level.

24 SECTION 10. Section 28.0062 , Education Code, is amended by
25 adding Subsection (a-1) to read as follows:

26 (a-1) In this subsection, "three-cueing" means a method of
27 reading instruction for identification of words by which a student

1 is encouraged to draw on context and sentence structure to read
2 words without sounding the words out or using a phonics-based
3 approach. A school district or open-enrollment charter school may
4 not include any instruction that incorporates three-cueing in the
5 phonics curriculum required under Subsection (a)(1).

6 SECTION 11. The heading to Chapter 31, Education Code, is
7 amended to read as follows:

8 CHAPTER 31. INSTRUCTIONAL MATERIALS AND TECHNOLOGY

9 SECTION 12. Section 31.002, Education Code, is amended by
10 amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b),
11 (1-c), and (3) to read as follows:

12 (1) "Full subject tier one instructional material"
13 means instructional material designed to, if implemented as
14 designed, provide a student with mastery of the essential knowledge
15 and skills adopted by the board for a certain subject and grade
16 level in the required curriculum under Section 28.002 or for
17 prekindergarten without the need for supplementation.

18 (1-a) "Instructional material" means content that
19 conveys the essential knowledge and skills of a subject in the
20 public school curriculum through a medium or a combination of media
21 for conveying information to a student. The term includes: _

22 (A) material used by a teacher, including a
23 lesson plan, answer key, grading rubric, or unit plan;

24 (B) material used by a principal or campus
25 instructional leader to support instruction; and

26 (C) material used by a student, including a book,
27 supplementary materials, a combination of a book, workbook, and

1 supplementary materials, computer software, magnetic media, DVD,
 2 CD-ROM, computer courseware, on-line services, or an electronic
 3 medium, or other means of conveying information to the student or
 4 otherwise contributing to the learning process through electronic
 5 means, including open education resource instructional material.

6 (1-b) ~~[(1-a)]~~ "Open education resource instructional
 7 material" means teaching, learning, and research resources that
 8 reside in the public domain or have been released under an
 9 intellectual property license that allows for free use, reuse,
 10 modification, and sharing with others, including full courses,
 11 course materials, modules, textbooks, streaming videos, tests,
 12 software, and any other tools, materials, or techniques used to
 13 support access to knowledge. ~~[The term includes state developed~~
 14 ~~open education resource instructional material purchased under~~
 15 ~~Subchapter B 1.]~~

16 (1-c) "Partial subject tier one instructional
 17 material" means instructional material designed to, if implemented
 18 as designed, provide a student with mastery in a portion of the
 19 essential knowledge and skills adopted by the State Board of
 20 Education for a certain subject and grade level in the required
 21 curriculum under Section 28.002 or for prekindergarten without the
 22 need for supplementation in the essential knowledge and skills
 23 covered.

24 (3) "Supplemental instructional material" means
 25 instructional material designed to assist in the instruction of one
 26 or more of the essential knowledge and skills adopted by the State
 27 Board of Education for a subject in the required curriculum under

1 Section 28.002 or for prekindergarten.

2 SECTION 13. Section 31.003 , Education Code, is amended to
3 read as follows:

4 Sec. 31.003. RULES. (a) The State Board of Education may
5 adopt rules, consistent with this chapter, for the adoption,
6 requisition, distribution, care, use, and disposal of
7 instructional materials.

8 (b) The commissioner may adopt rules, consistent with this
9 chapter, as necessary to implement a provision of this chapter that
10 the commissioner or agency is responsible for implementing.

11 SECTION 14. Subchapter A, Chapter 31, Education Code, is
12 amended by adding Section 31.006 to read as follows:

13 Sec. 31.006. ADVISORY COMMITTEE. The State Board of
14 Education or the agency may form an advisory committee to comply
15 with the provisions of this chapter. Chapter 2110, Government
16 Code, does not apply to an advisory committee formed under this
17 section.

18 SECTION 15. Chapter 31, Education Code, is amended by
19 adding Subchapter A-1, and a heading is added to that subchapter to
20 read as follows:

21 SUBCHAPTER A-1. STATE FUNDING FOR INSTRUCTIONAL MATERIALS AND
22 TECHNOLOGY

23 SECTION 16. Section 31.005 , Education Code, is transferred
24 to Subchapter A-1, Chapter 31, Education Code, as added by this Act,
25 and redesignated as Section 31.0205 to read as follows:

26 Sec. 31.0205 [~~31.005~~]. FUNDING FOR OPEN-ENROLLMENT CHARTER
27 SCHOOLS. An open-enrollment charter school is entitled to the

1 instructional materials and technology allotment under this
2 chapter and is subject to this chapter as if the school were a
3 school district.

4 SECTION 17. Sections 31.021 , 31.0212 , 31.0214 , and 31.0215 ,
5 Education Code, are transferred to Subchapter A-1 , Chapter 31 ,
6 Education Code, as added by this Act, and amended to read as
7 follows:

8 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS AND TECHNOLOGY
9 FUND. (a) The state instructional materials and technology fund
10 consists of:

11 (1) an amount set aside by the State Board of Education
12 from the available school fund, in accordance with Section
13 43.001 (d); and

14 (2) all amounts lawfully paid into the fund from any
15 other source.

16 (c) Money in the state instructional materials and
17 technology fund shall be used to:

18 (1) fund the instructional materials and technology
19 allotment, as provided by Section 31.0211 ;

20 (2) purchase special instructional materials for the
21 education of blind and visually impaired students in public
22 schools;

23 (3) pay the expenses associated with the instructional
24 materials adoption and review process and Internet website
25 maintained under this chapter;

26 (4) pay the expenses associated with the purchase, —
27 [or] licensing, printing, or other reproduction of open education

1 resource instructional material;

2 (5) pay the expenses associated with the purchase of
3 instructional material, including freight and shipping and the
4 insurance expenses associated with freight and shipping;

5 (6) fund the technology lending grant program
6 established under Section 32.301 ; and

7 (7) provide funding to the Texas School for the Blind
8 and Visually Impaired, the Texas School for the Deaf, and the Texas
9 Juvenile Justice Department[; ~~and~~

10 [~~(8) pay the expenses associated with the~~
11 ~~instructional materials web portal developed under Section~~
12 ~~31.081~~].

13 (d) Money transferred to the state instructional materials
14 and technology fund remains in the fund until spent and does not
15 lapse to the state at the end of the fiscal year.

16 Sec. 31.0212. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
17 ACCOUNT. (a) The commissioner shall maintain an instructional
18 materials and technology account for each school district. In the
19 first year of each biennium, the commissioner shall deposit in the
20 account for each district the amount of the district 's
21 instructional materials and technology allotment under Section
22 31.0211 .

23 (b) The commissioner shall pay the cost of instructional
24 materials requisitioned by a school district under Section 31.103
25 using funds from the district 's instructional materials and
26 technology account.

27 (c) [~~A school district may also use funds in the district 's~~

~~1 account to purchase electronic instructional materials or
 2 technological equipment. The district shall submit to the
 3 commissioner a request for funds for this purpose from the
 4 district 's account. The commissioner shall adopt rules regarding
 5 the documentation a school district must submit to receive funds
 6 under this subsection.~~

7 ~~[(d)]~~ Money deposited in a school district 's instructional
 8 materials and technology account during each state fiscal biennium
 9 remains in the account and available for use by the district for the
 10 entire biennium. At the end of each biennium, a district with
 11 unused money in the district 's account may carry forward any
 12 remaining balance to the next biennium.

13 (d) A ~~[(e)]~~ ~~The commissioner shall adopt rules as necessary~~
 14 ~~to implement this section. The rules must include a requirement~~
 15 ~~that a]~~ school district shall provide to the agency the title and
 16 publication information for any instructional materials
 17 requisitioned or purchased by the district with the district 's
 18 instructional materials and technology allotment.

19 (e) The agency shall provide for the development and
 20 maintenance of an online requisition and disbursement system for
 21 each school district 's instructional materials and technology
 22 account.

23 Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH
 24 DISTRICTS. ~~[(a)]~~ Each year the commissioner shall adjust the
 25 instructional materials and technology allotment of school
 26 districts experiencing high enrollment growth. The commissioner
 27 shall establish a procedure for determining high enrollment growth

1 districts eligible to receive an adjustment under this section and
2 the amount of the instructional materials and technology allotment
3 those districts will receive.

4 ~~[(b) The commissioner may adopt rules as necessary to~~
5 ~~implement this section.]~~

6 Sec. 31.0215. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
7 ALLOTMENT PURCHASES. (a) The commissioner shall, as early as
8 practicable during each biennium, notify each school district and
9 open-enrollment charter school of the estimated amount to which the
10 district or charter school will be entitled under Section 31.0211
11 during the next fiscal biennium.

12 (b) The commissioner shall ~~may~~ allow a school district or
13 open-enrollment charter school to place an order for instructional
14 materials before the beginning of a fiscal biennium and to receive
15 instructional materials before payment. The commissioner shall
16 limit the cost of an order placed under this section to 80 percent
17 of the estimated amount to which a school district or
18 open-enrollment charter school is estimated to be entitled as
19 provided by Subsection (a) and shall first credit any balance in a
20 district or charter school instructional materials and technology
21 account to pay for an order placed under this section.

22 (c) The commissioner shall make payments for orders placed
23 under this section as funds become available to the instructional
24 materials and technology fund and shall prioritize payment of
25 orders placed under this section over reimbursement of purchases
26 made directly by a school district or open-enrollment charter
27 school.

1 (d) The commissioner shall ensure that publishers of
2 instructional materials are informed of any potential delay in
3 payment and that payment is subject to the availability of
4 appropriated funds. A publisher may decline to accept an order
5 placed under this section.

6 (e) Chapter 2251 , Government Code, does not apply to
7 purchases of instructional materials under this section.

8 [~~(f) The commissioner may adopt rules to implement this~~
9 ~~section.]~~

10 SECTION 18. Section 31.0211 , Education Code, as amended by
11 Chapters 806 (H.B. 1525) and 1003 (H.B. 3261), Acts of the 87th
12 Legislature, Regular Session, 2021, is transferred to Subchapter
13 A-1 , Chapter 31 , Education Code, as added by this Act, reenacted,
14 and amended to read as follows:

15 Sec. 31.0211. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
16 ALLOTMENT. (a) A school district is entitled to an allotment each
17 biennium from the state instructional materials and technology fund
18 for each student enrolled in the district on a date during the last
19 year of the preceding biennium specified by the commissioner. The
20 commissioner shall determine the amount of the allotment per
21 student each biennium on the basis of the amount of money available
22 in the state instructional materials and technology fund to fund
23 the allotment. An allotment under this section shall be
24 transferred from the state instructional materials and technology
25 fund to the credit of the district 's instructional materials and
26 technology account as provided by Section 31.0212 .

27 (b) A juvenile justice alternative education program under

1 Section 37.011 is entitled to an allotment from the state
2 instructional materials and technology fund in an amount determined
3 by the commissioner. The program shall use the allotment to
4 purchase items listed in Subsection (c) for students enrolled in
5 the program. The commissioner's determination under this
6 subsection is final and may not be appealed.

7 (c) Funds allotted under this section may be used to:

8 (1) purchase:

9 (A) ~~[materials on the list adopted by the~~
10 ~~commissioner, as provided by Section 31.0231 ,~~

11 ~~[(B)]~~ instructional materials, regardless of
12 whether the instructional materials are on the list of approved
13 instructional materials maintained by the State Board of Education
14 under Section 31.022 ~~[adopted under Section 31.024];~~

15 (B) ~~[(C)]~~ consumable instructional materials,
16 including workbooks;

17 (C) ~~[(D)]~~ instructional materials for use in
18 bilingual education classes, as provided by Section 31.029 ;

19 (D) ~~[(E)]~~ instructional materials for use in
20 college preparatory courses under Section 28.014 , as provided by
21 Section 31.031 ;

22 (E) ~~[(F)]~~ supplemental instructional materials
23 ~~[, as provided by Section 31.035];~~

24 (F) ~~[(G) state developed]~~ open education
25 resource instructional materials, as provided by Subchapter B-1;

26 (G) ~~[(H)]~~ instructional materials and
27 technological equipment under any continuing contracts of the

1 district in effect on September 1, 2011;

2 (H) [~~(I)~~] technological equipment necessary to
3 support the use of [~~materials included on the list adopted by the~~
4 ~~commissioner under Section 31.0231 or~~] any instructional materials
5 purchased with an allotment under this section;

6 (I) [~~(J)~~] inventory software or systems for
7 storing, managing, and accessing instructional materials and
8 analyzing the usage and effectiveness of the instructional
9 materials; and

10 (J) [~~(K)~~] services, equipment, and technology
11 infrastructure necessary to ensure Internet connectivity and
12 adequate bandwidth; and

13 (2) pay:

14 (A) for training educational personnel directly
15 involved in student learning in the appropriate use of
16 instructional materials and for providing for access to
17 technological equipment for instructional use;

18 (B) for training personnel in the electronic
19 administration of assessment instruments; [~~and~~]

20 (C) the salary and other expenses of an employee
21 who provides technical support for the use of technological
22 equipment directly involved in student learning; and

23 (D) [~~(C)~~] for costs associated with distance
24 learning, including Wi-Fi, Internet access hotspots, wireless
25 network service, broadband service, and other services and
26 technological equipment necessary to facilitate Internet access.

27 (d) [~~Each biennium the commissioner shall assess the~~]

1 ~~technology needs for all school districts and provide an estimate~~
2 ~~of the cost for these resources to the State Board of Education.~~

3 ~~[(d-1)]~~ In purchasing technological equipment, a school
4 district shall:

5 (1) secure technological solutions that meet the
6 varying and unique needs of students and teachers in the district;
7 and

8 (2) consider:

9 (A) the long-term cost of ownership; and

10 (B) flexibility for innovation.

11 (e) Not later than May 31 of each school year, a school
12 district may request that the commissioner adjust the number of
13 students for which the district is entitled to receive an allotment
14 under Subsection (a) on the grounds that the number of students
15 attending school in the district will increase or decrease during
16 the school year for which the allotment is provided. The
17 commissioner may also adjust the number of students for which a
18 district is entitled to receive an allotment, without a request by
19 the district, if the commissioner determines a different number of
20 students is a more accurate reflection of students who will be
21 attending school in the district. The commissioner 's determination
22 under this subsection is final.

23 (f) Funds allotted under this section may not be used to
24 purchase instructional material that contains obscene or harmful
25 content or would otherwise cause the school district to which the
26 funds were allotted to be unable to submit the certification
27 required under Section 31.1011(a) (1) (B) ~~[The commissioner may~~

1 ~~adopt rules as necessary to implement this section].~~

2 SECTION 19. Subchapter A-1, Chapter 31, Education Code, as
3 added by this Act, is amended by adding Section 31.0216 to read as
4 follows:

5 Sec. 31.0216. AGENCY PURCHASE OF INSTRUCTIONAL MATERIALS
6 AND TECHNOLOGY. (a) From funds appropriated for the purpose, the
7 agency may contract directly, including by extending a contract,
8 for the purchase of instructional materials and technology for use
9 by school districts.

10 (b) The provisions of Chapter 2157, Government Code,
11 requiring a state agency to use a contract or contract terms
12 developed or preapproved by the Department of Information Resources
13 do not apply to a contract entered into under this section, but the
14 agency may participate in a program authorized by that chapter.

15 SECTION 20. The heading to Subchapter B, Chapter 31,
16 Education Code, is amended to read as follows:

17 SUBCHAPTER B. STATE REVIEW AND [FUNDING,]— ADOPTION [~~AND~~
18 ~~PURCHASE]~~

19 SECTION 21. The heading to Section 31.022, Education Code,
20 is amended to read as follows:

21 Sec. 31.022. STATE BOARD OF EDUCATION INSTRUCTIONAL
22 MATERIALS REVIEW AND APPROVAL [ADOPTION]—

23 SECTION 22. Section 31.022, Education Code, is amended by
24 amending Subsections (a), (b), (c), and (d) and adding Subsection
25 (c-1) to read as follows:

26 (a) The State Board of Education shall ~~[adopt a]~~ review ~~[and~~
27 ~~adoption cycle for]~~ instructional materials provided to the board

1 by the agency under Section 31.023 . Before approving instructional
2 material, the board may review the material and must determine that
3 the material is free from factual error and suitable for the subject
4 and grade level for which the material is designed, and, if the
5 material is intended to cover the foundational skills reading
6 curriculum in kindergarten through third grade, does not include
7 three-cueing, as defined by Section 28.0062 (a-1). The board shall
8 add each material approved under this section to a list of approved
9 instructional materials and may add a material not approved under
10 this section to a list of rejected instructional materials [~~for~~
11 ~~elementary grade levels, including prekindergarten, and secondary~~
12 ~~grade levels, for each subject in the required curriculum under~~
13 ~~Section 28.002 . In adopting the cycle, the board:~~

14 [~~(1) is not required to review and adopt instructional~~
15 ~~materials for all grade levels in a single year, and~~

16 [~~(2) shall give priority to instructional materials in~~
17 ~~the following subjects:~~

18 [~~(A) foundation curriculum subjects for which~~
19 ~~the essential knowledge and skills have been substantially revised~~
20 ~~and for which assessment instruments are required under Subchapter~~
21 ~~B, Chapter 39, including career and technology courses that satisfy~~
22 ~~foundation curriculum requirements as provided by Section~~
23 ~~28.002 (n);~~

24 [~~(B) foundation curriculum subjects for which~~
25 ~~the essential knowledge and skills have been substantially revised,~~
26 ~~including career and technology courses that satisfy foundation~~
27 ~~curriculum requirements as provided by Section 28.002 (n);~~

1 ~~[(C) foundation curriculum subjects not~~
2 ~~described by Paragraph (A) or (B), including career and technology~~
3 ~~courses that satisfy foundation curriculum requirements as~~
4 ~~provided by Section 28.002 (n); and~~

5 ~~[(D) enrichment curriculum subjects].~~

6 (b) ~~[The board shall organize the cycle for subjects in the~~
7 ~~foundation curriculum so that not more than one fourth of the~~
8 ~~instructional materials for subjects in the foundation curriculum~~
9 ~~are reviewed each biennium.]~~ The State Board of Education may adopt
10 criteria necessary for approval of instructional material under
11 Subsection (a) and may require:

12 (1) all instructional material submitted as full
13 subject tier one instructional material to cover a minimum
14 percentage, as determined by the board, of the essential knowledge
15 and skills adopted for the subject and grade level for which the
16 material is designed;

17 (2) electronic samples of the material;

18 (3) certain physical specifications;

19 (4) the instructional material to not contain obscene
20 or harmful content and otherwise be compatible with certification
21 requirements under Section 31.1011(a)(1)(B); and

22 (5) the instructional material to be made publicly
23 available for review ~~[board shall adopt rules to provide for a full~~
24 ~~and complete investigation of instructional materials for each~~
25 ~~subject in the foundation curriculum every eight years. The~~
26 ~~adoption of instructional materials for a subject in the foundation~~
27 ~~curriculum may be extended beyond the eight year period only if the~~

1 ~~content of instructional materials for a subject is sufficiently~~
2 ~~current].~~

3 (c) The State Board of Education may remove instructional
4 material from the list of approved instructional materials under
5 this section if the essential knowledge and skills intended to be
6 covered by the material are revised or the material is revised
7 without the approval of the board [~~board shall adopt rules to~~
8 ~~provide for a full and complete investigation of instructional~~
9 ~~materials for each subject in the enrichment curriculum on a cycle~~
10 ~~the board considers appropriate].~~

11 (c-1) If the State Board of Education intends to remove an
12 instructional material from the list of approved instructional
13 materials under Subsection (c) because the board plans to revise
14 the essential knowledge and skills intended to be covered by the
15 material, the board shall issue a proclamation requesting the
16 revision of the applicable instructional materials and shall, not
17 later than December 1 of the year preceding the school year for
18 which the revision will take effect, provide to each school
19 district the updated list of approved instructional materials for
20 the relevant subject or grade level.

