

Minutes
State Board of Education
November 20, 2015

The State Board of Education met at 9:05 a.m. on Friday, November 20, 2015, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. All members of the board were present, as follows:

Presiding: Donna Bahorich, Chair; Lawrence A. Allen, Jr.; Erika Beltran; David Bradley; Barbara Cargill; Ruben Cortez, Jr., Secretary; Martha M. Dominguez; Pat Hardy; Tom Maynard; Sue Melton-Malone; Ken Mercer; Geraldine “Tincy” Miller; Marisa B. Perez; Thomas Ratliff, Vice-Chair; Marty Rowley

Student Performance

The student performance was provided by Garden Oaks Montessori Leadership Choir, Houston Independent School District, Houston, Texas.

Invocation

Pledge of Allegiance

Approval of Minutes

State Board of Education, September 11, 2015

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the September 11, 2015, meeting of the State Board of Education, as printed.*

Public Testimony - Individual testimony will be taken to address items other than those on the board agenda. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at [http://tea.texas.gov/About_TEA/Leadership/State Board of Education/SBOE Meetings/SBOE Operating Rules Amended 4-17-15/](http://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_4-17-15/) or in the information section (yellow pages) of the agenda. The State Board of Education received three presentations of public testimony, as follows:

NAME:	Deborah Davis
AFFILIATION:	Self
TOPIC:	Parental Discretion and Recourse in Directing the Education of Students

NAME:	Randy Houchins
AFFILIATION:	Self
TOPIC:	Statement on Math STAAR Comparison 2014 and 2015

NAME: Lori Hines
AFFILIATION: Self
TOPIC: Career and College Readiness

1. Resolutions and Presentations

2015 National History Day

The State Board of Education, by unanimous consent, adopted a resolution congratulating the 2015 National History Day winners from Goose Creek Consolidated Independent School District, Aldine Independent School District, and Waco Independent School District.

A performance titled *Resisting the Reins of Power: Washington at His Finest in the Temple of Virtue* was provided by Matthew Broussard who won first place in the Senior Division Individual Performance category with this performance.

(ATTACHMENT 1, page 13)

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.

Mrs. Miller reported that she was recusing herself from any discussion, and would not cast a vote, on consent agenda items number (4)—Decision on Real Estate Investments, and number (5)—Decision on Absolute Return Investments.

The State Board of Education approved the following items on the consent agenda.

- (1) Approval of Costs of Administering the 2015-2016 State of Texas Assessments of Academic Readiness (STAAR) and the Texas English Language Proficiency Assessment System (TELPAS) Assessments to Private School Students**
(Board agenda page III-1)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved the per-student costs for administering the STAAR and TELPAS tests to private school students in the 2015-2016 school year, as recommended by the Committee on School Finance/Permanent School Fund.

(ATTACHMENT 2, page 15)

- (2) **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of August and September 2015**
(Board agenda page III-7)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education ratified the purchases and sales for the months of August and September 2015 in the amount of \$602,865,035 and \$600,984,815, respectively, as recommended by the Committee on School Finance/Permanent School Fund.

- (3) **Adoption of Review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules**
(Adoption of Review)
(Board agenda page III-9)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education adopted the Review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, as recommended by the Committee on School Finance/Permanent School Fund.

- (4) **Decision on Real Estate Investments**
(Board agenda page III-73)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved the recommendation of the Committee on School Finance/Permanent School Fund to execute agreement(s) with Mesa West Real Estate Income Fund IV, GP, LLC, necessary to make an investment commitment of up to \$75 million in Mesa West Real Estate Income Fund IV, L.P., subject to continued due diligence and negotiation of fund terms, and approved authorization for contract execution by the Commissioner of Education.

- (5) **Decision on Absolute Return Investments**
(Board agenda page III-75)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved that Permanent School Fund staff, along with NEPC, bring to the January 2016 meeting, a proposal to develop a Raven 8, as recommended by the Committee on School Finance/Permanent School Fund.

- (6) **Recommendation for Appointment to the Lackland Independent School District Board of Trustees**
(Board agenda page IV-1)
(COMMITTEE ON SCHOOL INITIATIVES)

The State Board of Education approved the reappointment of Mr. Brian Miller to serve a two-year term of office, from November 20, 2015 through November 19, 2017, on the Lackland Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 3, page 17)

- (7) **Recommendation for Appointment to the Randolph Field Independent School District Board of Trustees**
(Board agenda page IV-13)
(COMMITTEE ON SCHOOL INITIATIVES)

The State Board of Education approved the reappointment of Mr. Jimmy Cornelius to serve a two-year term of office, from November 20, 2015 through November 19, 2017, on the Randolph Field Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 4, page 19)

COMMITTEE OF THE FULL BOARD

The Committee of the Full Board on November 18, 2015, delayed discussion of Item #11--Update on Texas Commission on Next Generation Assessments and Accountability--until the November 20, 2015, general board meeting. Ms. Beltran, the newly board appointee to the Texas Commission on Next Generation Assessments and Accountability, reported that the 84th Texas Legislature passed House Bill 2804, creating the 15 member commission. Ms. Beltran provided a handout listing the tentative meeting dates for the commission.

