

STATE BOARD OF EDUCATION
Summary of Action Items
November 18, 2016

The State Board of Education met in Austin on November 18, 2016 and took the following actions.

Student Performance

The Weatherford High School A Cappella Mixed Choir performed for the board and audience.

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

1. Resolutions and Presentations

The board approved a resolution honoring winners of the 2016 National History Day contest. The winners were Denisse Cordova of Aldine Independent School District (ISD); Harper Hoover of Waco ISD; John Leeds and Evan Weldon of Austin; and Benjamin Warford-Johnston, Priscila Garcia, Danielle Garcia and Tomas de la Rosa, all of Goose Creek Consolidated ISD.

The board approved resolutions honoring departing State Board of Education members Martha Dominguez of El Paso and Thomas Ratliff of Mount Pleasant.

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

2. Approval of Consent Agenda

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

(1) Selection Process for the Long-Range Plan Steering Committee and Authorization to Explore Funding Options and Craft a Request for Qualifications (Committee of the Full Board)

This board approved a long-range planning process that creates an 18-member steering committee on which five board members will serve. Those members will select 10 additional steering committee members from 30 people nominated by the remaining 10 board members. One representative from the Texas Education Agency, the Texas Higher Education Coordinating Board and the Texas Workforce Commission will also be appointed to the steering committee. The board authorized board members to explore funding options for the project, authorized board member Marty Rowley to work with staff to draft a Request for Qualifications (RFQ) for a project facilitator; and authorized the commissioner or his designee to execute any funding documents.

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

**(2) Approval of Costs to Administer the 2016-2017 State-Developed Assessments to Private School Students
(Committee on School Finance/Permanent School Fund)**

Texas Education Code, §39.033, allows a private school to voluntarily assess its students with the State of Texas Assessments of Academic Readiness (STAAR) and the Texas English Language Proficiency Assessment System (TELPAS) assessments. The board in November approved the per-student cost to private schools, which may not exceed the cost of administering the same assessment to a student enrolled in a public school district. The costs, which vary by test, range from \$3.74 to \$16.90 per test for the 2016-2017 school year. Twenty-seven private schools administered state tests during the 2015-2016 school year.

Staff Contact: Questions about this item should be directed to the Division of Student Assessment at (512) 463-9536.

**(3) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of August and September 2016
(Committee on School Finance/Permanent School Fund)**

The board ratified the purchase and sales of investments executed in the portfolio of the Permanent School Fund for the months of August and September 2016 in the amounts of \$841,579,353 and \$726,730,498, respectively.

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

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

The board voted to execute agreements with Manageco, IX, L.L.C. as general partner, necessary to make an investment commitment of up to \$75 million in DRA Growth and Income Fund IX, L.L.C, subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the commissioner of education. Board member Geraldine Miller recused herself on this matter.

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

**(5) Overview of the Permanent School Fund Real Estate Policy
(Committee on School Finance/Permanent School Fund)**

The board approved changes to the Real Estate Policy Statement dealing with co-investments and secondaries. Board member Geraldine Miller recused herself from this matter.

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

**(6) Recommendation for Appointments to the Randolph Field Independent School District Board of Trustees
(Committee on School Initiatives)**

The board approved the re-appointment of Patrick Luna and the appointment of Major Kenitra Fewell to serve a two-year term of office, from Nov. 18, 2016 through Nov. 17, 2018 on the Randolph Field Independent School District Board of Trustees.

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

**(7) Recommendation for Appointment to the Boys Ranch Independent School District Board of Trustees
(Committee on School Initiatives)**

The board approved the re-appointment of Robert Marshall to serve a two-year term of office on the Boys Ranch Independent School District Board of Trustees. Board member Marty Rowley recused himself from this vote.

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

**(8) Recommendation for Appointments to the Lackland Independent School District Board of Trustees
(Committee on School Initiatives)**

The board approved the re-appointment of Kevin Odom and Laura Monro to serve a two-year term of office on the board of trustees of the Lackland Independent School District.