21 (d) The State Board of Education shall indicate whether each
22 instructional material reviewed under Subsection (a) is capable of
23 being made available through an instructional materials parent
24 portal established under Section 31.154 [~~At least 12 months before~~
25 ~~the beginning of the school year for which instructional materials~~
26 ~~for a particular subject and grade level will be adopted under the~~
27 ~~review and adoption cycle, the board shall publish notice of the~~

1 ~~review and adoption cycle for those instructional materials. A~~
2 ~~request for production must allow submission of open education~~
3 ~~resource instructional materials that are available for use by the~~
4 ~~state without charge on the same basis as instructional materials~~
5 ~~offered for sale].~~

6 SECTION 23. Section 31.023 , Education Code, is amended to
7 read as follows:

8 Sec. 31.023. INSTRUCTIONAL MATERIAL REVIEW ~~[LIST]~~. (a)

9 The commissioner shall establish, in consultation with and with the
10 approval of the State Board of Education, a process for the annual
11 review of instructional materials by the agency. The process
12 established under this subsection must:

13 (1) establish a process for the agency to select
14 instructional materials for review that includes:

15 (A) evaluating requests for review of
16 instructional materials submitted to the agency by:

17 (i) a school district;

18 (ii) a majority of the members of the State
19 Board of Education; or

20 (iii) a publisher of instructional
21 material, which may only be submitted for material published by the
22 requesting publisher;

23 (B) requiring the agency to review materials if
24 the State Board of Education requests by a majority vote that the
25 material be reviewed by the agency;

26 (C) reviewing instructional materials
27 requisitioned or purchased under Section 31.0212 ; and

1 (D) reviewing instructional materials using a
2 time frame appropriate for the proclamation requesting the revision
3 of the instructional materials under Section 31.022 (c-1) to address
4 revisions made by the State Board of Education to the essential
5 knowledge and skills for a particular subject or grade level;

6 (2) describe the types of instructional materials the
7 agency may review, including:

8 (A) partial subject tier one instructional
9 material, including those designed for use in the phonics
10 curriculum required under Section 28.0062 (a) (1);

11 (B) open education resource instructional
12 material;

13 (C) instructional materials developed by a
14 school district and submitted to the agency by the district for
15 review; and

16 (D) commercially available full subject tier one
17 instructional material;

18 (3) establish procedures for the agency to conduct
19 reviews of instructional materials, including:

20 (A) the use of a rubric approved under Subsection
21 (b); and

22 (B) consultation with classroom teachers and
23 other curriculum experts for the appropriate subject and grade
24 level; and

25 (4) ensure the procedures for review allow the agency
26 to review at least 200 individual instructional materials each year

27 ~~[For each subject and grade level, the State Board of Education~~

1 ~~shall adopt a list of instructional materials. The list includes~~
2 ~~each instructional material submitted for the subject and grade~~
3 ~~level that meets applicable physical specifications adopted by the~~
4 ~~State Board of Education and contains material covering at least~~
5 ~~half of the elements of the essential knowledge and skills of the~~
6 ~~subject and grade level in the student version of the instructional~~
7 ~~material, as well as in the teacher version of the instructional~~
8 ~~material, as determined by the State Board of Education under~~
9 ~~Section 28.002 and adopted under Section 31.024].~~

10 ~~[(a 1) The State Board of Education shall determine the~~
11 ~~percentage of the elements of the essential knowledge and skills of~~
12 ~~the subject and grade level covered by each instructional material~~
13 ~~submitted. The board's determination under this subsection is~~
14 ~~final.]~~

15 (b) In conducting a review under this section, the agency
16 must use a rubric developed by the agency in consultation with and
17 approved by the State Board of Education that includes, with
18 respect to the instructional material being reviewed, a
19 determination of:

20 (1) whether the material is free from factual error
21 and satisfies the criteria adopted by the board under Section
22 31.022 ;

23 (2) the quality of the material;

24 (3) the essential knowledge and skills for the subject
25 and grade level for which the material was developed that are
26 covered by the material, including identification of:

27 (A) each essential knowledge and skill covered by

1 the material;

2 (B) for a full subject tier one instructional
3 material, the percentage of the essential knowledge and skills
4 adopted for the subject and grade level covered by the material; and

5 (C) for a partial subject tier one instructional
6 material, the percentage of the essential knowledge and skills for
7 the relevant portion of the subject and grade level covered by the
8 material; and

9 (4) whether the material contains obscene or harmful
10 content or is otherwise incompatible with certification
11 requirements under Section 31.1011(a)(1)(B) ~~[Each instructional~~
12 ~~material on the list must be:~~

13 ~~[(1) free from factual errors;~~

14 ~~[(2) suitable for the subject and grade level for~~
15 ~~which the instructional material was submitted; and~~

16 ~~[(3) reviewed by academic experts in the subject and~~
17 ~~grade level for which the instructional material was submitted].~~

18 (c) After completing a review under this section, the agency
19 shall provide the results of the review and any related
20 recommendations to the State Board of Education for approval or
21 rejection of the instructional material and the inclusion of the
22 instructional material on a list maintained by the State Board of
23 Education under Section 31.022 .

24 (d) The agency shall use funds appropriated to the agency
25 for the purposes of reviewing instructional material or available
26 in the state instructional materials and technology fund for
27 purposes of implementing this section.

1 (e) A process established under Subsection (a) or a rubric
2 developed under Subsection (b) is automatically approved by the
3 State Board of Education if not rejected by the board before the
4 91st day after the date the agency submits the item to the board.

5 SECTION 24. Subchapter B, Chapter 31, Education Code, is
6 amended by adding Sections 31.025, 31.0251, and 31.0252 to read as
7 follows:

8 Sec. 31.025. INSTRUCTIONAL MATERIAL INTERNET WEBSITE. (a)
9 The agency shall develop and maintain an instructional material
10 Internet website to assist school districts in locating and
11 selecting instructional material.

12 (b) For each instructional material included, the Internet
13 website developed and maintained under this section shall provide:

14 (1) the price of the material;

15 (2) the technological requirements needed to use the
16 material;

17 (3) the results of an agency review of the material
18 conducted under Section 31.023 ;

19 (4) a statement of whether the material is included on
20 the list of approved instructional materials maintained by the
21 State Board of Education under Section 31.022 or has been rejected
22 by the board; and

23 (5) any other information the agency determines
24 relevant to a school district 's selection of instructional
25 material.

26 (c) The Internet website developed and maintained under
27 this section must include the repository of open education resource

1 instructional material required by Section 31.0722.

2 (d) The agency shall use funds appropriated to the agency
3 for the purposes of reviewing instructional material or available
4 in the state instructional materials and technology fund for
5 purposes of implementing this section.

6 Sec. 31.0251. INSTRUCTIONAL MATERIAL SUPPORT. (a) On
7 request of a school district, the agency shall provide the district
8 assistance in evaluating, adopting, or using instructional
9 materials.

10 (b) Except as otherwise provided, the agency may not require
11 a school district to adopt or otherwise use instructional material
12 reviewed by the agency under Section 31.023 or included on the list
13 of approved instructional materials maintained by the State Board
14 of Education under Section 31.022 .

15 Sec. 31.0252. LOCAL REVIEW OF CLASSROOM INSTRUCTIONAL
16 MATERIAL. (a) The agency shall develop standards in consultation
17 with stakeholders, including educators, by which a school district
18 may conduct a review of instructional materials used by a classroom
19 teacher in a foundation curriculum course under Section
20 28.002 (a)(1) to determine the degree to which the material:

21 (1) corresponds with the instructional materials
22 adopted by the school district or district campus; and

23 (2) meets the level of rigor of the essential
24 knowledge and skills adopted under Section 28.002 for the grade
25 level in which it is being used.

26 (b) The agency shall develop a rubric, approved by the State
27 Board of Education, to determine if reviewed instructional material

1 complies with the rigor requirements described by Subsection
2 (a)(2).

3 (c) The agency, in developing standards under Subsection
4 (a):

5 (1) shall minimize, to the extent possible, the time a
6 classroom teacher is required to spend complying with a review
7 conducted under this section;

8 (2) may not, unless unavoidable, require a teacher to
9 spend more than 30 minutes on a single review conducted under this
10 section; and

11 (3) may not authorize the review of instructional
12 materials used by a classroom teacher for a specific subject or
13 grade level at a specific school district campus more than once per
14 school year.

15 (d) The agency shall permit a regional education service
16 center or a curriculum review service provider approved by the
17 agency to conduct the review for a school district under this
18 section and provide to approved centers and providers training
19 relating to appropriately conducting the review.

20 (e) The agency shall award grants to assist school districts
21 in conducting reviews under this section.

22 SECTION 25. Sections 31.026 (a) and (b), Education Code, are
23 amended to read as follows:

24 (a) The State Board of Education may [~~shall~~] execute a
25 contract for the purchase or licensing of each adopted
26 instructional material.

27 (b) A contract must require the publisher to provide the

1 number of instructional materials required by school districts in
2 this state for the term of the contract[~~, which must coincide with~~
3 ~~the board's adoption cycle~~].

4 SECTION 26. The heading to Subchapter B-1, Chapter 31,
5 Education Code, is amended to read as follows:

6 SUBCHAPTER B-1. [~~STATE-DEVELOPED~~] OPEN EDUCATION RESOURCE
7 INSTRUCTIONAL MATERIALS

8 SECTION 27. Subchapter B-1, Chapter 31, Education Code, is
9 amended by adding Section 31.0701 to read as follows:

10 Sec. 31.0701. REFERENCES TO STATE-DEVELOPED OPEN EDUCATION
11 RESOURCE INSTRUCTIONAL MATERIAL. In this chapter, a reference to a
12 state-developed open education resource instructional material
13 means an open education resource instructional material, as defined
14 by Section 31.002 .

15 SECTION 28. Section 31.071, Education Code, is amended to
16 read as follows:

17 Sec. 31.071. AVAILABILITY OF OPEN EDUCATION RESOURCE
18 INSTRUCTIONAL MATERIAL [~~PURCHASE AUTHORITY~~]. (a) The commissioner
19 shall ensure that [~~may purchase state developed~~] open education
20 resource instructional materials are available for use by school
21 districts in accordance with this subchapter.

22 (b) To ensure the availability of open education resource
23 instructional materials under Subsection (a), the [~~The~~
24 commissioner may:

25 (1) purchase a license authorizing the use of [~~shall~~
26 purchase any state developed] open education resource
27 instructional materials in a manner that complies with all

1 applicable state laws and rules relating to procurement by a state
2 agency [through a competitive process];
3 (2) purchase or otherwise acquire ownership of open
4 education resource instructional materials;
5 (3) develop open education resource instructional
6 materials;
7 (4) adopt open education resource instructional
8 materials; or
9 (5) use any combination of the methods described by
10 Subdivisions (1), (2), (3), and (4) to acquire open education
11 resource instructional materials.

12 (b-1) The commissioner [and
13 [~~(2)~~] may make available [purchase]— more than one
14 [state developed]— open education resource instructional material
15 for a subject or grade level.

16 (b-2) The commissioner shall:
17 (1) to the extent practicable, ensure full subject
18 tier one instructional materials are available as open education
19 resource instructional material for:
20 (A) English language arts and mathematics
21 courses in kindergarten through grade eight;
22 (B) prekindergarten, in subject areas related to
23 English language arts and mathematics; and
24 (C) all foundation curriculum courses in
25 kindergarten through grade five in a manner that permits the
26 instruction of the content to be provided:

27 (i) in an integrated manner; and

1 (ii) for approximately 240 minutes of
2 instructional time per day, including time needed each day for
3 accelerated instruction under Section 28.0211 ; and
4 (2) ensure open education resource instructional
5 materials are available to all students, parents, classroom
6 teachers, and school districts in this state free of charge, except
7 for a fee for the printing or shipping of the material.

8 (c) Except as provided by Section 31.0711 , an [~~a~~
9 ~~state developed~~]— open education resource instructional material
10 must be licensed to this state under an intellectual property
11 license that allows for free use, reuse, modification, or sharing
12 with others as described by Section 31.07101 [~~irrevocably owned by~~
13 ~~the state. The state must have unlimited authority to modify,~~
14 ~~delete, combine, or add content to the instructional material after~~
15 ~~purchase].~~

16 (d) [~~The commissioner may issue a request for proposals for~~
17 ~~state developed open education resource instructional material.~~

18 [~~(1) in accordance with the instructional material~~
19 ~~review and adoption cycle under Section 31.022 ; or~~

20 [~~(2) at any other time the commissioner determines~~
21 ~~that a need exists for additional instructional material options.~~

22 [~~(e)~~] The costs of administering this subchapter and
23 ensuring the availability of [~~purchasing state developed~~]— open
24 education resource instructional materials shall be paid from funds
25 appropriated for the purpose and the state instructional materials
26 and technology fund, as determined by the commissioner.

27 SECTION 29. Subchapter B-1 , Chapter 31 , Education Code, is

1 amended by adding Section 31.07101 to read as follows:

2 Sec. 31.07101. FREE USE, REUSE, MODIFICATION, OR SHARING
3 LICENSE. (a) Instructional material is licensed to this state
4 under an intellectual property license that allows for free use,
5 reuse, modification, or sharing with others if the license:

6 (1) is irrevocable and perpetual;
7 (2) permits the state to sublicense the material;
8 (3) authorizes the use of the material by any person in
9 any location permitted by the terms of the original license, if
10 applicable;

11 (4) authorizes access, use, transmission, adaptation,
12 public display, public performance, public distribution, and
13 copying of the material; and

14 (5) authorizes the creation of derivative works as
15 permitted by the terms of the original license, if applicable.

16 (b) Instructional material licensed to this state under an
17 intellectual property license that is restricted to noncommercial
18 or educational use qualifies under this subchapter as instructional
19 material licensed to this state under a license that allows for free
20 use, reuse, modification, or sharing with others.

21 SECTION 30. Section 31.0711, Education Code, is amended to
22 read as follows:

23 Sec. 31.0711. CONTENT NOT OWNED BY STATE. Open education
24 resource instructional ~~[Instructional]~~ material made available
25 ~~[purchased]~~ under this subchapter may include content not owned by
26 the state and for which preexisting rights may exist if the content:

27 (1) is in the public domain;

1 (2) may be used under a limitation or exception to
2 copyright law, including a limitation under Section 107, Copyright
3 Act of 1976 (17 U.S.C. Section 107); ~~or~~

4 (3) has been made available by the copyright owner
5 under a Creative Commons license or another intellectual property
6 license that allows for free use, reuse, modification, or sharing
7 as described by Section 31.07101; or

8 (4) is licensed to the state under another ~~a~~ license
9 that:

10 (A) grants access to and allows for use of the
11 material by students, teachers, educators, and other education
12 professionals ~~[the state unlimited authority to modify, delete,~~
13 ~~combine, or add content],~~

14 (B) permits access, use, public display, public
15 performance, public distribution, and copying of the material for
16 noncommercial or educational purposes ~~[the free use and repurposing~~
17 ~~of the material by any person or entity], and~~

18 (C) is for a term of use acceptable to the
19 commissioner to ensure a useful life of the material.

20 SECTION 31. Subchapter B-1, Chapter 31, Education Code, is
21 amended by adding Section 31.0712 to read as follows:

22 Sec. 31.0712. OPEN EDUCATION RESOURCE ADVISORY BOARD. The
23 agency shall establish an open education resource advisory board to
24 ensure that open education resource instructional materials made
25 available under this subchapter are:

26 (1) of the highest quality;

27 (2) aligned with the essential knowledge and skills

1 adopted by the State Board of Education under Section 28.002 for the
2 applicable subject and grade level;

3 (3) suitable for the age of students at the grade level
4 for which the materials are developed;

5 (4) free from bias and factual error; and

6 (5) in compliance with Section 28.0022 .

7 SECTION 32. Section 31.072 , Education Code, is amended to
8 read as follows:

9 Sec. 31.072. CONTENT REQUIREMENTS. (a) Before being made
10 available under this subchapter, ~~[State developed]~~ open education
11 resource instructional material must[:-

12 ~~[(1)]~~ be evaluated by:

13 (1) teachers or other experts, as determined by the
14 commissioner[~~, before purchase~~]; and

15 (2) parents of students in this state ~~[meet the~~
16 ~~requirements for inclusion on the instructional material list~~
17 ~~adopted under Section 31.023~~].