The Committee of the Full Board on November 18, 2015, also delayed action on Item #8--Proposed New 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment. Discussion and action taken on this item is addressed under Item #8 of these minutes.

3. **Action on Earlier Effective Date of Adopted Amendment to 19 TAC §33.65, Bond Guarantee Program for School Districts**
(Board agenda page I-1)

MOTION AND VOTE: *The State Board of Education, by an affirmative vote of two-thirds of the members of the board, approved February 1, 2016, as an earlier effective date for the adopted amendment to 19 TAC §33.65, Bond Guarantee Program for School Districts, as recommended by the Committee of the Full Board.*

4. **Review of Proposed Amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate**
(Board agenda page I-13)

MOTION: *It was moved by Mr. Ratliff that the State Board of Education, by an affirmative vote of two-thirds of the members of the board, reject the proposed amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate, as recommended by the Committee of the Full Board.*

There was no objection from board members to waiving its SBOE Operating Rules, Chapter 2, §2.10(d)(1), to allow public testimony on this item from the following individual.

NAME: David Thompson
AFFILIATION: Professor, The University of Texas at San Antonio

VOTE: *A vote was taken on the motion that the State Board of Education reject the proposed amendment to 19 TAC Chapter 242, Superintendent Certificate, §242.20, Requirements for the Issuance of the Standard Superintendent Certificate. The motion carried by an affirmative vote of two-thirds of the members of the board.*

5. **Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations**
(First Reading and Filing Authorization)
(Board agenda page I-19)

MOTION: *It was moved by Mr. Ratliff that the State Board of Education approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations, as recommended by the Committee of the Full Board.*

MOTION: *It was moved by Ms. Beltran and seconded by Dr. Dominguez to amend §66.30(c), as follows:*

§66.30. State Review Panels: Eligibility and Appointment.

(c) Each appointment to a state review panel shall be made by the commissioner of education with priority given to qualified individuals who are nominated by State Board of Education (SBOE) members and with the advice and consent of the SBOE member whose district is to be represented. Said consent shall be given by the SBOE member within seven days of being notified of the commissioner of education's appointments or consent is implied. A qualified individual shall either hold an educator certification to teach the content being reviewed and have been assigned to teach that content in at least three of the last ten years or shall hold at least a baccalaureate degree in the content area being covered by the material being reviewed. Notification and consent shall be given by electronic email. The commissioner of education shall make appointments to state review panels that achieve diversity to the extent possible; ensure that each team has at

least a majority of members with sufficient content expertise and experience (as determined by the commissioner); and ensure participation by academic experts in each subject area for which instructional materials are being considered, giving priority to content-relevant educators and professors. The appointments shall include educators, parents, business and industry representatives, and employers. The role of each appointee shall be designated by the commissioner of education and disclosed to all appointees on each panel.

MOTION: *It was moved by Mr. Rowley and seconded by Mr. Mercer to amend the amendment to §66.30(c), as follows:*

§66.30. State Review Panels: Eligibility and Appointment.

(c) Each appointment to a state review panel shall be made by the commissioner of education with priority given to qualified individuals who are nominated by State Board of Education (SBOE) members and with the advice and consent of the SBOE member whose district is to be represented. Said consent shall be given by the SBOE member within seven days of being notified of the commissioner of education's appointments or consent is implied. A qualified individual shall either hold an educator certification to teach the content being reviewed and have been assigned to teach that content in at least three of the last ten years or shall hold at least a baccalaureate degree in the content area being covered by the material being reviewed or through work or life experience have gained a level of expertise so as to render the person knowledgeable in the content area being reviewed. Notification and consent shall be given by electronic email. The commissioner of education shall make appointments to state review panels that achieve diversity to the extent possible; ensure that each team has at least a majority of members with sufficient content expertise and experience (as determined by the commissioner); and ensure participation by academic experts in each subject area for which instructional materials are being considered, giving priority to content-relevant educators and professors. The appointments shall include educators, parents, business and industry representatives, and employers. The role of each appointee shall be designated by the commissioner of education and disclosed to all appointees on each panel.

At 12:20 p.m., the State Board of Education took a break and reconvened at 12:30 p.m.

There was no objection by the board to withdraw the motions to amend §66.30(c).

MOTION: *It was moved by Ms. Beltran and seconded by Dr. Dominguez to amend §66.30 by inserting a new (d), as follows:*

§66.30. State Review Panels: Eligibility and Appointment.