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

**(9) Approval of 2017-2021 Rule Review Plan for State Board of Education Rules
(Committee on School Initiatives)**

The board approved the 2017-2021 Rule Review Plan for State Board of Education (SBOE) Rules. Texas Government Code, §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review

requirement in §2001.039 is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

Staff Contact: Questions about this item should be directed to the Rulemaking Unit at (512) 475-1497.

COMMITTEE OF THE FULL BOARD

3. Decision on the Percentage Distribution of the Permanent School Fund

The board voted to set a 3.7 percent distribution rate to the Available School Fund from the Permanent School Fund for the 2018-2019 biennium. This will generate \$2.46 billion over the two-year period.

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

4. Legislative Recommendations for the 85th Texas Legislature

The board approved eight legislative recommendations, including requesting additional authority over the instructional materials review and adoption process, funding for the development of a long-range plan for public education and improved student data privacy. Member Thomas Ratliff recused himself from the discussion and vote involving the commissioner's request for E-Rate support. The full recommendations, which are available on the Texas Education Agency website at [http://tea.texas.gov](#), will be provided to members of the 85th Texas Legislature.

Staff Contact: Questions about this item should be directed to the Division of Governmental Relations at (512) 463-9682.

5. Proclamation 2018 of the State Board of Education Advertising for Bids for Instructional Materials

The board agreed to issue *Proclamation 2018*, calling for instructional material for Special Topics in Social Studies to be submitted. The board noted that this broad course title covers courses such as Mexican-American studies, African-American studies, Asian-American studies and Native American studies. Materials approved under this proclamation would be available for use in Texas classrooms, beginning in fall 2018.

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

6. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2017*

The board approved 492 instructional materials products submitted under *Proclamation 2017*. The products, which can be used in Texas schools beginning in the 2017-2018 school year, are for courses in career and technical education (CTE), languages other than English (LOTE), and Algebraic Reasoning. The board did not approve seven CTE submissions, as well as a textbook submitted for use in a Special Topics in Social Studies course known as Mexican American studies.

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

7. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements (First Reading and Filing Authorization)

The board approved for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, to update the rules to include new career and technical education (CTE) course options that will be available for students to satisfy graduation requirements beginning with the 2017-2018 school year.

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

8. Texas Certificate of High School Equivalency

The board took no action on this item.

Staff Contact: Questions about this item should be directed to the Division of College, Career and Military Preparation at (512) 463-9661.

COMMITTEE ON INSTRUCTION

9. Proposed Amendment to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency, §89.42, Official Testing Centers (Second Reading and Final Adoption)

The board approved for second reading and final adoption proposed amendment to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency, §89.42, Official Testing Centers. The approved amendment would expand the entities eligible to serve as official paper-based testing centers and define the requirements for paper-based testing centers.

Staff Contact: Questions about this item should be directed to the Division of College, Career and Military Preparation at (512) 463-9661.

10. Consideration of Petition for Adoption of Rule Concerning 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.283, Cosmetology I (Two Credits), Adopted 2015, and §130.284, Cosmetology II (Two Credits), Adopted 2015

In response to a petition to amend 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.283, Cosmetology I (Two Credits), Adopted 2015, and §130.284, Cosmetology II (Two Credits), Adopted 2015, the board agreed to initiate rulemaking to adopt additional one-credit lab-based courses to be taught concurrently with the two-credit Cosmetology I and II courses for implementation in the 2018-2019 school year.

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

11. Proposed Approval of Innovative Courses

The board approved the renewal of the following two innovative courses for five years: College Transitions and Peers, Accepting, Learning, and Sharing (PALS) I and II.