18 (b) Based on feedback received by the agency from teachers,
19 parents, and other experts regarding open education resource
20 instructional materials made available under this subchapter, the
21 ~~[Following a curriculum revision by the State Board of Education,~~
22 ~~the commissioner shall require the revision of state developed open~~
23 ~~education resource instructional material relating to that~~
24 ~~curriculum. The~~ commissioner may, at any time, require an
25 additional revision of the ~~[state developed open education~~
26 ~~resource instructional]~~ material ~~[or contract for ongoing~~
27 ~~revisions of state developed open education resource instructional~~

1 ~~material for a period not to exceed the period under Section 31.022~~
2 ~~for which instructional material for that subject and grade level~~
3 ~~may be adopted. The commissioner shall use a competitive process to~~
4 ~~request proposals to revise state developed open education~~
5 ~~resource instructional material under this subsection].~~

6 SECTION 33. Subchapter B-1, Chapter 31, Education Code, is
7 amended by adding Section 31.0721 to read as follows:

8 Sec. 31.0721. REVIEW AND RELEASE OF OPEN EDUCATION RESOURCE
9 INSTRUCTIONAL MATERIAL. (a) Except as provided by Subsection (b),
10 open education resource instructional material may not be made
11 available under this subchapter to students, teachers, educators,
12 or other education professionals before being reviewed by the
13 agency under Section 31.023 and included on the list of approved
14 instructional materials maintained by the State Board of Education
15 under Section 31.022 .

16 (b) The agency may make open education resource
17 instructional material available to a limited number of classroom
18 teachers for a limited time before the material is reviewed by the
19 agency under Section 31.023 and included on the list of approved
20 instructional materials maintained by the State Board of Education
21 under Section 31.022 to assist in developing or testing the quality
22 of the material. A school district may only use unreviewed material
23 made available under this subsection in a grade level in which the
24 material has not been used previously if:

25 (1) the board of trustees of the district approves the
26 use of the unreviewed material; and

27 (2) the district provides evidence to the agency

1 showing that classroom teachers support the use of the material.

2 (c) Except as provided by Subsection (b), open education
3 resource instructional materials made available under this section
4 may not remain available once amended or modified unless the
5 material as amended or modified is reviewed under Section 31.023
6 and included on the list of approved instructional materials
7 maintained by the State Board of Education under Section 31.022 .

8 SECTION 34. Section 31.083 , Education Code, is transferred
9 to Subchapter B-1 , Chapter 31 , Education Code, redesignated as
10 Section 31.0722, Education Code, and amended to read as follows:

11 Sec. 31.0722 [~~31.083~~]. OPEN EDUCATION RESOURCE
12 INSTRUCTIONAL MATERIALS REPOSITORY. (a) The commissioner shall
13 include in the Internet website [~~web portal~~] developed under
14 Section 31.025 [~~31.081~~] a repository of open education resource
15 instructional materials, including open education resource
16 instructional materials made available under Section 31.0721(b),
17 and other electronic instructional materials that school districts
18 and open-enrollment charter schools may access at no cost.

19 (b) The repository under Subsection (a) must:
20 (1) comply with the requirements of Section 31.154;
21 and
22 (2) allow a person to provide comments on open
23 education resource instructional material contained in the
24 repository to assist the agency in improving and updating the
25 material.

26 (c) The agency shall ensure that a person may order a print
27 copy of any open education resource instructional material included

1 in the repository that is reducible to print [~~A publisher may submit~~
2 ~~instructional materials for inclusion in the repository~~].

3 SECTION 35. Sections 31.073 and 31.074 , Education Code, are
4 amended to read as follows:

5 Sec. 31.073. SELECTION BY SCHOOL DISTRICT. (a) Except as
6 otherwise provided by this code, the commissioner may not require a
7 school district or open-enrollment charter school to adopt or use
8 an open education resource instructional material.

9 (c) A [~~Notwithstanding Section 31.022 , a~~] school district
10 or open-enrollment charter school may adopt [~~state developed~~] open
11 education resource instructional material at any time [~~, regardless~~
12 ~~of the instructional material review and adoption cycle under that~~
13 ~~section~~].

14 (d) A school district or open-enrollment charter school may
15 not be charged for a cost associated with the selection of an
16 [~~state developed~~] open education resource instructional material,
17 except for the cost of printing copies of the material [~~in addition~~
18 ~~to instructional material adopted under Subchapter B~~].

19 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall
20 provide for the distribution of [~~state developed~~] open education
21 resource instructional materials in a manner consistent with
22 distribution of instructional materials approved [~~adopted~~] under
23 Subchapter B.

24 (b) The commissioner may use a competitive process to
25 contract for printing, [or] other reproduction, or storage of
26 [~~state developed~~] open education resource instructional material
27 on behalf of a school district or open-enrollment charter school.

1 The commissioner may not require a school district or
2 open-enrollment charter school to contract with a state-approved
3 provider for the printing, ~~or~~ reproduction, or storage of
4 ~~[state developed]~~ open education resource instructional material.

5 (c) The agency is not required to comply with Subchapters C
6 and D, Chapter 2052, Government Code, with regard to the printing or
7 reproduction of an open education resource instructional material
8 made available under this subchapter.

9 SECTION 36. The heading to Section 31.075, Education Code,
10 is amended to read as follows:

11 Sec. 31.075. STATE OWNERSHIP; LICENSING.

12 SECTION 37. Sections 31.075 (a), (b), (c), (d), and (e),
13 Education Code, are amended to read as follows:

14 (a) Except as otherwise provided by this subchapter,
15 ~~[State developed]~~ open education resource instructional material
16 is the property of the state.

17 (b) To encourage the use of instructional material
18 purchased by the state under this subchapter by school districts
19 and open-enrollment charter schools, the commissioner may ~~[shall]~~
20 provide a license for the instructional material that ~~[allows for~~
21 ~~the free use, reuse, modification, or sharing of the material by any~~
22 ~~person or entity.]~~

23 ~~[(c) The terms of a license provided by the commissioner~~
24 ~~under this section]:~~

25 (1) requires ~~[shall require]~~ that a user who
26 reproduces the instructional material in any manner:

27 (A) except as provided by Subdivision (2) (A),

1 must keep all copyright notices for the material intact;

2 (B) except as provided by Subdivision (2)(A),
3 must attribute the authorship of the material to the agency or
4 another person specified by the commissioner;

5 (C) must indicate if the user has modified the
6 material;

7 (D) may not assert or imply any connection with
8 or sponsorship or endorsement by the agency or this state, unless
9 authorized by the commissioner; and

10 (E) to the extent reasonably practicable, must
11 provide in any product or derivative material a uniform resource
12 identifier or hyperlink through which a person may obtain the
13 material free of charge;

14 (2) provides [~~must provide~~] that:

15 (A) the commissioner may request that a user
16 remove a copyright notice or attribution from the material and that
17 a user must comply with the request to the extent reasonably
18 practicable; and

19 (B) the rights granted under the license to a
20 user are automatically terminated if the user fails to comply with
21 the terms of the license; and

22 (3) includes [~~may include~~] any additional terms
23 determined by the commissioner.

24 (d) The commissioner may exempt a license under this section
25 from including one or more of the requirements under Subsection
26 (b) (1) [~~(e) (1)~~].

27 (e) The commissioner shall determine what is considered

1 reasonably practicable for purposes of Subsections (b) (1) (E)
2 ~~[(c) (1) (E)]~~ and (b) (2) (A) ~~[(c) (2) (A)]~~.

3 SECTION 38. Subchapter B-1, Chapter 31, Education Code, is
4 amended by adding Sections 31.0751, 31.0752, and 31.0753 to read as
5 follows:

6 Sec. 31.0751. OPEN EDUCATION RESOURCE INSTRUCTIONAL
7 MATERIAL TRANSITION PLAN. (a) Except as provided by Subsection
8 (c), to qualify for additional state aid under Section 48.308 the
9 board of trustees of a school district must adopt an open education
10 resource instructional material transition plan to assist
11 classroom teachers in the district who will be using an open
12 education resource instructional material in a specific subject or
13 grade level for which the teacher has not previously used an open
14 education resource instructional material.

15 (b) A plan adopted under this section must ensure that open
16 education resource instructional materials are used in a manner
17 that maintains the instructional flexibility of a classroom teacher
18 to address the needs of each student.

19 (c) A school district that participates in the program
20 developed and maintained by the agency under Section 31.0752 is not
21 required to adopt a transition plan under this section.

22 Sec. 31.0752. OPEN EDUCATION RESOURCE INSTRUCTIONAL
23 MATERIAL SUPPORT PROGRAM. The agency shall develop and maintain a
24 program to assist school districts and open-enrollment charter
25 schools in adopting and using open education resource instructional
26 material made available under this subchapter, including by
27 assisting districts and schools to:

1 (1) maintain the instructional flexibility of
2 classroom teachers to address the needs of each student; and

3 (2) schedule instructional periods in a manner that
4 allows classroom teachers sufficient time to effectively prepare
5 and present instructional material within the teacher 's normal work
6 day.

7 Sec. 31.0753. TEACHER CANDIDATE ACCESS AND SUPPORT PROGRAM.

8 The agency shall develop and maintain a program to assist educator
9 preparation programs in implementing Section 21.044 (a-1)(4).

10 SECTION 39. Section 31.076 (b), Education Code, is amended
11 to read as follows:

12 (b) A decision made by the commissioner under this
13 subchapter ~~[regarding the purchase, revision, cost, licensing, or~~
14 ~~distribution of state developed open education resource~~
15 ~~instructional material]~~ is final and may not be appealed.

16 SECTION 40. Section 31.004 , Education Code, is transferred
17 to Subchapter C, Chapter 31, Education Code, redesignated as
18 Section 31.1011, Education Code, and amended to read as follows:

19 Sec. 31.1011 ~~[31.004]~~. CERTIFICATION OF PROVISION OF
20 INSTRUCTIONAL MATERIALS. (a) Each school district and
21 open-enrollment charter school shall annually certify to the State
22 Board of Education and the commissioner that:

23 (1) ~~[1]~~ for each subject in the required curriculum
24 under Section 28.002 , other than physical education, and each grade
25 level, the district or school:

26 (A) provides each student with instructional
27 materials that cover all elements of the essential knowledge and

1 skills adopted by the State Board of Education for that subject and
2 grade level; and

3 (B) in the provision of instructional materials,
4 protects students from obscene or harmful content as necessary for
5 compliance with:

6 (i) the Children 's Internet Protection Act
7 (Pub. L. No. 106-554);

8 (ii) Section 28.0022 ;

9 (iii) Section 43.22 , Penal Code; and

10 (iv) any other law or regulation that
11 protects students from obscene or harmful content; and

12 (2) the district or school used money allocated to the
13 district or school under the instructional materials and technology
14 allotment only for purposes allowed under Section 31.0211 .

15 (b) To determine whether each student has instructional
16 materials that cover all elements of the essential knowledge and
17 skills as required by Subsection (a), a school district or
18 open-enrollment charter school may consider:

19 (1) instructional materials adopted by the State Board
20 of Education;

21 (2) ~~[materials adopted or purchased by the~~
22 ~~commissioner under Section 31.0231 or Subchapter B 1;~~

23 ~~[(3) open education resource instructional materials~~
24 ~~submitted by eligible institutions and adopted by the State Board~~
25 ~~of Education under Section 31.0241 ;~~

26 ~~[(4) open education resource instructional materials~~
27 ~~made available by other public schools;~~

1 ~~[(5)]~~ instructional materials developed, ~~[or]~~
2 purchased, or otherwise acquired by the school district or
3 open-enrollment charter school; and

4 (3) ~~[(6)]~~ open education resource instructional
5 materials and other electronic instructional materials included in
6 the repository under Section 31.0722 ~~[31.083]~~.

7 SECTION 41. Subchapter C, Chapter 31, Education Code, is
8 amended by adding Section 31.1012 to read as follows:

9 Sec. 31.1012. REPORT TO AGENCY. Each school district shall
10 annually report to the agency information regarding the
11 instructional materials used by the district during the previous
12 school year, including the cost of each material, to assist the
13 agency in ensuring compliance with Section 31.151 (a).

14 SECTION 42. The heading to Section 31.102, Education Code,
15 is amended to read as follows:

16 Sec. 31.102. TITLE AND CUSTODY ; SCHOOL DISTRICT PURCHASES .

17 SECTION 43. Section 31.102, Education Code, is amended by
18 adding Subsection (d) to read as follows:

19 (d) A school district is not required to use a method
20 provided by Section 44.031 (a) to purchase instructional materials
21 that have been reviewed by the agency under Section 31.023 and
22 included on the list of approved instructional materials maintained
23 by the State Board of Education under Section 31.022 .

24 SECTION 44. Section 31.103 (c), Education Code, is amended
25 to read as follows:

26 (c) In making a requisition under this section, a school
27 district or open-enrollment charter school may requisition

1 instructional materials [~~on the list adopted under Section 31.023~~]
2 for grades above the grade level in which a student is enrolled.

3 SECTION 45. Section 31.151, Education Code, is amended by
4 amending Subsection (a) and adding Subsection (a-1) to read as
5 follows:

6 (a) A publisher or manufacturer of instructional materials:

7 (1) shall furnish any instructional material the
8 publisher or manufacturer offers in this state at a price that does
9 not exceed the lowest price at which the publisher offers that
10 instructional material for adoption or sale to any state, public
11 school, or school district in the United States;

12 (2) shall automatically reduce the price of
13 instructional material sold for use in a school district or
14 open-enrollment charter school to the extent that the price is
15 reduced elsewhere in the United States;

16 (3) shall provide any instructional material or
17 ancillary item free of charge in this state to the same extent that
18 the publisher or manufacturer provides the instructional material
19 or ancillary item free of charge to any state, public school, or
20 school district in the United States;

21 (4) shall guarantee that each copy of instructional
22 material sold in this state is at least equal in quality to copies
23 of that instructional material sold elsewhere in the United States
24 and is free from factual error;

25 (5) may not become associated or connected with,
26 directly or indirectly, any combination in restraint of trade in
27 instructional materials or enter into any understanding or

1 combination to control prices or restrict competition in the sale
2 of instructional materials for use in this state;

3 (6) shall deliver instructional materials to a
4 school district or open-enrollment charter school;

5 (7) shall, at the time an order for instructional
6 materials is acknowledged, provide to school districts or
7 open-enrollment charter schools an accurate shipping date for
8 instructional materials that are back-ordered;

9 (8) shall guarantee delivery of instructional
10 materials at least 10 business days before the opening day of school
11 of the year for which the instructional materials are ordered if the
12 instructional materials are ordered by a date specified in the
13 sales contract; ~~and~~

14 (9) shall submit to the State Board of Education an
15 affidavit certifying any instructional material the publisher or
16 manufacturer offers in this state to be free of factual errors at
17 the time the publisher executes the contract required by Section
18 31.026 ; and

19 (10) shall comply with all other standard terms and
20 conditions adopted by the State Board of Education for use in
21 contracts for the procurement of instructional materials under
22 Subsection (a-1).

23 (a-1) The State Board of Education shall adopt standard
24 terms and conditions for use in contracts for the procurement of
25 instructional materials from publishers and manufacturers under
26 this section.

27 SECTION 46. Subchapter D, Chapter 31, Education Code, is

1 amended by adding Section 31.154 to read as follows:

2 Sec. 31.154. INSTRUCTIONAL MATERIALS PARENT PORTAL. (a)

3 The State Board of Education shall adopt standards for entities
4 that supply instructional materials reviewed by the agency under
5 Section 31.023 to make instructional materials supplied by the
6 entity available on a parent portal hosted by the entity.

7 (b) An instructional materials parent portal must:

8 (1) provide to each parent of a student enrolled in a
9 school district or open-enrollment charter school access to
10 instructional materials, other than tests or exams, that are
11 included in the portal and used by the district or school;

12 (2) organize instructional material by unit and in the
13 order in which the material is designed to be used;

14 (3) be capable of being searched by key word; and

15 (4) for instructional material not available in a
16 digital format, contain sufficient information to allow a parent to
17 locate a physical copy of the material.

18 (c) Standards adopted under Subsection (a) may not require:

19 (1) a classroom teacher to submit instructional
20 materials developed by the teacher for inclusion in an
21 instructional materials parent portal; or

22 (2) an entity hosting an instructional materials
23 parent portal to include tests or exams in the portal.

24 (d) To comply with an intellectual property license or other
25 restrictions placed on an instructional material and to maintain
26 security of the information contained in an instructional materials
27 parent portal under this section, a parent may be required, before

1 accessing the portal, to:

2 (1) enter a password;

3 (2) comply with other user access verification
4 procedures; and

5 (3) accept user terms and conditions, which may not
6 limit or exclude access to instructional material based on the uses
7 of the material that would otherwise be permitted under fair use
8 provisions of copyright law.

9 (e) An entity that hosts an instructional materials parent
10 portal must comply with requests regarding parental access to the
11 portal made by a school district in compliance with this section or
12 Section 26.006 .

13 SECTION 47. Section 33.004 (b), Education Code, is amended
14 to read as follows:

15 (b) Each school, before implementing a comprehensive school
16 counseling program under Section 33.005 , shall annually conduct a
17 preview of the program for parents and guardians. All materials,
18 including curriculum to be used during the year that is not
19 available digitally through an instructional materials parent
20 portal under Section 31.154, must be available for a parent or
21 guardian to preview during school hours. Materials or curriculum
22 not included in the materials on an instructional materials parent
23 portal or available on the campus for preview may not be used.