(c) Each appointment to a state review panel shall be made by the commissioner of education with priority given to qualified individuals who are nominated by State Board of Education (SBOE) members and with the advice and consent of the SBOE member whose district is to be represented. Said consent shall be given by the SBOE member within seven days of being notified of the commissioner of education's appointments or consent is implied. Notification and consent shall be given by electronic email. The commissioner of

education shall make appointments to state review panels that achieve diversity to the extent possible; ensure that each team has at least a majority of members with sufficient content expertise and experience (as determined by the commissioner); and ensure participation by academic experts in each subject area for which instructional materials are being considered, giving priority to content-relevant educators and professors. The appointments shall include educators, parents, business and industry representatives, and employers. The role of each appointee shall be designated by the commissioner of education and disclosed to all appointees on each panel.

(d) A qualified individual for purposes of subsection (c) shall:

- (1) Hold an educator certification to teach content being reviewed and have been assigned to teach that content in at least three of the last ten years; or
- (2) Hold at least a baccalaureate degree in the content area covered by the material being reviewed.

MOTION AND VOTE: *It was moved by Mr. Rowley and seconded by Ms. Hardy to amend the motion by adding a new (3), as follows:*

- (3) Through work or life experience have gained a level of expertise so as to render the person knowledgeable in the content area being reviewed.

The motion failed, with 6 members voting Aye and 9 members voting No, as follows:

<u>Aye:</u>	<i>Mr. Allen Ms. Beltran Mr. Cortez</i>	<i>Dr. Dominguez Ms. Perez Mr. Ratliff</i>
<u>No:</u>	<i>Mrs. Bahorich Mr. Bradley Mrs. Cargill Ms. Hardy Mr. Maynard</i>	<i>Mrs. Melton-Malone Mr. Mercer Mrs. Miller Mr. Rowley</i>

VOTE: *A vote was taken on Ms. Beltran's motion to amend §66.30 by inserting a new (d), as follows:*

(d) A qualified individual for purposes of subsection (c) shall:

- (1) Hold an educator certification to teach content being reviewed and have been assigned to teach that content in at least three of the last ten years; or
- (2) Hold at least a baccalaureate degree in the content area covered by the material being reviewed.

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Ratliff, seconded by Ms. Hardy, and carried to amend §66.28(f), as follows:*

(f) A publisher may not submit instructional materials for review that have been authored or contributed to by a ~~an~~ current employee of the TEA.

MOTION AND VOTE: *It was moved by Mr. Ratliff, seconded by Mrs. Cargill, and carried to amend §66.104(a)(2), as follows:*

(a) *Each local board of trustees of a school district or governing body of an open-enrollment charter school shall adopt a policy for selecting instructional materials to include procedures for providing:*

- (1) public notice to parents and members of the public of instructional materials under consideration certifying 100% TEKS coverage, and*
- (2) public access to parents and members of the public who wish to review materials described in (a)(1) prior to being chosen, and to the extent possible, doing so through an avenue which gives interested parties (including online if possible) during a comment period, and*
- (3) public input to include at least one public meeting that allows for public comment before materials used to certify 100% TEKS coverage are adopted.*

VOTE: *A vote was taken on the motion that the State Board of Education approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations, as amended. The motion carried.*

6. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**
(First Reading and Filing Authorization)
(Board agenda page I-63)

MOTION AND VOTE: *The State Board of Education approved for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, as recommended by the Committee of the Full Board. (Mr. Cortez was absent for the vote.)*

7. **Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.49, Personal Financial Literacy (One-Half Credit) Adopted 2016**
(First Reading and Filing Authorization)
(Board agenda page I-89)

MOTION: *It was moved by Mr. Ratliff that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.49, Personal Financial Literacy (One-Half Credit) Adopted 2016, as recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mr. Bradley, seconded by Ms. Hardy, and carried to amend §113.49(c)(1), as follows:*

(c) Knowledge and skills.

(1) Earning and spending. The student understands how to set personal financial goals. The student is expected to:

- (A) differentiate between needs and wants in evaluating spending decisions;
- (B) investigate the student's money personality, including spending and saving propensity; ~~and~~
- (C) demonstrate an understanding of the value and benefits of charitable giving;
and
- (D)~~(C)~~develop financial goals for the short, medium, and long term that are specific, measurable, attainable, realistic, and time-based.

(Mr. Cortez was absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Bradley, seconded by Ms. Hardy, and carried to amend §113.49(c)(5), as follows:*

(c) Knowledge and skills.

