

MINUTES

STATE BOARD OF EDUCATION

DECEMBER 13, 2023

Minutes

State Board of Education

December 13, 2023

**STATE BOARD OF EDUCATION**

(updated February 2023)

*(State Board for Career and Technology Education)*

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

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**AARON KINSEY, Midland**  
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**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  
Wednesday December 13, 2023**

The State Board of Education met at 9:10 a.m. on Wednesday, December 13, 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; LJ Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little (virtual); Tom Maynard; Melissa Ortega (virtual); Marisa B. Perez-Diaz (virtual); Julie Pickren; Audrey Young

**Public Testimony**

The State Board of Education heard public testimony on agenda items #1 and #5. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**ACTION ITEM**

- 1. Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in IMRA; and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education; and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts; and §67.83, Publisher Parent Portal (First Reading and Filing Authorization)**  
(Board agenda page SBOE-1)

Colin Dempsey, director, district operations, technology & sustainability supports division, explained that this item would establish a new chapter in Texas Administrative Code and define the criteria to be used in the review and approval of instructional materials by the State Board of Education and the Texas Education Agency. This proposal would also define requirements for publisher participation in the Instructional Materials Review and Approval (IMRA) process, the rules for the annual request for instructional materials for review and future proclamations, contracts for instructional materials, and criteria for publishers required to host parent portals.

Public testimony was provided by the following individual:

NAME: Alexander Harris  
AFFILIATION: Network of Concerned Citizens

**MOTION:** *It was moved by Mr. Maynard and seconded by Mr. Hickman that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in IMRA; and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education; and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts; and §67.83, Publisher Parent Portal.*

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.21(a) to read:*

“(a) Upon the adoption of revised Texas Essential Knowledge and Skills (TEKS) or Texas Prekindergarten Guidelines (TPG), the State Board of Education (SBOE) shall ~~conduct an investigation to determine~~ if the extent of the revisions ~~and whether revisions~~ have created a need to remove instructional materials from the list approved under Texas Education Code, §31.022.”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.21(b) to read:*

“(b) The SBOE shall issue a proclamation calling for instructional materials if the ~~investigation required~~ determination in subsection (a) of this section results in ~~the determination~~ a decision that a proclamation is necessary.”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried without objection that the State Board of Education amend §67.21(b) to read:*

“(b) The SBOE shall issue a proclamation calling for instructional materials if the determination in subsection (a) of this section results in a decision that a proclamation is necessary.

The proclamation shall serve as notice to:

- (1) all publishers to submit instructional material for review for the subject and grade level or course(s), and
- (2) all publishers with approved instructional materials for the subject and grade level or course(s) that to remain on the list of approved materials they must submit new or revised materials or new information demonstrating alignment of current instructional materials to the revised TEKS or TPG.”

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Francis, and carried without objection that the State Board of Education amend §67.21(c) to read:*

“(c) The Texas Education Agency shall issue an annual request for instructional materials to notify all publishers and the public that submissions of instructional materials aligned to quality rubrics and the suitability rubric approved by the SBOE are being invited for review.”

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Maynard, and carried without objection that the State Board of Education amend §67.23(c) to read:*

“(c) A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of Texas Education Agency. This does not apply to open education resource instructional materials as developed by the Texas Education Agency in accordance with Texas Education Code Chapter 31, Subchapter B-1.”

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.23(d)(1) to read:*

“(1) evidence of coverage of each student expectation, in the context of the lesson, of the Texas Essential Knowledge and Skills ~~in the context of the lesson~~ required by the proclamation or the request for instructional materials for review.”