24 SECTION 48. Section 48.277 (b), Education Code, is amended
25 to read as follows:

26 (b) For purposes of calculating maintenance and operations
27 revenue under Subsection (a), the commissioner shall:

1 (1) for purposes of Subsections (a)(1) and (2), use
2 the following applicable school year:

3 (A) in a school year ending in an even-numbered
4 year, the 2019-2020 school year; and

5 (B) in a school year ending in an odd-numbered
6 year, the 2019-2020 or 2020-2021 school year, whichever is greater;

7 (2) include all state and local funding, except for
8 any funding resulting from:

9 (A) reimbursement for disaster remediation costs
10 under former Sections 41.0931 and 42.2524;

11 (B) an adjustment for rapid decline in taxable
12 value of property under former Section 42.2521; ~~and~~

13 (C) an adjustment for property value affected by
14 a state of disaster under former Section 42.2523; and

15 (D) additional state aid under Section 48.307 or
16 48.308;

17 (3) adjust the calculation to reflect a reduction in
18 tax effort by a school district; and

19 (4) if a school district or open-enrollment charter
20 school receives a waiver relating to eligibility requirements for
21 the national free or reduced-price lunch program under 42 U.S.C.
22 Section 1751 et seq., use the numbers of educationally
23 disadvantaged students on which the district 's or school 's
24 entitlement to compensatory education funds was based for the
25 school year before the school year in which the district or school
26 received the waiver, adjusted for estimated enrollment growth.

27 SECTION 49. Subchapter G, Chapter 48, Education Code, is

1 amended by adding Sections 48.307 and 48.308 to read as follows:

2 Sec. 48.307. ADDITIONAL STATE AID FOR STATE-APPROVED
3 INSTRUCTIONAL MATERIALS. (a) For each student enrolled in the
4 district, a school district is entitled to additional state aid for
5 each school year in an amount equal to \$40, or a greater amount
6 provided by appropriation, to procure instructional material that
7 has been:

8 (1) reviewed by the agency under Section 31.023 ;

9 (2) placed on the list of approved instructional
10 materials maintained by the State Board of Education under Section
11 31.022 ;

12 (3) designated by the State Board of Education under
13 Section 31.022 as being included or capable of being included in an
14 instructional materials parent portal under Section 31.154; and

15 (4) acquired from a publisher, manufacturer, or other
16 entity that has not been found to violate Section 31.151 .

17 (b) A school district is entitled to the amount of state aid
18 provided by Subsection (a) each school year, regardless of whether
19 the district uses the amount during the school year for which the
20 amount was provided.

21 (c) Additional state aid provided under this section shall
22 be deposited to the credit of the district 's instructional
23 materials and technology account maintained by the commissioner
24 under Section 31.0212 and may be accessed only for the procurement
25 of instructional materials in accordance with this section.

26 (d) Funds provided to a school district under this section
27 must be spent in compliance with the requirements for the use of

1 funds provided under this section and Section 31.0211 .

2 Sec. 48.308. ADDITIONAL STATE AID FOR OPEN EDUCATION
3 RESOURCE INSTRUCTIONAL MATERIAL. (a) Subject to Section 31.0751,
4 a school district is entitled to additional state aid for each
5 school year in an amount not to exceed \$20 for each student for the
6 costs incurred or for which the district is obligated to pay during
7 the school year in which the aid is provided for the printing and
8 shipping of open education resource instructional material made
9 available under Subchapter B-1 , Chapter 31 .

10 (b) The amount to which a school district is entitled under
11 this section may not exceed actual costs incurred by the district or
12 for which the district is obligated to pay during the school year
13 for which the funds were provided.

14 (c) Additional state aid provided under this section shall
15 be deposited to the credit of the district 's instructional
16 materials and technology account maintained by the commissioner
17 under Section 31.0212 and may be accessed only for the procurement
18 of instructional materials in accordance with this section.

19 (d) Funds provided to a school district under this section
20 must be spent in compliance with the requirements for the use of
21 funds provided under this section and Section 31.0211 .

22 SECTION 50. Chapter 322 , Government Code, is amended by
23 adding Section 322.0082 to read as follows:

24 Sec. 322.0082. INCLUSION OF CERTAIN EDUCATION FUNDS
25 REQUIRED. (a) The director shall include in the budget of
26 estimated appropriations prepared under Section 322.008 (c):

27 (1) the amount set aside under Section 43.001 (d),

1 Education Code, by the State Board of Education from the available
2 school fund for the state instructional materials and technology
3 fund established under Section 31.021, Education Code; and
4 (2) the amount that is remaining in the state
5 instructional materials and technology fund from the previous
6 fiscal biennium that is available for use by school districts and
7 open-enrollment charter schools.

8 (b) If the amount estimated to be appropriated for purposes
9 of the state instructional materials and technology fund for a
10 fiscal biennium is less than the amount set aside by the State Board
11 of Education under Section 43.001 (d), Education Code, the director
12 shall provide with the budget an explanation of the difference,
13 including the amount of the difference and to what the additional
14 funds have been appropriated.

15 (c) An explanation provided under Subsection (b) shall be
16 included with the documents provided on the board's Internet
17 website under Section 322.0081 .

18 SECTION 51. The following provisions of the Education Code
19 are repealed:

- 20 (1) Section 31.0213 ;
- 21 (2) Sections 31.022 (d-1), (e), (f), (g), (h), and (i);
- 22 (3) Section 31.0221 ;
- 23 (4) Section 31.0231 ;
- 24 (5) Section 31.024 ;
- 25 (6) Section 31.0241 ;
- 26 (7) Section 31.0242 ;
- 27 (8) Section 31.0261 ;

- 1 (9) Section 31.035 ;
- 2 (10) the heading to Subchapter B-2 , Chapter 31 ;
- 3 (11) Section 31.081 ;
- 4 (12) Section 31.082 ;
- 5 (13) Section 31.084 ;
- 6 (14) Section 31.101 ; and
- 7 (15) Section 31.151 (e).

8 SECTION 52. To the extent of any conflict, this Act prevails
9 over another Act of the 88th Legislature, Regular Session, 2023,
10 relating to nonsubstantive additions to and corrections in enacted
11 codes.

12 SECTION 53. (a) A contract entered into under Section
13 31.026 or 31.151 , Education Code, as amended by this Act, before the
14 effective date of this Act is governed by the law in effect on the
15 date the contract was entered into, and the former law is continued
16 in effect for that purpose.

17 (b) A contract entered into under Section 31.026 or 31.151 ,
18 Education Code, as amended by this Act, after the effective date of
19 this Act for a program called for by the State Board of Education
20 under Proclamation 2024 is governed by the law in effect on the date
21 the proclamation was issued, and the former law is continued in
22 effect for that purpose.

23 (c) Section 31.026 , Education Code, as amended by this Act,
24 does not apply to the review of or a contract for the purchase or
25 licensing of instructional materials required by the State Board of
26 Education pursuant to Proclamation 2024. The review of and
27 contracts for the purchase or licensing of instructional materials

1 required by the State Board of Education pursuant to Proclamation
2 2024 are governed by the law as it existed immediately before the
3 effective date of this Act, and the former law is continued in
4 effect for that purpose.

5 (d) Section 21.4045(b), Education Code, as added by this
6 Act, applies only to a contract entered into on or after the
7 effective date of this Act. A contract entered into before the
8 effective date of this Act is governed by the law in effect on the
9 date the contract was entered into, and the former law is continued
10 in effect for that purpose.

11 SECTION 54. (a) Except as provided by Subsection (b) of
12 this section, this Act applies beginning with the 2023-2024 school
13 year.

14 (b) Section 21.4045, Education Code, as added by this Act,
15 applies beginning with the 2024-2025 school year.

16 SECTION 55. (a) Except as provided by Subsection (b) of
17 this section, this Act takes effect immediately if it receives a
18 vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2023.

22 (b) Sections 48.307 and 48.308, Education Code, as added by
23 this Act, Section 48.277 (b), Education Code, as amended by this
24 Act, and Section 322.0082, Government Code, as added by this Act,
25 take effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1605 was passed by the House on May 3, 2023, by the following vote: Yeas 139, Nays 6, 1 present, not voting; that the House concurred in Senate amendments to H.B. No. 1605 on May 17, 2023, by the following vote: Yeas 105, Nays 39, 1 present, not voting; and that the House adopted H.C.R. No. 121 authorizing certain corrections in H.B. No. 1605 on May 24, 2023, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1605 was passed by the Senate, with amendments, on May 12, 2023, by the following vote: Yeas 22, Nays 8; and that the Senate adopted H.C.R. No. 121 authorizing certain corrections in H.B. No. 1605 on May 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

**NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE C. ADMINISTRATION
CHAPTER 32. SCHOOL LAND BOARD
SUBCHAPTER B. ADMINISTRATIVE PROVISIONS**

NRC, §32.012. MEMBERS OF THE BOARD.

- (a) The board is composed of:
 - (1) the commissioner; and
 - (2) four citizens of the state appointed by the governor with the advice and consent of the senate.
- (b) Two citizens appointed by the governor must be selected from lists of nominees submitted by the State Board of Education. The State Board of Education shall submit to the governor a list of six nominees for a vacant position described by this subsection. The governor may request that the State Board of Education submit a second list of six nominees if the governor does not choose to appoint a nominee from the first list.
- (c) At least one of the citizens appointed under Subsection (a) must be a resident of a county with a population of less than 200,000. The governor and the State Board of Education shall collaborate to ensure that the membership of the board complies with this subsection.
- (d) Each appointment made by the governor shall be made in accordance with and subject to the provisions of the Texas Constitution authorizing the filling of vacancies in state offices by appointment of the governor.

Acts 1977, 65th Leg., p. 2377, ch. 871, art. I, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 524 (S.B. 608), Sec. 2, eff. September 1, 2019.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.102. STATE BOARD OF EDUCATION POWERS AND DUTIES.

- (a) The board may perform only those duties relating to school districts or regional education service centers assigned to the board by the constitution of this state or by this subchapter or another provision of this code.
- (b) The board has the powers and duties provided by Subsection (c), which shall be carried out with the advice and assistance of the commissioner.
- (c)
 - (1) The board shall develop and update a long-range plan for public education.
 - (2) The board may enter into contracts relating to or accept grants for the improvement of educational programs specifically authorized by statute.
 - (3) The board may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the board determines.
 - (4) The board shall establish curriculum and graduation requirements.
 - (5) Repealed by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(1), eff. September 1, 2019.
 - (6) The board may create special-purpose school districts under Chapter [11](#).
 - (7) The board shall provide for a training course for school district trustees under Section [11.159](#).
 - (8) The board shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by Subchapter B, Chapter [12](#), and may place on probation or revoke a home-rule school district charter as provided by that subchapter.
 - (9) Repealed by Acts 2019, 86th Leg., R.S., Ch. 439 (S.B. [1376](#)), Sec. 4.01(a)(1), eff. June 4, 2019.
 - (10) The board shall adopt rules establishing criteria for certifying hearing examiners as provided by Section [21.252](#).
 - (11) The board shall adopt rules to carry out the curriculum required or authorized under Section [28.002](#).
 - (12) The board shall establish guidelines for credit by examination under Section [28.023](#).
 - (13) The board shall adopt transcript forms and standards for differentiating high school programs for purposes of reporting academic achievement under Section [28.025](#).
 - (14) The board shall adopt guidelines for determining financial need for purposes of the Texas Advanced Placement Incentive Program under Subchapter C, Chapter [28](#), and may approve payments as provided by that subchapter.
 - (15) The board shall adopt criteria for identifying gifted and talented students and shall develop and update a state plan for the education of gifted and talented students as required under Subchapter D, Chapter [29](#).
 - (16) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 73, Sec. 2.06(a)(1), eff. September 1, 2013.
 - (17) The board shall adopt rules relating to community education development projects as required under Section [29.257](#).
 - (18) The board may approve the plan to be developed and implemented by the commissioner for the coordination of services to children with disabilities as required under Section [30.001](#).
 - (19) The board shall establish a date by which each school district and state institution shall provide to the commissioner the necessary information to determine the district's share of the cost of the education of a student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as required under Section [30.003](#) and may adopt other rules concerning funding of the education of students enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as authorized under Section [30.003](#).
 - (20) The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions as required under Section [30.004](#).
 - (21) The board shall adopt rules concerning admission of students to the Texas School for the Deaf as required under Section [30.057](#).
 - (22) The board shall carry out powers and duties related to regional day school programs for the deaf as provided under Subchapter D, Chapter [30](#).

- (23) The board shall adopt and purchase or license instructional materials as provided by Chapter [31](#) and adopt rules required by that chapter.
 - (24) The board shall develop and update a long-range plan concerning technology in the public school system as required under Section [32.001](#) and shall adopt rules and policies concerning technology in public schools as provided by Chapter [32](#).
 - (25) The board shall conduct feasibility studies related to the telecommunications capabilities of school districts and regional education service centers as provided by Section [32.033](#).
 - (26) The board shall appoint a board of directors of the center for educational technology under Section [32.034](#).
 - (27) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.
 - (28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section [38.003](#).
 - (29) The board shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
 - (30) The board shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#) [~~42~~].
 - (31) The board may invest the permanent school fund within the limits of the authority granted by Section [5](#), Article VII, Texas Constitution, and Chapter 43.
 - (32) The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts as required under Subchapter A, Chapter [44](#).
 - (33) The board shall adopt an annual report on the status of the guaranteed bond program and may adopt rules as necessary for the administration of the program as provided under Subchapter C, Chapter [45](#).
 - (34) The board shall prescribe uniform bid blanks for school districts to use in selecting a depository bank as required under Section [45.206](#).
- (d) The board may adopt rules relating to school districts or regional education service centers only as required to carry out the specific duties assigned to the board by the constitution or under Subsection (c).
 - (e) An action of the board to adopt a rule under this section is effective only if the board includes in the rule's preamble a statement of the specific authority under Subsection (c) to adopt the rule.
 - (f) Except as otherwise provided by this subsection, a rule adopted by the board under this section does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted. The rule takes effect earlier if the rule's preamble specifies an earlier effective date and the reason for that earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law; or
 - (B) a state law that specifically refers to this section and expressly requires the adoption of an earlier effective date; or
 - (2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.111. HIGH SCHOOL EQUIVALENCY EXAMINATIONS.

- (a) The board shall provide for the administration of high school equivalency examinations.
- (a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:
 - (1) over 17 years of age;
 - (2) 16 years of age or older and:
 - (A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;
 - (B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or
 - (C) is enrolled in the Texas Military Department's Seaborne Challenge Corps; or
 - (3) required to take the examination under a court order issued under Section 65.103(a)(3), Family Code.
- (b) The board by rule shall establish and require payment of a fee as a condition to the issuance of a high school equivalency certificate and a copy of the scores of the examinations. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate and a copy of the scores. The board may not require a waiting period between the date a person withdraws from school and the date the person takes the examination unless the period relates to the time between administrations of the examination.
- (c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must provide a procedure for verifying the identity of the person taking the examination.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.

- (a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section 11.061 and who live or are employed on the military reservation. The list shall be furnished to the board by the commanding officer of the military reservation. The trustees appointed serve terms of two years.
- (c) The State Board of Education may adopt rules for the governance of a special-purpose district. In the absence of a rule adopted under this subsection, the laws applicable to independent school districts apply to a special-purpose district.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER D. OPEN-ENROLLMENT CHARTER SCHOOL

TEC, §12.101. AUTHORIZATION.

- (a) In accordance with this subchapter, the commissioner may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:
- (1) an institution of higher education as defined under Section [61.003](#);
 - (2) a private or independent institution of higher education as defined under Section [61.003](#);
 - (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or
 - (4) a governmental entity.
- (b) After thoroughly investigating and evaluating an applicant, the commissioner, in coordination with a member of the State Board of Education designated for the purpose by the chair of the board, may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, educational, and operational standards adopted by the commissioner under this subchapter, that the commissioner determines is capable of carrying out the responsibilities provided by the charter and likely to operate a school of high quality, and that:
- (1) has not within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned; or
 - (2) is not, under rules adopted by the commissioner, considered to be a corporate affiliate of or substantially related to an entity that has within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned.
- (b-0) The commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.
- (b-1) In granting charters for open-enrollment charter schools, the commissioner may not grant a total of more than:

- (1) 215 charters through the fiscal year ending August 31, 2014;
 - (2) 225 charters beginning September 1, 2014;
 - (3) 240 charters beginning September 1, 2015;
 - (4) 255 charters beginning September 1, 2016;
 - (5) 270 charters beginning September 1, 2017; and
 - (6) 285 charters beginning September 1, 2018.
- (b-2) Beginning September 1, 2019, the total number of charters for open-enrollment charter schools that may be granted is 305 charters.
- (b-3) The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. The commissioner may consolidate charters for an open-enrollment charter school held by multiple charter holders into a single charter held by a single charter holder with the written consent to the terms of consolidation by or at the request of each charter holder affected by the consolidation.
- (b-4) Notwithstanding Section [12.114](#), approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter [39](#), or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:
- (1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter [39](#) and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter [39](#), for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;
 - (2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and
 - (3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section.
- (b-5) The initial term of a charter granted under this section is five years.

- (b-6) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter [39](#).
- (b-7) A charter granted under this section for a dropout recovery school is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by this section. For purposes of this subsection, an open-enrollment charter school is considered to be a dropout recovery school if the school meets the criteria for designation as a dropout recovery school under Section [12.1141\(c\)](#).
- (b-8) In adopting any financial standards under this subchapter that an applicant for a charter for an open-enrollment charter school must meet, the commissioner shall not:
 - (1) exclude any loan or line of credit in determining an applicant's available funding; or
 - (2) exclude an applicant from the grant of a charter solely because the applicant fails to demonstrate having a certain amount of current assets in cash.
- (b-10) The commissioner by rule shall allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school under Subsection (b-4)(2) up to 18 months before the date on which the campus is anticipated to open. Notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.
- (c) If the facility to be used for an open-enrollment charter school is a school district facility, the school must be operated in the facility in accordance with the terms established by the board of trustees or other governing body of the district in an agreement governing the relationship between the school and the district.
- (d) An educator employed by a school district before the effective date of a charter for an open-enrollment charter school operated at a school district facility may not be transferred to or employed by the open-enrollment charter school over the educator's objection.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.031. PURPOSE.

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.035. DELEGATION AUTHORITY; ADMINISTRATION BY AGENCY.

- (a) The board is permitted to make a written delegation of authority to the commissioner or the agency to informally dispose of a contested case involving educator certification.
- (b) The agency shall provide the board's administrative functions and services.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.041. RULES; FEES.