(5) Saving and investing. The student understands the importance of saving and investing in creating wealth and building assets. The student is expected to:

- (A) develop a short-term savings strategy to achieve a goal such as establishing and maintaining an emergency fund;
- (B) develop an intermediate-term saving and investing strategy to achieve a goal such as accumulating a down payment on a home or vehicle; ~~and~~
- (C) explain the tax benefits of charitable contributions; and
- (D)~~(C)~~develop a long-term investing strategy to achieve a goal such as a financially secure retirement.

(Mr. Cortez was absent for the vote.)

VOTE: *A vote was taken on the motion that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.49, Personal Financial Literacy (One-Half Credit) Adopted 2016, as amended. The motion carried.*
(Mr. Cortez was absent for the vote.)

8. **Proposed New 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment**

(First Reading and Filing Authorization)

(Board agenda page I-101)

On Wednesday, November 18, 2015, the Committee of the Full Board delayed this item until November 20, 2015, the general board meeting.

Shelly Ramos, curriculum division director, explained that House Bill 1613, passed by the 84th Legislature, Regular Session, 2015, requires the board to, by rule, adopt a document that shows the alignment between the Texas college and the career readiness standards and the TEKS. She explained that four College and Career Readiness Standards/Texas Essential Knowledge and Skills alignment charts address mathematics, science, social studies, and cross disciplinary standards. Ms. Ramos stated that at the last meeting, the board requested that staff wait to complete an alignment chart for the English language arts and reading standards until the revised English language arts and reading TEKS were adopted.

MOTION AND VOTE: *It was moved by Ms. Perez, seconded by Mrs. Melton-Malone, and carried that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.6, College and Career Readiness and Texas Essential Knowledge and Skills Alignment. (Mr. Cortez was absent for the vote.)*

COMMITTEE ON INSTRUCTION

There were no action items for the Committee on Instruction.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

There were no action items for the Committee on School Finance/Permanent School Fund.

COMMITTEE ON SCHOOL INITIATIVES

9. **Review of Proposed Amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process**

(Board agenda page IV-33)

The State Board of Education took no action on the proposed amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process, as recommended by the Committee on School Initiatives.

10. Adoption of 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

(Adoption of Review)

(Board agenda page IV-39)

The State Board of Education adopted 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.

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

Committee on Instruction

Mrs. Melton-Malone did not report on Committee on Instruction discussion items.

Committee on School Finance/Permanent School Fund

Ms. Hardy did not report on Committee on School Finance/Permanent School Fund discussion items.

Committee on School Initiatives

Mr. Rowley did not report on the Committee on School Initiatives discussion item.

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

Mrs. Bahorich gave board members an opportunity to provide information regarding agenda items or other relevant information about public education.

The meeting adjourned at 1:23 p.m.

Ruben Cortez, Jr., Secretary

R E S O L U T I O N

WHEREAS the State Board of Education considers high academic standards as the foundation of public education in Texas; and

WHEREAS the National History Day program fosters academic achievement and intellectual growth, requires student participants to conduct extensive primary and secondary source research on a topic of historical significance, and promotes pride in each student participant's heritage and in our nation's history and place in the world; and

WHEREAS the annual National History Day contest with the theme of *Leadership and Legacy in History* was held in College Park, Maryland, on June 15-18, 2015; and

WHEREAS Matthew Broussard of Impact Early College High School in Baytown, Texas, won First Place in the Senior Division Individual Performance category with his performance titled *Resisting the Reins of Power: Washington at His Finest in the Temple of Virtue*; and

WHEREAS Brent Vela of Nimitz High School in Houston, Texas, won First Place in the Senior Division Individual Documentary category with his performance titled *Heal the Man, Heal the Land: Roosevelt's Legacy Through the Civilian Conservation Corps*; and

WHEREAS Natalie Garza, Gabriel Guzman, Makayla Jefferson, Sayfaldin Thabit, and Billy Toledo of Nimitz High School in Houston, Texas, won Second Place in the Senior Division Group Website category with their performance titled *Wild Bill Donovan: Leader of American Espionage*; and

WHEREAS Neal Dupuy, Paige Dupuy and Bridgitte Eichenberg of Atlas Academy in Waco, Texas, won Second Place in the Junior Division Group Performance category with their performance titled *Leading Ladies and the Legacy of 19th Century Social Reform*; and

WHEREAS Gloria Conatser of Atlas Academy in Waco, Texas, won Third Place in the Junior Division Individual Documentary category with her performance titled *Ida B. Wells: A Crusader for Justice*; now, therefore, be it

RESOLVED, That the State Board of Education does hereby congratulate these *2015 National History Day* winners from the Goose Creek Consolidated Independent School District, Aldine Independent School District, and Waco Independent School District; and be it further

RESOLVED, That this resolution be presented to the aforementioned students for their winning projects at the *2015 National History Day* contest and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this twentieth day of November, two thousand and fifteen, in Austin, Texas.

Donna Bahorich, Chair

Ruben Cortez, Jr., Secretary