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

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

12. Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.65, Bond Guarantee Program for School Districts (First Reading and Filing Authorization)

The board approved for first reading and filing authorization proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.65, Bond Guarantee Program for School Districts. The proposed amendment increases the multiplier used in calculating the capacity of the Permanent School Fund (PSF). If given final approval at the next meeting on Feb. 3, this action will provide an estimated \$249 million more in bonding capacity for charter schools as of March 2017 and approximately an additional \$317 million in capacity as of Sept. 1, 2017.

Staff Contact: Questions about this item should be directed to the Office of Chief School Finance Officer at (512) 463-9179.

13. Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.67, Bond Guarantee Program for Charter Schools (First Reading and Filing Authorization)

The board took no action on this item, which proposed adding language to require charter schools accessing the Permanent School Fund (PSF) Bond Guarantee Program (BGP) to have attained a certain level of student academic proficiency and would specify how applications will be prioritized if the available capacity is insufficient to guarantee the total value of the bonds for all applicant charter districts.

Staff Contact: Questions about this item should be directed to the Office of Chief School Finance Officer at (512) 463-9179.

COMMITTEE ON SCHOOL INITIATIVES

14. Review of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

The board took no action on this item. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

This rule establishes a two-tiered certification for individuals who are in alternative certification programs with an intern and probationary certificate effective Sept. 1, 2017. The rule also limits emergency permits for most areas to one year.

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

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

The board took no action on this item. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

This item:

- increases the rigor of requirements to be a field supervisor or cooperating teacher or mentor;
- increases the minimum number of coursework hours and specific components of coursework to be completed before student teaching or serving in an internship from 80 to 150 hours;

- increases the length of clinical teaching from 12 to 14 weeks;
- increases the number of observations for an intern from three to five; and
- requires at least one in-person observation for candidates pursuing principal, counselor, librarian, superintendent or other non-teacher certifications.

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

16. Review of Proposed Revisions to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

The board took no action on this item. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

The revisions to Chapter 229 establish a more accurate and transparent certification exam performance standard to better differentiate program performance as part of the accountability system for educator preparation. It also sets performance standards and a phase-in schedule for other statutorily required performance indicators and adds a fee to cover the cost of administering the statutorily required accreditation system, annual performance information, and consumer information requirements for preparation programs.

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

17. Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter F, Special Education-Related Services Personnel Assignments

The board took no action on this item. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

This rule identifies the appropriate credential for placement in a particular teaching assignment, incorporates courses approved by the State Board of Education (SBOE), and provide guidance to districts on special education assignments.

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

18. Review of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

The board took no action on this item. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

This rule updates the list of courses eligible to be taught with certain certificates, identifies any additional requirements to obtain certification, provides guidance to districts on special education assignments, and establishes a new Dance: Grades 6-12 certificate.

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

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

The board took no action on this item. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

The amendment to 19 TAC §247.2 would implement the Every Student Succeeds Act (ESSA) to prohibit school employees from assisting other schools employees from obtaining new jobs if the individual knows or has probable cause to believe that the individual has engaged in sexual misconduct regarding a minor or student. It also makes it a violation of the Educators' Code of Ethics for an educator to be intoxicated on school property or during school activities when students are present.

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

20. Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition; and §249.17, Decision-Making Guidelines

The board took no action on this item. Under Texas law, the State Board of Education may only reject or take no action on a proposed State Board for Educator Certification rule.

This item would conform the rule on superintendent reporting to SBEC to reflect changes required by House Bill (HB) 1783, 84th Texas Legislature, Regular Session, 2015. The amendments to 19 TAC §249.14(h) clarifies that inappropriate communications with a student and inappropriate educator-student relationships and boundaries to the behaviors by an educator toward students qualify as "Priority 1" conduct for purposes of investigation priority, investigative notices, and sanction authority. The amendment to 19 TAC §249.17 creates a mandatory minimum sanction for an educator who tests positive for, possesses, or is under the influence of drugs or alcohol on campus. Additionally, the amendment requires permanent revocation for an educator who injures a student but is not immune from disciplinary action.

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