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (3) specify the period for which each class of educator certificate is valid;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
 - (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;
 - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
 - (9) provide for continuing education requirements; and
 - (10) provide for certification of persons performing appraisals under Subchapter H.
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.
- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. A fee imposed under this subsection may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under this subchapter.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.042. APPROVAL OF RULES.

The State Board for Educator Certification must submit a written copy of each rule it proposes to adopt to the State Board of Education for review. The State Board of Education may reject a proposed rule by a vote of at least two-thirds of the members of the board present and voting. If the State Board of Education fails to reject a proposal before the 90th day after the date on which it receives the proposal, the proposal takes effect as a rule of the State Board for Educator Certification as provided by Chapter 2001, Government Code. The State Board of Education may not modify a rule proposed by the State Board for Educator Certification.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.052. CERTIFICATION OF EDUCATORS FROM OUTSIDE THE STATE.

- (a) The board may issue a certificate to an educator who applies for a certificate and:
 - (1) holds:
 - (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
 - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
 - (2) holds an appropriate certificate or other credential issued by another state or country; and
 - (3) performs satisfactorily on:
 - (A) the examination prescribed under Section [21.048](#); or
 - (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in this state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (b-1) The board shall propose rules in accordance with Chapter [55](#), Occupations Code, to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is a military veteran or military spouse, including rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsections (d) and (d-1), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.

- (d-1) A temporary certificate issued under Subsection (c) to an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States may not expire before the third anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform satisfactorily to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) must perform satisfactorily on the examination prescribed under Section [21.048](#) not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a) and the notice required under Section [55.010](#), Occupations Code.
- (g) Repealed by Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 12(2), eff. June 12, 2017.
- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:
 - (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
 - (2) information necessary to complete a national criminal history record information review; and
 - (3) an application fee as required by the board.
 - (i) In this section:
 - (1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section [437.001](#), Government Code, or similar military service of another state.
 - (2) "Armed forces of the United States" means the army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
 - (3) "Military service member" means a person who is on active duty.
 - (4) "Military spouse" means a person who is married to a military service member.
 - (5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER F. HEARING BEFORE HEARING EXAMINERS

TEC, §21.252. CERTIFICATION OF HEARING EXAMINERS.

- (a) The State Board of Education, in consultation with the State Office of Administrative Hearings, by rule shall establish criteria for the certification of hearing examiners eligible to conduct hearings under this subchapter. A hearing examiner certified under this subchapter must be licensed to practice law in this state.

- (b) The commissioner shall certify hearing examiners according to the criteria established under Subsection (a). A person certified as a hearing examiner or the law firm with which the person is associated may not serve as an agent or representative of:
 - (1) a school district;
 - (2) a teacher in any dispute with a school district; or
 - (3) an organization of school employees, school administrators, or school boards.

- (c) The commissioner shall set hourly rates of compensation for a hearing examiner and shall set maximum amount of compensation a hearing examiner may receive for a hearing.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, §28.002. REQUIRED CURRICULUM.

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
 - (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on:
 - (i) physical health, including the importance of proper nutrition and exercise;
 - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technology education;
 - (F) technology applications;
 - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.
- (b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.

- (b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).
- (b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter [31](#) and addressed on the assessment instruments required under Subchapter [B](#), Chapter [39](#). As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.
 - (c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.
 - (c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).
 - (c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:
 - (1) is relevant to student education; and
 - (2) aligns with current or emerging professions.
- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
 - (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
 - (2) is consistent with national physical education standards for:
 - (A) the information that students should learn about physical activity; and
 - (B) the physical activities that students should be able to perform;

- (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
 - (4) offers students an opportunity to choose among many types of physical activity in which to participate;
 - (5) offers students both cooperative and competitive games;
 - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003\(b\)](#) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
 - (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
 - (8) teaches self-management and movement skills;
 - (9) teaches cooperation, fair play, and responsible participation in physical activity;
 - (10) promotes student participation in physical activity outside of school; and
 - (11) allows physical education classes to be an enjoyable experience for students.
- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
- (1) be flexible in approving a course for credit for high school graduation under this subsection; and
 - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
- (1) includes teacher input;
 - (2) provides district employees with the opportunity to express opinions regarding the initiative; and
 - (3) includes a meeting of the board of trustees of the district at which:

- (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
 - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
 - (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
 - (2) the course or other activity allows students to enter:
 - (A) a career or technology training program in the district's region of the state;
 - (B) an institution of higher education without remediation;
 - (C) an apprenticeship training program; or
 - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.
- (h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
 - (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
 - (2) the history, qualities, traditions, and features of civic engagement in the United States;

- (3) the structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (4) the founding documents of the United States, including:
 - (A) the entirety of the Declaration of Independence;
 - (B) the entirety of the United States Constitution;
 - (C) the Federalist Papers, including the entirety of Essays 10 and 51;
 - (D) excerpts from Alexis de Tocqueville's *Democracy in America*;
 - (E) the transcript of the first Lincoln-Douglas debate;
 - (F) the writings of the founding fathers of the United States;
 - (G) the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and
 - (H) the entirety of Martin Luther King Jr.'s speech "I Have a Dream."
- (h-2) In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including:
- (1) an understanding of:
 - (A) the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
 - (B) the history, qualities, traditions, and features of civic engagement in the United States;
 - (C) the structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (D) the founding documents of the United States;
 - (2) the ability to:
 - (A) analyze and determine the reliability of information sources;
 - (B) formulate and articulate reasoned positions;
 - (C) understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
 - (D) actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
 - (E) participate as a citizen in a constitutional democracy by voting; and
 - (3) an appreciation of:
 - (A) the importance and responsibility of participating in civic life;
 - (B) a commitment to the United States and its form of government; and

(C) a commitment to free speech and civil discourse.

- (h-3) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. 3), Sec. 6, eff. December 2, 2021.
- (h-4) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-5) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-6) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.
- (h-7) The agency shall ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).
- (h-8) Nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.
 - (i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.
 - (j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.
 - (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).
 - (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:

- (1) any student who is unable to participate in the required physical activity because of illness or disability; and
 - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (1-1) In adopting rules relating to an activity described by Subsection (1)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (1-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
- (1-3) (1) This subsection may be cited as "Lauren's Law."
- (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (1-1), or (1-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
- (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
 - (B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).
- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.
- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
- (1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;

- (2) address relationship skills, including money management, communication skills, and marriage preparation; and
 - (3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.
- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
- (1) child development;
 - (2) parenting skills, including child abuse and neglect prevention; and
 - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.
- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment.

- (w) Repealed by Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.
- (z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:
 - (1) "Cyberbullying" has the meaning assigned by Section [37.0832](#).
 - (2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.023. CREDIT BY EXAMINATION.

- (a) Using guidelines established by the State Board of Education, a school district shall develop or select for review by the district board of trustees examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board of trustees shall approve for each subject, to the extent available, at least four examinations that satisfy State Board of Education guidelines. The examinations approved by the board of trustees must include:
 - (1) advanced placement examinations developed by the College Board; and
 - (2) examinations administered through the College-Level Examination Program.
- (b) A school district shall give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of an examination for acceleration approved by the board of trustees under Subsection (a) if:
 - (1) the student scores in the 80th percentile or above on each section of the examination;
 - (2) a district representative recommends that the student be advanced; and
 - (3) the student's parent or guardian gives written approval of the advancement.
- (c) A school district shall give a student in grade level six or above credit for a subject on the basis of an examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject.
- (c-1) A school district shall give a student in grade level six or above credit for a subject if the student scores:

- (1) a three or higher on an advanced placement examination approved by the board of trustees under Subsection (a) and developed by the College Board; or
 - (2) a scaled score of 50 or higher on an examination approved by the board of trustees under Subsection (a) and administered through the College-Level Examination Program.
- (d) Each district shall administer each examination approved by the board of trustees under Subsection (a) not fewer than four times each year, at times to be determined by the State Board of Education.
- (e) Subsection (d) does not apply to an examination that has an administration date that is established by an entity other than the school district.
- (f) A student may not attempt more than two times to receive credit for a particular subject on the basis of an examination for credit in that subject.
- (g) If a student fails to achieve the designated score described by Subsection (c) or (c-1) on an applicable examination described by Subsection (c) or (c-1) for a subject before the beginning of the school year in which the student would ordinarily be required to enroll in a course in that subject in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.
- (h) This subsection applies only to a school district surrounded by a school district described by Section 11.065(a). Notwithstanding any other provision of this section, a school district's board of trustees may establish a minimum required score for each section of an examination for acceleration or an examination for credit approved by the board under Subsection (a) that is higher than the minimum required scores under Subsections (b) and (c), respectively. A minimum required score established by a board of trustees under this subsection:
- (1) may be no greater than a score in the 90th percentile;
 - (2) must be established before the beginning of a school year for examinations to be administered in the school year; and
 - (3) must apply for at least the entire school year.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002\(a\)\(1\)](#) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
- (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
- (1) four credits in English language arts under Section [28.002\(a\)\(1\)\(A\)](#), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
 - (2) three credits in mathematics under Section [28.002\(a\)\(1\)\(B\)](#), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
 - (3) three credits in science under Section [28.002\(a\)\(1\)\(C\)](#), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
 - (4) three credits in social studies under Section [28.002\(a\)\(1\)\(D\)](#), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics or personal financial literacy & economics, and one credit in world geography or world history;
 - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002\(a\)\(2\)\(A\)](#);
 - (6) five elective credits;
 - (7) one credit in fine arts under Section [28.002\(a\)\(2\)\(D\)](#); and

- (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
 - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- (b-6) A school district may allow a student to enroll concurrently in Algebra I and geometry.
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section [61.822](#). Notwithstanding Subsection (b-15) or (c) of this section, Section [39.025](#), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section [61.822](#), as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.
- (b-8) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-9) A school district, with the approval of the commissioner, may allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the

essential knowledge and skills identified for fine arts by the State Board of Education under Section [28.002](#)(c). The fine arts program may be provided on or off a school campus and outside the regular school day.

- (b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.
- (b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section [28.002](#)(g-1), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:
 - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee;
 - (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
 - (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages, including computer coding.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
 - (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and
 - (2) appropriate substitute courses for purposes of this subsection.
- (b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:
 - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee; or

- (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.
- (b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:
 - (1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);
 - (2) four credits in science, which must include the courses described by Subsection (b-1)(3);
 - (3) the remaining curriculum requirements under Subsection (b-1); and
 - (4) the curriculum requirements for at least one endorsement under Subsection (c-1).
- (b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.
- (b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.
- (b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.
- (b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.
- (b-20) The State Board of Education shall adopt rules to include the instruction developed under Section [28.012](#) in one or more courses in the required curriculum for students in grade levels 9 through 12.
- (b-21) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirement for one credit under Subsection (b-1)(5) by successfully completing at an elementary school either a dual language immersion program under Section [28.0051](#) or a course in American Sign Language.
- (b-22) In adopting rules under Subsection (b-1), the State Board of Education shall ensure that a personal financial literacy & economics course taken to comply with the curriculum requirement under Subsection (b-1)(4) allocates:
 - (1) two-thirds of instruction time to instruction in personal financial literacy; and
 - (2) one-third of instruction time to instruction in economics.
- (b-23) The agency shall:
 - (1) develop a list of free, open-source, and publicly available curricula that may be used by a school district to provide a personal financial literacy & economics course that satisfies the curriculum requirement under Subsection (b-1)(4); and

- (2) seek, accept, and spend any federal or private grant funds and gifts that are available for the purpose of providing a personal financial literacy & economics course as part of the foundation high school program.
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
 - (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections [28.0256](#) and [39.025](#); or
 - (2) the student successfully completes an individualized education program developed under Section [29.005](#).
- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:
 - (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
 - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
 - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
 - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
 - (5) multidisciplinary studies, which allows a student to:
 - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
 - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
 - (1) require a student in order to earn any endorsement to successfully complete:
 - (A) four credits in mathematics, which must include:
 - (i) the courses described by Subsection (b-1)(2); and
 - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
 - (B) four credits in science, which must include:

- (i) the courses described by Subsection (b-1)(3); and
 - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
- (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
- (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.
- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
 - (1) for outstanding performance:
 - (A) in a dual credit course;
 - (B) in bilingualism and biliteracy;
 - (C) on a college advanced placement test or international baccalaureate examination;
 - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
 - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#).
- (c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter [A](#), Chapter [29](#), may earn an endorsement on the student's transcript by:
 - (1) successfully completing, with or without modification of the curriculum:
 - (A) the curriculum requirements identified by the State Board of Education under Subsection (a); and

- (B) the additional endorsement curriculum requirements prescribed by the State Board of Education under Subsection (c-2); and
- (2) successfully completing all curriculum requirements for that endorsement adopted by the State Board of Education:
 - (A) without modification of the curriculum; or
 - (B) with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's admission, review, and dismissal committee.
- (c-8) For purposes of Subsection (c-7), the admission, review, and dismissal committee of a student in a special education program under Subchapter [A](#), Chapter [29](#), shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.
- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
 - (1) enrolled in the foundation high school program;
 - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
 - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter [A](#), Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter [A](#), Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student

may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).

- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (h) Expired.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER B. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS

TEC, §29.051. STATE POLICY.

English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of emergent bilingual students, this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 5, eff. September 1, 2021.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.003. RULES.

The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.022. INSTRUCTIONAL MATERIALS REVIEW AND ADOPTION.

- (a) The State Board of Education shall adopt a review and adoption cycle for instructional materials for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002. In adopting the cycle, the board:
 - (1) is not required to review and adopt instructional materials for all grade levels in a single year; and
 - (2) shall give priority to instructional materials in the following subjects:
 - (A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under Subchapter B, Chapter 39, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (C) foundation curriculum subjects not described by Paragraph (A) or (B), including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n); and
 - (D) enrichment curriculum subjects.
- (b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-fourth of the instructional materials for subjects in the foundation curriculum are reviewed each biennium. The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum every eight years. The adoption of instructional materials for a subject in the foundation curriculum may be extended beyond the eight-year period only if the content of instructional materials for a subject is sufficiently current.
- (c) The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the enrichment curriculum on a cycle the board considers appropriate.
- (d) At least 12 months before the beginning of the school year for which instructional materials for a particular subject and grade level will be adopted under the review and adoption cycle, the board shall publish notice of the review and adoption cycle for those instructional materials. A request for production must allow submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (d-1) A notice published under Subsection (d) must state that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic sample of the instructional materials as required by Sections 31.027(a) and (b) and may not submit a print sample copy.
- (e) The board shall designate a request for production of instructional materials in a subject area and grade level by the school year in which the instructional materials are intended to be made available in classrooms and not by the school year in which the board makes the request for production.
- (f) The board shall amend any request for production issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation.
- (g) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials and technology

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

allotment under Section [31.0211](#), the board must consider the cost of all district technology requirements, as estimated by the commissioner under Section [31.0211\(d\)](#), and instructional materials for that state fiscal biennium.

- (h) The board shall include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.
- (i) During any state fiscal biennium beginning on or after September 1, 2023, the total projected cost of instructional materials under requests for production issued by the board may not exceed 75 percent of the total amount used to fund the instructional materials and technology allotment under Section [31.0211](#) for that biennium.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.001. COMPOSITION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.

- (a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:
- (1) all land appropriated for the public schools by the constitution and laws of this state;
 - (2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as defined by Section [88.111](#); and property described by Section [12.128](#);
 - (3) all proceeds from the authorized sale of permanent school fund land;
 - (4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;
 - (5) all investments authorized by Section [43.003](#) of properties belonging to the permanent school fund; and
 - (6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.
- (b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:
- (1) the distributions to the fund from the permanent school fund as provided by Sections ~~Section~~ [5\(a\)](#) and [\(g\)](#), Article VII, Texas Constitution;
 - (2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;
 - (3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and
 - (4) all other appropriations to the available school fund made by the legislature for public school purposes.
- (c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age enrolled in average daily attendance the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.
- (d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Sections ~~Section~~ [5\(a\)](#) and [\(g\)](#), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state technology and instructional materials fund established under Section [31.021](#).

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TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §43.001. COMPOSITION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.

- (a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:
- (1) all land appropriated for the public schools by the constitution and laws of this state;
 - (2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as described by Section [88.111](#) and property described by Section [12.128](#);
 - (3) all proceeds from the authorized sale of permanent school fund land;
 - (4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;
 - (5) all investments authorized by Section [43.003](#) of assets belonging to the permanent school fund; and
 - (6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.
- (b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:
- (1) the distributions to the fund from the permanent school fund as provided by Sections [5\(a\)](#) and (g), Article VII, Texas Constitution;
 - (2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;
 - (3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and
 - (4) all other appropriations to the available school fund made by the legislature for public school purposes.
- (c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age enrolled in average daily attendance the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.
- (d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Sections [5\(a\)](#) and (g), Article VII, Texas Constitution, to be placed, subject to the

General Appropriations Act, in the state instructional materials and technology fund established under Section [31.021](#).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 36, eff. June 10, 2003; Acts 2003, 78th Leg., ch. 328, Sec. 2.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 65, eff. July 19, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 66, eff. July 19, 2011.

Acts 2015, 84th Leg., R.S., Ch. 731 (H.B. [1474](#)), Sec. 4, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 581 (S.B. [810](#)), Sec. 34, eff. June 9, 2017.

Acts 2017, 85th Leg., R.S., Ch. 705 (H.B. [3526](#)), Sec. 22, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 1, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 2, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 5.028, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 631 (S.B. [1454](#)), Sec. 12, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 1.02, eff. September 1, 2021.

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TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48 [42]. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §48.004 ADMINISTRATION OF THE PROGRAM.

The commissioner shall adopt rules and take action and require reports consistent with this chapter as necessary to implement and administer the Foundation School Program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Transferred, redesignated and amended from Education Code, Section 42.004 by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1.013, eff. September 1, 2019.

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TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER F. FINANCING THE PROGRAM

TEC, §48.251. FINANCING; GENERAL RULE.