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Dr. Young, and carried without objection that the State Board of Education add a new §67.23(e) to read:*

“(e) On or before the deadline established in the schedule of approval procedures, publishers shall certify that, after exercising reasonable efforts, the submitted material complies with suitability standards and all applicable state laws.”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried without objection that the State Board of Education move the original §67.23(e) to (f).*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mrs. Brooks, and carried without objection that the State Board of Education amend §67.25 to read:*

“The State Board of Education (SBOE) shall review the results of the instructional materials reviews completed by a review panel and submitted by the commissioner of education in accordance with Texas Education Code (TEC), §31.022. Instructional materials may be placed on the list of approved instructional materials only if they meet the following criteria:”

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection that the State Board of Education amend §67.25 to read:*

“The State Board of Education (SBOE) shall review the results of the instructional materials reviews completed by a review panel and submitted by the commissioner of education in accordance with Texas Education Code (TEC), §31.022 and §31.023. Instructional materials may be placed on the list of approved instructional materials only if they meet the following criteria:”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.25(6) to read:*

“(6) ~~materials do not contain obscene or harmful content as defined by the suitability rubric, are compatible with certification requirements under TEC, §31.1011(a)(1)(B)~~ Are materials are compliant with the suitability rubric standards adopted by the SBOE and are compliant with all applicable state laws.”

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection that the State Board of Education add a new §67.25(7) to read:*

“materials provide access to a Parent Portal as required by TEC §31.154.”

**MOTION AND VOTE:** *It was moved by Mrs. Brooks and seconded by Ms. Hardy that the State Board of Education add a new §67.81(e)(4) to read:*

“evidence that the instructional materials are effective for Texas students resulting in student success of the content standards.” The motion failed.

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried that the State Board of Education amend §67.83(a) to read:*

*“Standards under this section apply to any publisher that supplies instructional materials that are reviewed by ~~Texas Education Agency~~ a review panel under Texas Education Code (TEC), §31.022 and §31.023, and placed on the list of approved instructional materials by the State Board of Education (SBOE) as outlined in TEC, §31.022.”*

**MOTION AND VOTE:** *It was moved by Mr. Francis and seconded by Mr. Maynard that the State Board of Education strike “a review panel” from §67.83(a). The motion failed.*

**MOTION AND VOTE:** *It was moved by Mrs. Brooks, seconded by Ms. Childs, and carried without objection that the State Board of Education add a new §67.83(c)(7) to read:*

*“at the request of a parent the school district or open-enrollment charter school shall provide a physical copy of the material using a check-out and return system set by the district.”*

**VOTE:** *A vote was taken on the original motion that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review, §67.23, Requirements for Publisher Participation in IMRA; and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education; and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts; and §67.83, Publisher Parent Portal. as amended. The motion carried.*

## **DISCUSSION ITEM**

### **2. Consideration for Approval Instructional Materials Review Quality Rubrics (Board agenda page SBOE-8)**

Nicholas Keith, executive director of high-quality instructional materials support, provided a high-level summary of the stakeholder engagement strategy and feedback received for the IMRA quality rubrics. He also shared the next steps for improving the rubrics based on stakeholder feedback.

## **ACTION ITEM**

### **3. Consideration for Approval of Instructional Materials Review Suitability Rubrics (Board agenda page SBOE-10)**

Dr. Ellis explained that this item provides an opportunity for the State Board of Education to consider for approval the suitability criteria and rubric for the IMRA process.

This rubric will define the criteria to be used in the instructional materials review and approval process to determine suitability and appropriateness of instructional materials for the subject and grade level for which the materials are designed, as required by HB 1605, 88th Texas Legislature, Regular Session, 2023.



**MOTION:** *It was moved by Mr. Maynard and seconded that the State Board of Education consider for approval the suitability criteria and rubric for the Instructional Materials Review and Approval (IMRA) process.*

**MOTION:** *It was moved by Mr. Kinsey and seconded by Mr. Francis that the State Board of Education replace “N/A” in the guidance for 6.3 with “The instructional material does not describe abortion as a pregnancy option.”*

**MOTION AND VOTE:** *It was moved by Ms. Hardy and seconded that the State Board of Education replace “describe” with “promote or encourage.”*

*The motion carried with 10 members voting Aye, 1 member voting No, and 3 members Abstaining as follows:*

Aye:

<i>Ms. Davis</i>	<i>Mrs. Little</i>
<i>Mr. Francis</i>	<i>Mr. Maynard</i>
<i>Ms. Hardy</i>	<i>Ms. Perez-Diaz</i>
<i>Mr. Hickman</i>	<i>Ms. Pickren</i>
<i>Mr. Kinsey</i>	<i>Dr. Young</i>

No: *Mrs. Brooks*

Abstain: *Dr. Bell-Metereau* *Dr. Ortega*  
*Ms. Childs*

**VOTE:** *A vote was taken on the original motion that the State Board of Education replace “N/A” in the guidance for 6.3 with “The instructional material does not promote or encourage abortion as a pregnancy option,” as amended. The motion carried.*

**MOTION:** *It was moved by Ms. Childs, seconded by Mrs. Brooks that the State Board of Education amend 2.1.4 to read:*

*“not encouraging or condoning participation in current activities that promote civil disorder, social strife, or disregard of the law” and to add, “This section does not prohibit the teaching of historical examples of demonstrations such as peaceful protests or boycotting.”*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Ms. Childs, and carried to remove “participation in.”*

**VOTE:** *A vote was taken on the original motion that the State Board of Education amend 2.1.4 to read:*

*“not encouraging or condoning current activities that promote civil disorder, social strife, or disregard of the law” and to add, “This section does not prohibit the teaching of historical examples of demonstrations such as peaceful protests or boycotting.”*  
*as amended. The motion carried.*

**MOTION AND VOTE:** *It was moved by Dr. Bell-Metereau and seconded that the State Board of Education amend 2.1.4 by removing, “social strife.” The motion failed with 5 members voting Aye, 8 members voting No, as follows:*

Aye:                    *Dr. Bell-Metereau                    Dr. Ortega*  
                                 *Ms. Childs                                Ms. Perez-Diaz*  
                                 *Ms. Davis*

No:                      *Mrs. Brooks                              Mr. Kinsey*  
                                 *Mr. Francis                               Mrs. Little*  
                                 *Ms. Hardy                                 Ms. Pickren*  
                                 *Mr. Hickman                              Dr. Young*

**VOTE:** *A vote was taken on the original motion as amended. The motion carried.*

**4. Consideration for Approval of Instructional Materials Review and Approval Process (Board agenda page SBOE-12)**

Mr. Dempsey explained this item is to seek alignment on the layout of the IMRA process and to seek approval from the State Board of Education on the review team selection and build process.

He further explained that based on feedback from a previous meeting, the review team selection and build process is like Texas Essential Knowledge and Skills (TEKS) work groups process which was adjusted as needed for the IMRA process. The primary difference between the two is that minimum qualifications to be included in the review team were changed to include content knowledge experts not just those with an education background.

**MOTION AND VOTE:** *It was moved by Mr. Maynard , seconded, and carried unanimously that the State Board of Education approve the review team build process for the new instructional materials review and approval process.*

**5. Approval of Library Collection Development Standards in Compliance with House Bill 900 (Board agenda page SBOE-14)**

Dr. Ellis explained this item is to meet the requirement in HB 900, which required the Texas State Library and Archives Commission, in consultation with the State Board of Education, to adopt standards for school library collection development that schools districts must use in developing their local policies.

He further explained that if the State Board of Education approved the school library collection development standards, the standards would go back to the Texas State Library and Archives Commission for formal adoption.

Public testimony was provided by the following individuals:

NAME:                    Cameron Samuels  
AFFILIATION:        Students Engaged in Advancing Texas

NAME:                    De’Taeveyon Daniels  
AFFILIATION:        Students Engaged in Advancing Texas

NAME: Leila Little  
AFFILIATION: Self

NAME: Summer Crow  
AFFILIATION: Self

NAME: Mary Castle  
AFFILIATION: Texas Values

NAME: Francine Ericson  
AFFILIATION: Self

NAME: Jackie Besinger  
AFFILIATION: Self

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried that the State Board of Education approve the library collection development standards in compliance with House Bill 900 as presented by the Texas State Library and Archives Commission.*

Dr. Ellis adjourned the meeting at 6:50 p.m.



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Pat Hardy, Secretary