- (a) The cost of the Foundation School Program for a school district is the total sum of:
 - (1) the sum of the tier one allotments and other funding as follows:
 - (A) the basic allotment under Subchapter B;
 - (B) the student-based allotments under Subchapter C; and
 - (C) the additional funding under Subchapter D; and
 - (2) the tier two allotment under Subchapter E.
- (b) The sum of the Foundation School Program maintenance and operations costs for all accredited school districts in this state constitutes the total maintenance and operations cost of the Foundation School Program.
- (c) The program shall be financed by:
 - (1) state available school funds distributed in accordance with the law;
 - (2) ad valorem tax revenue generated by local school district effort; and
 - (3) state funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's Foundation School Program not covered by other funds specified in this subsection.

TEXAS GOVERNMENT CODE
TITLE 8. PUBLIC RETIREMENT SYSTEMS
SUBTITLE C. TEACHER RETIREMENT SYSTEM OF TEXAS
CHAPTER 825. ADMINISTRATION
SUBCHAPTER A. BOARD OF TRUSTEES

TGC, §825.003. TRUSTEES APPOINTED BY GOVERNOR FROM NOMINEES OF BOARD OF EDUCATION.

The governor shall appoint two members of the board of trustees, subject to confirmation by two-thirds of the senate, from lists of nominees submitted by the State Board of Education. These members must be persons who have demonstrated financial expertise, have worked in private business or industry, and have broad investment experience, preferably in investment of pension funds.

MINUTES

STATE BOARD OF EDUCATION

APRIL 2023

Minutes

State Board of Education

April 14, 2023

STATE BOARD OF EDUCATION

(updated February 2023)

(State Board for Career and Technology Education)

KEVEN ELLIS, Lufkin
Chair of the State Board of Education
District 9

PAM LITTLE, Fairview
Vice Chair of the State Board of Education
District 12

PAT HARDY, Fort Worth
Secretary of the State Board of Education
District 11

Board Members

MELISSA ORTEGA, El Paso
District 1

JULIE PICKREN, Pearland
District 7

LJ FRANCIS, Corpus Christi
District 2

AUDREY YOUNG, Trinity
District 8

MARISA PEREZ-DIAZ, San Antonio
District 3

TOM MAYNARD, Florence
District 10

STACI CHILDS, Houston
District 4

AICHA DAVIS, Dallas
District 13

REBECCA BELL-METTEREAU
San Marcos, District 5

EVELYN BROOKS, Frisco
District 14

WILL HICKMAN, Houston
District 6

AARON KINSEY, Midland
District 15

Committees of the State Board of Education
(Updated February 2023)

INSTRUCTION

Audrey Young- Chair
Evelyn Brooks-Vice Chair
Aicha Davis
Pam Little
Melissa N. Ortega

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard-Chair
Marisa Perez-Diaz-Vice Chair
Keven Ellis
Patricia Hardy
Aaron Kinsey

SCHOOL INITIATIVES

Will Hickman-Chair
LJ Francis-Vice Chair
Rebecca Bell-Metereau
Staci Childs
Julie Pickren

Minutes
State Board of Education
Friday, April 14, 2023

The State Board of Education met at 9:05 a.m. on Friday, April 14, 2023, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Rebecca Bell-Metereau (virtual); Evelyn Brooks; Staci Childs; Aicha Davis; L.J. Francis; Patricia Hardy; Will Hickman (virtual); Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Student Performance

A student performance was provided by Mini Mojo of Miller’s Point Elementary School in the Judson Independent School District.

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, February 2, 2023

State Board of Education February 3, 2023

MOTION AND VOTE: *The State Board of Education unanimously approved the minutes of the February 2 and February 3, 2023, meetings of the State Board of Education, as printed.*

Public Testimony

Public Testimony was provided by the following individuals:

NAME: Jackie Besinger
AFFILIATION: Moms for America

NAME: Carrie Moore
AFFILIATION: Self

1. Resolutions

MOTION: *It was moved by Mrs. Brooks and seconded by Mrs. Little that the State Board of Education adopt the resolution Regarding Title IX in Texas K-12 Public Schools.*

Mrs. Brooks asked that the resolution be withdrawn because it does not align with the Board Operating Procedures.

VOTE: *The State Board of Education allowed the withdrawal of the resolution without objection.*

2. Approval of Consent Agenda

Any agenda item may be placed on the consent agenda by any State Board of Education committee. The State Board of Education may elect to take separate action on any item on the consent agenda.

By unanimous consent, the State Board of Education approved the following items on the consent agenda.

(1) Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript) (Second Reading and Final Adoption)

(Board agenda page II-1)

The State Board of Education approved for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript); and

Made an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript), is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. (ATTACHMENT 1, page 9)

(2) Adoption of an Annual Report on the Status of the Bond Guarantee Program

(Board agenda page III-2)

The State Board of Education removed this item from the consent agenda.

(3) Review the Processes for Consideration of Board Member Nominees for State Board Positions

(Board agenda page III-3)

The State Board of Education approved approve the procedure for selecting nominees to be sent to the Governor for membership on the School Land Board as presented by staff.

COMMITTEE OF THE FULL BOARD

3. Update on Texas Essential Knowledge and Skills (TEKS) Review (Board agenda page I-23)

MOTION: *It was moved by Mrs. Little that the State Board of Education approve changes to the TEKS Review Work Group Build Process as amended and recommended by the Committee of Full Board.*

MOTION AND VOTE: *It was moved by Ms. Childs and seconded by Ms. Perez-Diaz that the State Board of Education include the term “gender” throughout the TEKS Review Work Group Build Process document. The motion failed.*

VOTE: *A vote was taken on the motion that the State Board of Education approve changes to the TEKS Review Work Group Build Process as amended and recommended by the Committee of Full Board. The motion carried.*

MOTION AND VOTE: *It was moved by Mrs. Little and carried without objection that the State Board of Education amend, as recommended by the Committee of Full Board, the administrative procedures column of Step 3C of the SBOE TEKS Review Process Decision Document by adding “TEA staff shall notify the nominator of any non-response” as follows:*

“3C. If not provided, TEA Curriculum staff contacts the designated content advisor to request resume or CV. Curriculum staff sends preliminary communication to content advisors and work with Contracts and Purchasing staff to begin the paperwork for the personal services contract. TEA staff shall notify the nominator of any non-response.”

MOTION AND VOTE: *It was moved by Mrs. Little and carried without objection to recommend that the State Board of Education amend the steps in the approved process column of Step 1 of the SBOE TEKS Review Process Decision Document to add “and parents” after “survey from educators” as recommended by the Committee of Full Board.*

MOTION AND VOTE: *It was moved by Mrs. Little and carried without objection that the State Board of Education amend, as recommended by the Committee of Full Board, the administrative procedures column of Step 4A of the SBOE TEKS Review Process Decision Document by adding “A list of those organizations shall be shared with SBOE members” as follows:*

“4A. TEA identifies and invites to the briefing stakeholders from professional organizations and other entities who have expressed an interest in the subject areas review. A list of those organizations shall be shared with SBOE members.”

MOTION AND VOTE: *It was moved by Mrs. Little and carried without objection that the State Board of Education amend, as recommended by the Committee of Full Board, the administrative procedures column of Step 5C of the SBOE TEKS Review Process Decision Document by adding “A list of such presentations and meetings shall be shared with members of the SBOE” as follows:*

“5C. TEA promotes the application in relevant conference presentations and educator meetings and in meetings with ESC specialists. A list of such presentations and meetings shall be shared with members of the SBOE.”

MOTION: *It was moved by Mrs. Little and carried without objection that the State Board of Education amend, as recommended by the Committee of Full Board, the administrative procedures column of Step 6A of the SBOE TEKS Review Process Decision Document by inserting “all completed” before the word “applicants.”*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Maynard, and carried without objection that the State Board of Education amend the amendment to replace the term “applicants” with “applications” as follows:*

“6A. TEA staff sort applications by SBOE district and prepare approval forms. TEA staff provides each SBOE member a list of all completed applications ~~applicants~~ from their district.”

VOTE: *A vote was taken on the original motion to amend the administrative procedures column of Step 6A of the SBOE TEKS Review Process Decision Document as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Mrs. Little and carried without objection that the State Board of Education amend, as recommended by the Committee of Full Board, the steps in approved process column of Step 7 of the SBOE TEKS Review Process Decision Document as follows:*

“7. SBOE adopts ~~determines~~ scope of review and provides written direction to TEA and work groups regarding work to be completed.”

MOTION AND VOTE: *It was moved by Mrs. Little and carried without objection that the State Board of Education amend the additional information column of Step 9A of the SBOE TEKS Review Process Decision Document to replace “TEA” with “the SBOE chair or vice chair,” as recommended by the Committee of Full Board.*

MOTION: *It was moved by Mrs. Little that the State Board of Education take no action on the list of recommendations for the CTE advisory group members for Agriculture, Food, and Natural Resources.*

MOTION AND VOTE: *It was moved by Mr. Kinsey, seconded by Mr. Maynard, and carried that the SBOE approve, as a substitute motion, the list of recommendations for the CTE advisory group members for Agriculture, Food, and National Resources with the inclusion of Stan Younger, Dean of Aeronautics at Hallmark University in San Antonio and further change the name of the advisory group to Agriculture, Food, National Resources, and Aviation. The motion carried without objection.*

VOTE: *A vote was taken on the substitute motion that the SBOE approve the list of recommendations for the CTE advisory group members for Agriculture, Food, and National Resources with the inclusion of Stan Younger, Dean of Aeronautics at Hallmark University in San Antonio and further change the name of the advisory group to Agriculture, Food, National Resources, and Aviation. The motion carried without objection.*

4. **Proposed New Texas Essential Knowledge and Skills for Occupational Safety and Health in 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School (First Reading and Filing Authorization)**
(Board agenda page I-31)

MOTION AND VOTE: *It was moved by Mrs. Little and carried without objection that the State Board of Education, approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, as amended and recommended by the Committee of Full Board.*

COMMITTEE ON INSTRUCTION

5. **Proposed Revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School (Second Reading and Final Adoption)**
(Board agenda page II-7)

MOTION AND VOTE: *It was moved by Dr. Young and carried without objection that the State Board of Education approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School, and*

Make an affirmative finding that immediate adoption of the proposed revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School, is necessary and shall have an effective date of August 1, 2023, as recommended by the Committee on Instruction. (ATTACHMENT 2, page 11)

6. **Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411; Subchapter M, Law and Public Service, §127.633; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.744, 127.756, 127.757, 127.761, 127.764, 127.765, 127.769, and 127.770 (First Reading and Filing Authorization)**
(Board agenda page II-17)

MOTION AND VOTE: *It was moved by Dr. Young and carried without objection that the State Board of Education, suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.761, Fundamentals of Computer Science (One Credit); §127.764, Computer Science III (One Credit); §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One

Credit); and §127.770, Cybersecurity Capstone (One Credit), as recommended by the Committee on Instruction.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

- (2) **Adoption of an Annual Report on the Status of the Bond Guarantee Program**
(Board agenda page III-2)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education adopt the annual report on the status of the Bond Guarantee Program.*

COMMITTEE ON SCHOOL INITIATIVES

7. **Adoption of Rule Review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners**
(Board agenda page IV-1)

MOTION AND VOTE: *It was moved by Mr. Hickman and carried without objection that the State Board of Education adopt the review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners, as recommended by the Committee on School Initiatives.*

8. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment**
(Board agenda page IV-7)

MOTION AND VOTE: *It was moved by Mr. Hickman and carried that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment, as recommended by the Committee on School Initiatives.*

9. **Review of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates**
(Board agenda page IV-13)

MOTION AND VOTE: *It was moved by Mr. Hickman and carried that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, as recommended by the Committee on School Initiatives.*

10. Review of Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate

(Board agenda page IV-24)

MOTION: *It was moved by Mr. Hickman that the State Board of Education veto the proposed revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate, as recommended by the Committee on School Initiatives.*

MOTION AND VOTE: *It was moved by Ms. Pickren to call the question. The motion carried with 9 members voting Aye and 5 members voting No as follows:*

Aye: Ms. Brooks Mrs. Little
 Mr. Francis Mr. Maynard
 Ms. Hardy Ms. Pickren
 Mr. Hickman Dr. Young
 Mr. Kinsey

No: Dr. Bell-Metereau Dr. Ortega
 Ms. Childs Ms. Perez-Diaz
 Ms. Davis

VOTE: *A vote was taken on the motion that the State Board of Education veto the proposed revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate, as recommended by the Committee on School Initiatives. The motion carried with 10 members voting Aye and 5 members voting No as follows:*

Aye: Ms. Brooks Mr. Kinsey
 Dr. Ellis Mrs. Little
 Mr. Francis Mr. Maynard
 Ms. Hardy Ms. Pickren
 Mr. Hickman Dr. Young

No: Dr. Bell-Metereau Dr. Ortega
 Ms. Childs Ms. Perez-Diaz
 Ms. Davis

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

Dr. Young explained that the committee had an opportunity to receive a presentation from staff on the innovative course application process. She further shared that the committee would review the rules for innovative courses at a future meeting.

Committee on School Finance/Permanent School Fund

Mr. Maynard provided an overview of the nominating process for the School Land Board and asked members to identify individuals with relevant expertise as potential nominees prior to June 9, 2023.

Committee on School Initiatives

Mr. Hickman reported that the committee may propose amendments to the rules regarding independent hearing examiners and at a future meeting. He reported that a new recurring SBEC item has been placed on the agenda so that the committee may hear from Ms. Garcia to better understand what action to expect at future meetings. The next SBEC meeting is April 28. He further reported that capacity interviews for charter school applicants will be May 8-12. Finally, he reported that the committee received a good presentation on school safety from Dr. Martinez-Prather from the Texas School Safety Center.

REPORTS OF OTHER STATE BOARD OF EDUCATION MEMBERS REGARDING AGENDA ITEMS AND EDUCATIONAL ACTIVITIES AND CONCERNS IN INDIVIDUAL DISTRICTS

Dr. Ellis gave board members an opportunity to provide information regarding agenda items or other relevant information about public education.

The meeting adjourned at 12:06 p.m.

Pat Hardy, Secretary

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter A. Required Curriculum

§74.5. Academic Achievement Record (Transcript).

- (a) The commissioner of education shall develop and distribute to each school district and institution of higher education the state guidelines for a common academic achievement record and coding system for courses and instructions for recording information on the academic achievement record. Each school district must use the coding system provided by the commissioner.
- (b) Following guidelines developed by the commissioner, each school district must use an academic achievement record (transcript) form that includes the following:
 - (1) student demographics;
 - (2) school data;
 - (3) student data; and
 - (4) the record of courses and credits earned.
- (c) The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. Each district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving school district.
- (d) Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned.
- (e) A student who completes high school graduation requirements shall have attached to the academic achievement record a seal approved by the State Board of Education.
- (f) A student who completes the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record.
- (g) A student who earns a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record.
- (h) A student who earns the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record.
- (i) A student who demonstrates proficiency in speech as specified in §74.11(a)(3) of this title (relating to High School Graduation Requirements) shall have completion of the speech requirement clearly indicated on the academic achievement record.
- (j) A student who completes the required instruction in cardiopulmonary resuscitation (CPR) as specified in §74.38 of this title (relating to Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)) in Grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record.
- (k) A student who completes the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record.
- (l) A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.

- (m) A student who satisfies a languages other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with §74.12(b)(5)(F) of this title (relating to Foundation High School Program) shall have the credit clearly indicated on the academic achievement record.
- (n) A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program in accordance with Chapter 21, Subchapter D, of this title (relating to the Texas First Early High School Completion Program) shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record.
- (o) ~~(n)~~ A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record will include a notation of the date such a certificate was issued to the student.

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 127. Texas Essential Knowledge and Skills for Career Development and Career and Technical Education

Subchapter A. Middle School

~~§127.1. Implementation of Texas Essential Knowledge and Skills for Career Development, Middle School, Adopted 2015.~~

- ~~(a) — The provisions of this subchapter shall be implemented by school districts beginning with the 2017-2018 school year.~~
- ~~(b) — No later than August 31, 2016, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for career development as adopted in §127.2 and §127.3 of this subchapter.~~
- ~~(c) — If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §127.2 and §127.3 of this subchapter shall be implemented beginning with the 2017-2018 school year and apply to the 2017-2018 and subsequent school years.~~
- ~~(d) — If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §127.2 and §127.3 of this subchapter shall be implemented for the following school year.~~

~~§127.2. Investigating Careers, Adopted 2015.~~

- ~~(a) — General requirements. This course is recommended for students in Grades 7 and 8.~~
- ~~(b) — Introduction.~~
- ~~(1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
- ~~(2) — Career development is a lifelong pursuit of answers to the questions: Who am I? Why am I here? What am I meant to do with my life? It is vital that students have a clear sense of direction for their career choice. Career planning is a critical step and is essential to success.~~
- ~~(3) — The goal of this course is to create a foundation for success in high school, future studies, and careers such as Science, Technology, Engineering, and Mathematics; Business and Industry; Public Service; Arts and Humanities; and Multidisciplinary Studies. The students research labor market information, learn job seeking skills, and create documents required for employment.~~
- ~~(4) — Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
- ~~(5) — Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~
- ~~(c) — Knowledge and skills.~~
- ~~(1) — The student investigates one or more careers within the 16 career clusters. The student is expected to:~~
- ~~(A) — identify the various career opportunities within one or more career clusters; and~~
- ~~(B) — identify the pathways within one or more career clusters.~~

- ~~(2) — The student investigates career pathways in one or more of the 16 career clusters. The student is expected to:~~
- ~~(A) — research the academic requirements for one or more of the careers in an identified cluster;~~
 - ~~(B) — research the certification or educational requirements for careers; and~~
 - ~~(C) — describe the technical skill requirements for careers.~~
- ~~(3) — The student investigates the professional skills needed for college and career success. The student is expected to:~~
- ~~(A) — apply core academic skills to meet personal, academic, and career goals;~~
 - ~~(B) — investigate the importance of co-curricular, extracurricular, career preparation, and extended learning experiences;~~
 - ~~(C) — investigate the steps required to participate in a variety of career and educational opportunities, including, but not limited to, entry level employment, military service, apprenticeships, community and technical colleges, and universities;~~
 - ~~(D) — identify professional associations affiliated with a career pathway;~~
 - ~~(E) — recognize the value of community service and volunteerism; and~~
 - ~~(F) — demonstrate characteristics required for personal and professional success such as work ethics, integrity, dedication, perseverance, and interacting with diverse populations.~~
- ~~(4) — The student investigates labor market information. The student is expected to:~~
- ~~(A) — analyze national, state, regional, and local labor market information;~~
 - ~~(B) — classify evidence of high skill, high wage, or high demand occupations based on analysis of labor market information; and~~
 - ~~(C) — analyze the effects of changing employment trends, societal needs, and economic conditions on career planning.~~
- ~~(5) — The student investigates job seeking skills. The student is expected to:~~
- ~~(A) — identify the steps for an effective job search;~~
 - ~~(B) — describe appropriate appearance for an interview; and~~
 - ~~(C) — participate in a mock interview.~~
- ~~(6) — The student creates professional documents required for employment. The student is expected to:~~
- ~~(A) — develop a resume;~~
 - ~~(B) — write appropriate business correspondence such as a letter of intent and a thank you letter;~~
 - ~~(C) — complete sample job applications; and~~
 - ~~(D) — explain protocol for selecting and using references.]~~

~~[§127.3. College and Career Readiness, Adopted 2015.]~~

- ~~(a) — General requirements. This course is recommended for students in Grades 7 and 8.~~
- ~~(b) — Introduction.~~

- ~~(1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~

- ~~(2) Career development is a lifelong pursuit of answers to the questions: Who am I? Why am I here? What am I meant to do with my life? It is vital that students have a clear sense of direction for their career choice. Career planning is a critical step and is essential to success.~~
- ~~(3) The career development process is unique to every person and evolves throughout one's life. Students will use decision making and problem solving skills for college and career planning. Students will explore valid, reliable educational and career information to learn more about themselves and their interests and abilities. Students integrate skills from academic subjects, information technology, and interpersonal communication to make informed decisions. This course is designed to guide students through the process of investigation and in the development of a college and career readiness achievement plan. Students will use interest inventory software or other tools available to explore college and career areas of personal interest. Students will use this information to explore educational requirements for various colleges and a variety of chosen career paths.~~
- ~~(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
- ~~(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~
- ~~(c) Knowledge and skills:~~
- ~~(1) The student explores career assessments as related to college and career planning. The student is expected to:~~
- ~~(A) analyze and discuss the initial results of career assessments;~~
 - ~~(B) explore the 16 career clusters;~~
 - ~~(C) research trending fields related to career interest areas;~~
 - ~~(D) determine academic requirements in related career fields; and~~
 - ~~(E) research educational options and requirements using available resources.~~
- ~~(2) The student analyzes college and career opportunities. The student is expected to:~~
- ~~(A) determine academic requirements for transitioning to high school;~~
 - ~~(B) explore opportunities for earning college credit in high school such as advanced placement courses, International Baccalaureate courses, dual credit, and local and statewide articulated credit;~~
 - ~~(C) develop an awareness of financial aid, scholarships, and other sources of income as well as college savings to support college and career advancement;~~
 - ~~(D) discuss the impact of effective college and career planning;~~
 - ~~(E) demonstrate decision making skills related to school and community issues, programs of study, and college and career planning; and~~
 - ~~(F) identify how performance on assessments such as the PSAT/NMSQT®, SAT®, ACT®, ASVAB®, and Texas Success Initiative (TSI®) impact personal academic and career goals.~~
- ~~(3) The student evaluates skills for personal success. The student is expected to:~~
- ~~(A) use interpersonal skills to facilitate effective teamwork;~~
 - ~~(B) use problem solving models and critical thinking skills to make informed decisions;~~
 - ~~(C) use effective time management and goal setting strategies;~~
 - ~~(D) identify skills that can be transferable among a variety of careers;~~
 - ~~(E) create a personal career portfolio;~~

- ~~(F) — make oral presentations that fulfill specific purposes using appropriate technology; and~~
- ~~(G) — identify entrepreneurial opportunities within a field of personal interest.~~
- ~~(4) — The student recognizes the impact of college and career choices on personal lifestyle. The student is expected to:~~
 - ~~(A) — prepare a personal budget reflecting the student's desired lifestyle; and~~
 - ~~(B) — use resources to compare and contrast salaries of at least three careers in the student's interest area.~~
- ~~(5) — The student demonstrates an understanding of financial management. The student is expected to:~~
 - ~~(A) — compare the advantages and disadvantages of different types of money management services;~~
 - ~~(B) — simulate opening and maintaining different types of financial accounts;~~
 - ~~(C) — simulate different methods of withdrawals and deposits;~~
 - ~~(D) — reconcile financial statements, including fees and services;~~
 - ~~(E) — compare and contrast forms of credit, including credit cards and debit cards;~~
 - ~~(F) — discuss the importance of credit scores;~~
 - ~~(G) — discuss the impact of identity theft on credit; and~~
 - ~~(H) — examine the effects of poor credit scores as they relate to personal finance and career opportunities.~~
- ~~(6) — The student develops skills for professional success. The student is expected to:~~
 - ~~(A) — demonstrate effective verbal, nonverbal, written, and electronic communication skills;~~
 - ~~(B) — evaluate the impact of positive and negative personal choices, including use of electronic communications such as social networking sites;~~
 - ~~(C) — model characteristics of effective leadership, teamwork, and conflict management;~~
 - ~~(D) — recognize the importance of a healthy lifestyle, including the ability to manage stress; and~~
 - ~~(E) — explore characteristics necessary for professional success such as work ethics, integrity, dedication, perseverance, and interactions with diverse populations.]~~

§127.2. Career and College Exploration [Flight Plans, Adopted 2022] :

- ~~(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.~~
- ~~(b) General requirements. This course is recommended for students in Grades 7 and 8.~~
- ~~(c) Introduction.~~
 - ~~(1) Career and technical education (CTE) instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
 - ~~(2) Career development is a lifelong pursuit of answers to the questions: Who am I? Why am I here? What am I meant to do with my life? Will my desired career path provide a self-sufficient wage? What occupations are in the highest demand that align to my values and interests? It is vital that students have a clear sense of direction for their career choice. Education and career planning is a critical step and is essential to success.~~
 - ~~(3) The career development process is unique to every person and evolves throughout one's life. In Flight Plans, students use decision-making and problem-solving skills for individual career and~~

academic planning. Students explore valid, reliable educational and career information to learn more about themselves and their interests and abilities. Students integrate skills from academic subjects, information technology, and interpersonal communication to make informed decisions. This course is designed to guide students through the process of investigating and developing a college and career readiness flight plan. Students use aptitude and interest inventory assessments, software, or other tools available to explore college and career areas of personal interest. Students use this information to explore a variety of career paths, especially those in demand, and begin mapping their anticipated secondary coursework and potential postsecondary experiences that are in alignment with their goals.

- (4) The goal of this course is to help students build career awareness and engage in deep exploration and study of the Texas CTE career clusters to create a foundation for success in high school, possible postsecondary studies, and careers. Students research labor market information, learn job-seeking skills, and create documents required for employment.
 - (5) Students are encouraged to explore and participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student takes one or more career interest surveys, aptitude tests, or career assessments and explores various college and career options. The student is expected to:
 - (A) analyze and discuss the initial results of the assessments;
 - (B) explore and describe the CTE career clusters;
 - (C) identify various career opportunities within one or more career clusters; and
 - (D) research and evaluate emerging occupations related to career interest areas.
 - (2) The student investigates educational and training requirements for career and education pathways in one or more of the career clusters. The student is expected to:
 - (A) research and describe applicable academic, technical, certification, and training requirements for one or more of the careers in an identified career cluster; and
 - (B) use available resources to research and evaluate educational and training options for one or more of the careers in an identified career cluster.
 - (3) The student analyzes educational and career opportunities. The student is expected to:
 - (A) describe academic requirements for transitioning from middle school to high school and from high school to career or postsecondary education;
 - (B) explore and list opportunities for earning college credit in high school such as Advanced Placement examinations, International Baccalaureate examinations, dual credit courses, and local and statewide articulated credit courses;
 - (C) investigate and describe various methods available to pay for college and other postsecondary training, including financial aid, scholarships, college savings, employee benefits, and other sources of income;
 - (D) discuss the impact of effective college and career planning;
 - (E) identify how performance on assessments such as the PSAT/NMSQT®, SAT®, ACT®, ASVAB®, and Texas Success Initiative (TSI®) impact personal academic and career goals;
 - (F) investigate and describe the importance of co-curricular, extracurricular, career preparation, and extended learning experiences in developing college applications or resumes;

- (G) investigate and report on the steps required to participate or enroll in a variety of career and educational opportunities, including entry-level employment, military service, apprenticeships, community and technical colleges, and universities, as applicable to the career;
 - (H) identify professional associations affiliated with a particular career pathway; and
 - (I) define entrepreneurship and identify entrepreneurial opportunities within a field of personal interest.
- (4) The student develops skills for personal success. The student is expected to:
- (A) demonstrate effective time-management and goal-setting strategies;
 - (B) identify skills that can be transferable among a variety of careers;
 - (C) give oral professional presentations on a topic related to career and college exploration using appropriate technology;
 - (D) apply core academic skills to meet personal, academic, and career goals;
 - (E) explain the value of community service and volunteerism; and
 - (F) define and identify examples in the workplace of characteristics required for personal and professional success such as work ethic, integrity, dedication, and perseverance.
- (5) The student investigates labor market information and recognizes the impact of college and career choices on personal lifestyle. The student is expected to:
- (A) analyze labor market trends related to a career of interest;
 - (B) classify evidence of high-skill, high-wage, or high-demand occupations based on analysis of labor market information;
 - (C) analyze the effects of changing employment trends, societal needs, and economic conditions on career choices;
 - (D) prepare a personal budget reflecting the student's desired lifestyle; and
 - (E) use resources to compare salaries of at least three careers in the student's interest area.
- (6) The student investigates job-seeking skills. The student is expected to:
- (A) identify the steps of an effective job search;
 - (B) describe appropriate appearance for an interview; and
 - (C) participate in a mock interview.
- (7) The student creates professional documents required for employment. The student is expected to:
- (A) write a resume;
 - (B) write appropriate business correspondence such as a cover letter and a thank you letter;
 - (C) complete sample job applications; and
 - (D) explain protocol for selecting and using references.
- (8) The student creates an individual career and academic plan. The student is expected to:
- (A) select a career pathway in a desired field, such as military service, entrepreneurship, or industry;
 - (B) document high school courses and postsecondary educational requirements for that career pathway; and
 - (C) write a plan for starting one's career after the completion of high school and any post-secondary education.

Minutes

State Board of Education Committees

April 11-13, 2023

**Report of the State Board of Education
Committee of the Full Board
Tuesday April 11, 2023**

The State Board of Education Committee of the Full Board met at 1:05 p.m. on Tuesday, April 11, 2023, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; Aicha Davis; L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1 and #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEMS

1. Texas Workforce Commission Chairman and Commissioner's Comments
(Board agenda page I-1)

Bryan Daniel, Texas Workforce Chairman and Commissioner Representing the Public provided an overview of the alignment of education and workforce and answered questions from board members.

Public testimony was provided by the following individuals:

NAME: Lynn Davenport
AFFILIATION: Self

NAME: Jan Stell
AFFILIATION: Self

NAME: Meg Bakich
AFFILIATION: Self

2. Ethics Training
(Board agenda page I-2)

Chris Maska, TEA ethics advisor, legal services, provided an overview of ethics laws and rules that apply to State Board of Education members.

ACTION ITEM

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

(Board agenda page I-23)

[Official agenda item #3]

Public testimony was provided by the following individuals:

NAME: Jackie Besinger
AFFILIATION: Moms for America

NAME: Alexander Harris
AFFILIATION: Self

Shelly Ramos, senior director, curriculum standards and student support division, explained that the career and technical education (CTE) review and revision process calls for State Board of Education (SBOE) members to approve or deny advisory group members. SBOE members reviewed potential CTE advisory group members for Agriculture, Food, and Natural Resources who were recommended by SBOE members and Texas Education Agency (TEA) staff.

MOTION: *It was moved by Mr. Hickman and seconded by Mr. Maynard to recommend that the State Board of Education take no action on the recommendations for the CTE advisory group members for Agriculture, Food, and Natural Resources.*

MOTION AND VOTE: *It was moved by Mrs. Brooks to divide the question and consider the recommendations from individual SBOE members separate from recommendations from TEA staff. The motion failed.*

MOTION AND VOTE: *It was moved by Mr. Francis and carried to table action on the motion to take no action on the list of recommendations for the CTE advisory group members for Agriculture, Food, and Natural Resources until after consideration of the TEKS review process.*

Ms. Ramos provided an overview of the TEKS review and revision process, including the process for building work groups.

The committee postponed further action on this item to the April 12, 2022, meeting of the Committee of the Full Board.

DISCUSSION ITEM

4. **Discussion of Proposed Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, §66.30, State Review Panels: Eligibility and Appointment**
(Board agenda page I-26)

This item was postponed to the April 12, 2022, meeting of the Committee of the Full Board.

Dr. Ellis adjourned the meeting at 7:41 p.m.

**Report of the State Board of Education
Committee of the Full Board
Wednesday, April 12, 2023**

The State Board of Education Committee of the Full Board met at 9:05 a.m. on Wednesday, April 12, 2023, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Evelyn Brooks; Staci Childs; Aicha Davis; L.J. Francis; Patricia Hardy; Will Hickman (virtual); Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Absent: Rebecca Bell-Metereau

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1 and #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEM

1. Commissioner's Comments
(Board agenda page I-30)

Commissioner Mike Morath provided an overview of the 2022 Agency Annual Report including the TEA Strategic Plan; school safety; school finance; recruiting, supporting, and retaining teachers and principals; building a foundation for reading and math; connecting high school to career and college; improving low-performing schools; A-F accountability; and special education. Commissioner Morath also provided an update on the report of the Teacher Vacancy Task Force.

Public testimony was provided by the following individuals:

NAME: Mary Lowe
AFFILIATION: Families Engaged for Effective Education

NAME: Lynn Davenport
AFFILIATION: Self

NAME: Jan Stell
AFFILIATION: Self

NAME: Meg Bakich
AFFILIATION: Self

ACTION ITEM

2. **Proposed New Texas Essential Knowledge and Skills for Occupational Safety and Health in 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School (First Reading and Filing Authorization)**
(Board agenda page I-31)
[Official agenda item #4]

Shelly Ramos, senior director, curriculum standards and student support division, explained that educator work groups provided feedback regarding the proposed standalone course in occupational safety and health and stated that the work groups had not reached consensus on the best approach. She explained that this item presents two options for the board to consider for Texas Essential Knowledge and Skills (TEKS) in workplace safety and health. One option would establish a one-credit standalone high school course and a second option would establish a set of standards to be imbedded within specified career and technical education (CTE) principles course. She further explained that TEA staff's recommendation was for the board to approve both options at first reading so that the board can gather and consider public feedback on the two options and make a decision prior to considering adoption at second reading.

MOTION: *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023.*

Mr. Maynard confirmed that the intent of the motion is to recommend approval of both options.

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §127.17(c)(4) to read as follows:*

- (4) Successful completion of the standards may lead to a student earning a ten-hour general industry Occupational Safety and Health Administration (OSHA) card. To earn the ten-hour OSHA card, the content must be taught by an authorized OSHA outreach training program trainer.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded Mrs. Little, and carried to call the question.*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.17, Career and Technical Education Standards in Occupational Safety and Health, Adopted 2023, and §127.18, Occupational Safety and Health (One Credit), Adopted 2023, as amended. The motion carried.*

DISCUSSION ITEMS

3. Discussion of Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open Enrollment Charter Schools, §100.1, Selection Process

(Board agenda page I-41)

Public testimony was provided by the following individuals:

NAME: Mary Lowe
AFFILIATION: Self

NAME: Patrick Huff
AFFILIATION: Self

NAME: Christine Gendron
AFFILIATION: Texas Public Charter Schools Association

Marian Schutte, executive director, authorizing division, explained the proposed amendment that was being presented for discussion in response to a petition for a rule change. She also presented information on the Open-Enrollment Charter School selection process.

4. Update on the Review of Proclamation 2024 Instructional Materials

(Board agenda page I-43)

Amie Phillips, director, instructional materials review, open education resources division, provided an update regarding *Proclamation 2024*, including the publisher response, the number of state review panel applications received, and upcoming next steps.

5. Discussion of Pending Litigation

(Board agenda page I-44)

The committee did not discuss pending litigation; therefore, no executive session was held.

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

(Board agenda page I-23)

[Official agenda item #3]

A portion of this item was postponed from the April 11, 2022, meeting of the Committee of the Full Board.

MOTION: *It was moved by Mr. Hickman and seconded by Ms. Hardy to recommend that the State Board of Education approve changes to the TEKS Review Work Group Build Process (ATTACHMENT 1) as follows:*

1. TEA staff develops a work group application in Qualtrics. The application collects contact and demographic information and professional and educational experiences. The application will include resume and professional associations, affiliations, and groups.

- ~~5. TEA staff provides applications to SBOE members from applicants in their districts for approval. Due to the volume of applications received, applications are typically sent to SBOE members in two to three batches. Board members are given one to two weeks to review and approve the applications from their districts. For approval forms not submitted by the deadline, all applicants in the batch are considered approved.~~
- ~~6. TEA staff builds work groups only from the pool of approved applications.~~
- ~~5. 7. To build work groups for specific grade levels or courses, TEA staff identify applicants with direct experience in the grade/course. Campus and district specialists' and administrators' experience supporting the grade level(s) or subject is also appropriate. The following qualifications are preferred:~~
- ~~a. Teachers with three or more years of experience~~
 - ~~b. District/campus personnel who have taught and/or directly supported the grade level/course~~
 - ~~c. IHE personnel with direct content knowledge~~
 - ~~d. If a work group is assigned a grade band, at least one teacher with experience teaching for each grade level~~
- ~~7. 9. The spreadsheet of preferred approved applicants is sorted by SBOE district to facilitate selection of qualified applicants from each district and ensure balanced representation.~~
- ~~8. 10. Using data from the application and the content area team's rankings, staff begins ranking applicants within each SBOE district based on the charge and additional criteria using work-group building guidelines and a rubric adopted by the SBOE. The guidelines are established to ensure that the work groups are highly qualified, reflect the make-up of the state's educators, and include representation from the following:~~
- ~~a. Experience: Highly qualified educators and others with evidence of strong content knowledge and experience in the subject and/or grade level or bands and/or course(s).~~
 - ~~b. Position: A variety of positions reflected such as classroom teachers, campus and district-level administrators/specialists, education service center subject area personnel, and representatives from higher education and community members, including parents and employers.~~
 - ~~c. Geographic area: Rural, suburban, and urban areas and multiple regions across the state~~
 - ~~d. Demographics: Multiple and different racial and ethnic groups and males and females~~
 - ~~e. School district/charter school: A variety of local education agencies are represented, including open enrollment schools~~
- ~~11. Staff begins building the work group using top candidates from each SBOE district. The guidelines are referenced as final selections are made to ensure that each individual work group is balanced and has the necessary qualifications to address the charge.~~
9. TEA staff provides all the applications to SBOE members from applicants in their districts for selection with staff rankings. Board members are given one to two weeks to review and select an applicant to serve from their district. For selection forms not submitted by the deadline, the top ranked staff applicant is deemed selected.
- ~~10. 12. If an individual invited to serve on a work group declines the invitation, the relevant SBOE member will select TEA staff identifies an alternate from the list of top candidates within one~~

~~week. To the extent a member fails to select an alternate within one week, the top ranked staff applicant is deemed selected possible, staff selects an applicant from the same SBOE district and/or with similar qualifications and demographics to maintain the balance in the original work group build.~~

- ~~12.~~ 14. TEA staff builds the next work group comprised of half individuals who have already served on a work group and the other half will be new work group members selected by SBOE members following the process above. This process is repeated to build each new work groups.
13. Staff keeps an ongoing tally of criteria of work group members selected: from the guidelines to maintain balance for SBOE member districts, gender, ethnicity, and rural/suburban/urban area representation.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Perez-Diaz, and carried without objection that the SBOE informally consider language for the TEKS Review Work Group Build Process.*

The committee discussed various ways to refine the language of the TEKS Review Work Group Build Process.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend the TEKS Review Work Group Build Process to move step 9 to step 8 and amend as follows:*

- ~~8.~~ 9. TEA staff provides all the applications to SBOE members from applicants in their districts in ranked categories (as laid out in #6) and the board member may adjust rankings or veto applicants and identify top candidates. The board member has two weeks to return applicants to staff. If the board member does not submit a response, TEA staff's ranking shall remain unchanged for selection with staff rankings. Board members are given one to two weeks to review and select an applicant to serve from their district. For selection forms not submitted by the deadline, the top ranked staff applicant is deemed selected.
9. ~~8.~~ Staff builds the work group using top candidates identified from each SBOE district and a rubric adopted by the SBOE. As final selections are made, the guidelines below are considered to ensure that each individual work group is balanced and has the necessary qualifications to address the charge to the work group. Information on completed work groups will be provided to the board with background information on the work group members. Using data from the application and the content area team's rankings, staff begins ranking applicants within each SBOE district based on the charge and additional criteria using work group building guidelines and a rubric adopted by the SBOE. The guidelines are established to ensure that the work groups are highly qualified, reflect the make-up of the state's educators, and include representation from the following:
 - a. Experience: Highly qualified educators and others with evidence of strong content knowledge and experience in the subject and/or grade level or bands and/or course(s)
 - b. Position: A variety of positions reflected such as classroom teachers, campus and district-level administrators/specialists, education service center subject area personnel, and representatives from higher education and community members, including parents and employers
 - c. School district size: large, midsize, and small school districts ~~Geographic area: Rural, suburban, and urban areas~~ and multiple regions across the state
 - d. Demographics: Multiple and different racial and ethnic groups and males and females

- e. School district/charter school: A variety of local education agencies are represented, including open enrollment schools

MOTION: *It was moved by Mr. Kinsey, seconded by Mr. Francis, and carried to recommend that the State Board of Education amend the TEKS Review Work Group Build Process by adding a new step 12 as follows:*

- 12. At the completion of each workgroup's charge, TEA staff will provide the SBOE with a breakdown of workgroup member statistics.

MOTION AND VOTE: *It was moved by Mr. Francis and carried to recommend that the State Board of Education delete step 14 and amend new step 12 in the TEKS Review Work Group Build Process to read as follows:*

- 12. Staff keeps an ongoing tally of criteria of work group members selected, including but not limited to: SBOE member districts, gender, ethnicity, and school district size. At the completion of each workgroup's charge, TEA staff will provide the SBOE with a breakdown of workgroup member statistics.

Without objection, the committee agreed with technical edits recommended by staff to strike “by SBOE members” from step 13 and to replace criteria with characteristics in step 12.

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve the TEKS Review Work Group Build Process as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Mr. Kinsey, seconded by Ms. Pickren, and carried to recommend that the State Board of Education amend the administrative procedures column of Step 3C of the SBOE TEKS Review Process Decision Document as follows:*

- 3C. *If not provided, TEA Curriculum staff contacts the designated content advisor to request resume or CV. Curriculum staff sends preliminary communication to content advisors and work with Contracts and Purchasing staff to begin the paperwork for the personal services contract. TEA Staff shall notify the nominator of any non-response.*

MOTION AND VOTE: *It was moved by Ms. Pickren, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend the steps in approved process column of Step 1 of the SBOE TEKS Review Process Decision Document to add “and parents” after “survey from educators.”*

MOTION AND VOTE: *It was moved by Mr. Kinsey, seconded by Ms. Childs, and carried without objection to recommend that the State Board of Education amend the administrative procedures column of Step 4A of the SBOE TEKS Review Process Decision Document as follows:*

- 4A. *TEA identifies and invites to the briefing stakeholders from professional organizations and other entities who have expressed an interest in the subject areas review. A list of those organizations shall be shared with SBOE members.*

MOTION AND VOTE: *It was moved by Mr. Kinsey, seconded by Ms. Pickren, and carried without objection to recommend that the State Board of Education amend the administrative procedures column of Step 5C of the SBOE TEKS Review Process Decision Document as follows:*

5C. *TEA promotes the application in relevant conference presentations and educator meetings and in meetings with ESC specialists. A list of such presentations and meetings shall be shared with members of the SBOE.*

MOTION AND VOTE: *It was moved by Mr. Kinsey, seconded by Mrs. Little, and carried to recommend that the State Board of Education amend the administrative procedures column of Step 6A of the SBOE TEKS Review Process Decision Document as follows:*

6A. *TEA staff sort applications by SBOE district and prepare approval forms. TEA staff provides each SBOE member a list of all completed applicants from their district.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend the steps in approved process column of Step 7 of the SBOE TEKS Review Process Decision Document as follows:*

7. *SBOE adopts ~~determines~~ scope of review and provides written direction to TEA and work groups regarding work to be completed.*

MOTION AND VOTE: *It was moved by Mr. Kinsey, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend the additional information column of Step 9A of the SBOE TEKS Review Process Decision Document to replace TEA with the SBOE chair or vice chair.*

MOTION AND VOTE: *It was moved by Mr. Maynard to take from the table the motion to take no action on the list of recommendations for the CTE advisory group members for Agriculture, Food, and Natural Resources. The motion carried.*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education take no action on the list of recommendations for the CTE advisory group members for Agriculture, Food, and Natural Resources. The motion carried.*

Dr. Ellis briefly discussed the TEKS and Instructional Materials Review and Adoption Schedule and updated the committee on pending legislation that could impact the board's TEKS review timeline. Board members posed questions about the current K-12 mathematics TEKS to Ms. Martinez, James Slack, secondary mathematics content specialist, and Shawna Wiebusch, director of mathematics and science.

7. **Discussion of Proposed Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, §66.30, State Review Panels: Eligibility and Appointment**
(Board agenda page I-26)

This item was postponed from the April 11, 2022, meeting of the Committee of the Full Board.

Ms. Phillips explained that this item provided the opportunity for the committee to discuss possible amendments to rules related to the eligibility and appointment of state review panels.

Dr. Ellis adjourned the meeting at 8:01 p.m.

**Report of the State Board of Education
Committee on Instruction
Thursday, April 13, 2023**

The State Board of Education Committee on Instruction met at 9:05 a.m. on Thursday, April 13, 2023, in Room #1-100 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Audrey Young, chair; Evelyn Brooks; Pam Little; Melissa Ortega

Absent: Aicha Davis

Public Testimony

The Committee on Instruction received no presentations of public testimony.

ACTION ITEMS

1. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript) (Second Reading and Final Adoption)**
(Board agenda page II-1)
[Consent agenda item #(1)]

Jessica Snyder, director, special projects, curriculum standards and support division, explained that the proposed amendment would add a new requirement that a student who earns a diploma by satisfying the requirements of the Texas First Early High School Completion Program must have successful completion of the program indicated on the academic achievement record, or transcript.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Brooks, and carried without objection to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript); and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript), is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

2. **Proposed Revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School (Second Reading and Final Adoption)**

(Board agenda page II-7)

[Official agenda item #5]

Ms. Snyder explained that this item was presented for second reading and final adoption in January but that the board postponed final adoption to have more time to review the course and related public comments.

MOTION: *It was moved by Mrs. Little, seconded by Dr. Ortega, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School; and*

Make an affirmative finding that immediate adoption of the proposed revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Brooks, and carried unanimously to recommend that the State Board of Education change the course title to Career and College Exploration.*

VOTE: *A vote was taken on the motion to recommend that the State Board of Education approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School, as amended; and*

Make an affirmative finding that immediate adoption of the proposed revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter A, Middle School is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

3. **Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411; Subchapter M, Law and Public Service, §127.633; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.744, 127.756, 127.757, 127.761, 127.764, 127.765, 127.769, and 127.770**

(First Reading and Filing Authorization)

(Board agenda page II-17)

[Official agenda item #6]

Ms. Snyder explained that with the implementation of revised Texas Essential Knowledge and Skills (TEKS) for certain CTE courses in the 2023-24 school year, the current TEKS for those courses need to be repealed.

MOTION AND VOTE: *It was moved by Dr. Ortega, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter I, Health Science, §127.411, Pharmacology (One Credit), Adopted 2015; Subchapter M, Law and Public Service, §127.633, Forensic Science (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.744, Principles of Biosciences (One Credit), Adopted 2015; §127.756, Biotechnology I (One Credit), Adopted 2015; §127.757, Biotechnology II (One Credit), Adopted 2015; §127.761, Fundamentals of Computer Science (One Credit); §127.764, Computer Science III (One Credit); §127.765, Digital Forensics (One Credit), Beginning with School Year 2019-2020; §127.769, Foundations of Cybersecurity (One Credit); and §127.770, Cybersecurity Capstone (One Credit).

DISCUSSION ITEM

4. **Discussion of Innovative Courses**

(Board agenda page II-21)

Ms. Ramos provided an overview of the innovative course process, including key data related to historical implementation of innovative courses. She shared information regarding the purpose of innovative courses, the application, review process, and enrollment numbers. The committee requested that an item be added to the June agenda for the committee to discuss the innovative course rules in 19 TAC §74.27.

The meeting of the Committee on Instruction adjourned at 10:07 a.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
Thursday, April 13, 2023**

The State Board of Education Committee on Committee on School Finance/Permanent School Fund met at 2:44 p.m. on Thursday, April 13, 2023, in Room #1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Tom Maynard, chair; Keven Ellis; Patricia Hardy; Aaron Kinsey; Marisa B. Perez-Diaz

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

DISCUSSION ITEM

1. Report by the State Auditor’s Office on the Audit of the Permanent School Fund’s Financial Statements and Certification of the Bond Guarantee Program for the Fiscal Year Ending August 31, 2022

(Board agenda page III-1)

Holland Timmins, chief executive officer, introduced Michael Clayton, audit manager, and Amadou Ngaide, managing auditor from the State Auditor’s Office (SAO) for presentation of the annual audit of the Permanent School Fund for the year ending August 31, 2022, and for presentation of results of the Certification of the Permanent School Fund’s Bond Guarantee Program for fiscal year 2022.

Mr. Ngaide reported that the SAO issued an unmodified (“clean”) opinion on the financial statements audited for the period. He stated that the SAO conducted a review of internal controls and identified no reportable weakness or other items at the Texas Education Agency.

Mr. Ngaide also presented the results of the Certification of the Permanent School Fund’s Bond Guarantee Program for fiscal year 2022. He stated that the amount of bonds guaranteed during fiscal year 2021 was within all regulatory limits established by the Texas Education Code (§45.053(a) and (d), and §45.0531(a) and (b)), the Internal Revenue Service (Notice 2010-5 dated December 16, 2009), and the State Board of Education, and that the Fund had sufficient reserves to meet the State Board of Education’s reserve requirements for the same period.

ACTION ITEMS

2. Adoption of an Annual Report on the Status of the Bond Guarantee Program

(Board agenda page III-2)

[Consent agenda item #(2)]

Mr. Timmins presented the annual report of the Bond Guarantee Program as required by the Texas Education Code and requested that the committee adopt the report as presented.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education adopt the annual report on the status of the Bond Guarantee Program as of August 31, 2022.*

3. Review the Processes for Consideration of Board Member Nominees for State Board Positions

(Board agenda page III-3)

[Consent agenda item #(3)]

Mark Shewmaker, director of special projects, and portfolio manager provided an overview of the process for selecting nominees to be sent to the Governor for membership on the School Land Board.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the procedure for selecting nominees to be sent to the Governor for membership on the School Land Board as presented by staff.*

The meeting of the Committee on School Finance/Permanent School Fund at 3:26 p.m.

**Report of the State Board of Education
Committee on School Initiatives
Thursday, April 13, 2023**

The State Board of Education Committee on School Initiatives met at 9:06 a.m. on Thursday, April 13, 2023, in Room #1-111 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas, and Lewisville Independent School District (ISD), Administrative Center (Conference Room), 1565-A West Main Street, Lewisville, Texas. Attendance was noted as follows:

Present: Will Hickman, chair (Lewisville ISD); Staci Childs; L.J. Francis; Julie Pickren

Absent: Rebecca Bell-Metereau

Non-committee members present: Aicha Davis; Marisa Perez-Diaz

Public Testimony

The Committee on School Initiatives received no presentations of public testimony.

ACTION ITEMS

1. Adoption of Rule Review of 19 TAC Chapter 157, *Hearings and Appeals*, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners

(Board agenda page IV-1)

[Official agenda item #7]

Christopher Maska, director of hearings and appeals, legal services, informed the committee that proposed amendments to the rules would be conducted through a separate rulemaking process and could be presented at a future meeting for consideration.

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education adopt the review of 19 TAC Chapter 157, *Hearings and Appeals*, Subchapter A, *General Provisions for Hearings Before the State Board of Education*, and Subchapter D, *Independent Hearing Examiners*.*

(Ms. Childs was absent for the vote.)

2. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment**

(Board agenda page IV-7)

[Official agenda item #8]

Jessica McLoughlin, senior director, educator quality division, explained that the proposed amendment would create a carve-out for the Science of Teaching Reading (STR) examination, removing the requirement that a candidate be unable to process only written linguistic information to allow an exemption; would remove the requirement that to qualify for an exemption, a person who is already certified in another state and seeking a one-year certificate in Texas must have a recommendation from a State Board for Educator Certification- (SBEC) approved Texas educator preparation program (EPP); and would eliminate the limitation that persons who qualify for an exemption to one certification examination cannot ever take another certification examination unless they have regained their ability to process written linguistic information.

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.25, Test Exemptions for Persons with a Hearing Impairment.*

(Ms. Childs was absent for the vote.)

3. **Review of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates**

(Board agenda page IV-13)

[Official agenda item #9]

Marilyn Cook, senior director, educator preparation and certification division, explained that the proposed amendments would remove certificates no longer issued by SBEC; would strike, where applicable, language referencing deadlines for use of test scores for certificate issuance; would add three new special education certificates into rule; would update language specific to licensure requirements for cosmetology certification; and would propose the addition of a new foreign language certificate to the list of credentials issued by the SBEC. Technical changes would also provide clarification and consistent information related to the classroom teacher certificates issued by the SBEC.

MOTION AND VOTE: *It was moved by Ms. Pickren, seconded by Mr. Francis, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.*

(Ms. Childs was absent for the vote.)

4. **Review of Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate**
(Board agenda page IV-24)
[Official agenda item #10]

DeMarco Pitre, director, educator standards and test development, explained that the proposed revisions would update the standards for the School Librarian and Reading Specialist certificates, would provide timelines for transitions for both certificates to the new standards for preparation purposes, and would provide technical edits as necessary. He explained that the proposed revisions reflect feedback provided by the SBEC-appointed advisory committees for the School Librarian and Reading Specialist certificates.

MOTION AND VOTE: *It was moved by Ms. Pickren, seconded by Mr. Francis, and carried to recommend that the State Board of Education veto the proposed revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter B, School Librarian Certificate, and Subchapter D, Reading Specialist Certificate.*

(Ms. Childs was absent for the vote.)

DISCUSSION ITEMS

5. **Discussion of Ongoing State Board for Educator Certification Activities**
(Board agenda page IV-61)

Emily Garcia, associate commissioner for educator preparation, certification, and enforcement, shared updates on current and upcoming SBEC activities and proposed SBEC rules and amendments.

6. **Open-Enrollment Charter School Generation 28 Application Updates**
(Board agenda page IV-63)

Marian Schutte, executive director, authorizing division, presented information on the Generation 28 Open-Enrollment Charter Application process including goals, timeline, summary, and submission information.

7. **School Safety and Security Progress Report**
(Board agenda page IV-64)

Kathy Martinez-Prather, director of the Texas School Safety Center (TxSSC) provided the committee with an update related to the TxSSC biennial report. Dr. Martinez-Prather's update included an overview of the TxSSC and key school safety mandates.

The meeting of the Committee on School Initiatives adjourned at 11:51 a.m.

