

**Report of the State Board of Education
Committee of the Full Board
Tuesday, January 30, 2024**

The State Board of Education Committee of the Full Board met at 10:00 a.m. on Tuesday, January 30, 2024, 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: Aaron Kinsey, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; LJ Francis; Patricia Hardy; Will Hickman; Keven Ellis; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young; Aicha Davis

Public Testimony

The Committee of the Full Board heard public testimony on agenda item 1. Information regarding the individuals who presented public testimony is included in the discussion of that item.

ACTION ITEMS

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 Instructional Materials Review and Approval (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**
(Second Reading and Final Adoption)
(Board agenda page I-1)

Public testimony was provided by the following individuals:

NAME: Alexander Harris
AFFILIATION: Network of Concerned Citizens

Colin Dempsey, director, district operations, technology & sustainability supports, explained this item would establish new sections of the 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.

MOTION: *It was moved by Mr. Maynard and seconded by Ms. Perez-Diaz to recommend that the State Board of Education approve for second reading and final adoption 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 Instructional Materials Review and*

Approval (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; and Make an affirmative finding that immediate adoption of 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 Instructional Materials Review and Approval (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, 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.)

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Little to recommend that §67.83(c)(2)(B) be amended to, “~~The Texas Education Agency (TEA) shall remove the publisher’s materials from the list of approved materials if TEA determines that the publisher did not meet the single sign on capability, unless the failure to meet the functionality is due to inaction by the school district or charter school or the school district’s or charter school’s learning management system provider; The Texas Education Agency (TEA) shall remove~~ may recommend to the SBOE the removal of the publisher’s materials from the list of approved materials if TEA determines that the publisher did not meet the single-sign-on capability, unless the failure to meet the functionality is due to inaction by the school district or charter school or the school district’s or charter school’s learning management system provider. The SBOE may remove the publisher’s material from the list.” *The motion carried.**

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried unanimously to recommend that §67.83(c) be amended to “A publisher ~~hosting~~ must host an instructional materials parent portal that must:”*

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

(Dr. Ortega was absent from the vote.)

2. Consideration for Approval of Instructional Materials Review Quality Rubrics
(Board agenda page I-10)

Nicholas Keith, executive director of high-quality instructional materials support, explained this item provides an opportunity for the State Board of Education (SBOE) to consider for approval the quality rubrics for K–3 and 4–8 English language arts and reading, K–3 and 4–6 Spanish language arts and reading, and K–12 mathematics for the Instructional Materials Review and Approval (IMRA) process.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Perez-Diaz, and carried to recommend that the State Board of Education approve quality rubrics for the Instructional Materials Review and Approval (IMRA) process.*

3. Consideration for Approval Instructional Materials Review Suitability Rubric
(Board agenda page I-12)

Colin Dempsey, director, district operations, technology & sustainability supports, explained this item provides an opportunity for the State Board of Education (SBOE) to consider for approval the process and procedure for the new Instructional Materials Review and Approval (IMRA) process. He also explained that this process includes the key components of IMRA rubric development and approval, instructional material selection for the current IMRA cycle, IMRA reviewer selection, and the IMRA review process, including final reporting back to the SBOE.

MOTION: *It was moved by Mr. Maynard and seconded by Ms. Childs to recommend that the State Board of Education approve the process and procedure for the new Instructional Materials Review and Approval (IMRA) process.*

MOTION AND VOTE: *It was moved by Mr. Hickman and seconded by Mrs. Little to recommend that the State Board of Education amend section 37 under the SBOE column to read as follows:*

“SBOE holds discussion and may take action to place IM on the Rejected Materials List and Approved Materials list with pending revisions and corrections.”

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Hickman and seconded by Mrs. Little to recommend that the State Board of Education amend section 40 under the SBOE column by adding the following statement to the COFB and Full Board’s lists:*

“Amend approved and rejected list from the September meeting as needed.”

The motion failed.

MOTION AND VOTE: *It was moved by Mrs. Brooks and seconded by Ms. Childs to recommend that the State Board of Education amend section 3 under the SBOE column to read as follows:*

“Receive ongoing progress reports from internal subject area working groups developing rubrics.”

The motion failed.

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Mr. Hickman, and carried to recommend that the State Board of Education amend section 14 under the TEA column to read as follows:*

“Conduct market share analysis for the subject area(s) and grade level(s)/course(s). Provide this market analysis to SBOE.”

The motion carried.

MOTION: *It was moved by Mrs. Brooks and seconded by Mr. Francis to recommend that the State Board of Education amend section 16 under the TEA column to read as follows:*

“If needed, reduce the number of materials on the list using the prioritization protocol:

- 1. Any materials required to be reviewed by the SBOE.*
- 2. Materials related to recently revised TEKS.*
- 3. Voluntary publisher submissions*
- 4. District submissions*
- 5. First year for IMRA rubric in a subject/grade level (3-5 Brooks failed 2/10)*

- ~~2.~~ 6. Open Education Resource (OER) instructional materials
- 3. 7. Highest market share based on the most recent TEKS Certification and allotment spend data.
- 4. 8. Voluntary publisher submissions
 - a. First year for IMRA rubric in a subject/grade level
 - b. Materials related to recently-revised TEKS
- ~~5.~~ 9. District submissions”

MOTION AND VOTE: *It was moved by Mr. Hickman and carried without objection to divide the question to consider number 2 separately.*

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend number 2 in section 16 under the TEA column to read as follows:*

“Materials related to recently revised TEKS for which a Proclamation was issued.”

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded, and carried to recommend that the State Board of Education amend number 2 in section 16 under the TEA column to read as follows:*

“Materials related to the most recently revised TEKS for which a Proclamation was issued.”

VOTE: *A vote was taken on the motion to recommend that the State Board of Education amend section 16 under the TEA column to add numbers 3–5 to the list to read as follows:*

“If needed, reduce the number of materials on the list using the prioritization protocol:

- 1. Any materials required to be reviewed by the SBOE.
- 2. Materials related to most recently revised TEKS for which a Proclamation was issued.
- 3. Voluntary publisher submissions
- 4. District submissions
- 5. First year for IMRA rubric in a subject/grade level (3-5 Brooks failed 2/10)
- ~~2.~~ 6. Open Education Resource (OER) instructional materials
- 3. 7. Highest market share based on the most recent TEKS Certification and allotment spend data.
- 4. 8. Voluntary publisher submissions
 - a. First year for IMRA rubric in a subject/grade level
 - b. Materials related to recently-revised TEKS
- ~~5.~~ 9. District submissions”

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mrs. Brooks, and carried to recommend that the State Board of Education amend section 37 under the TEA column to read as follows:*

“Present preliminary review reports to the SBOE. Execute and present to SBOE an after action review on the current year’s cycle, including IMRA rubrics, instructional materials selection, IMRA reviewer selection, and IMRA reviews.”

(Ms. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mrs. Brooks, and carried to recommend that the State Board of Education add a new section 45 under TEA column to read as follows:*

“Execute and present to SBOE a final after action review on the current year’s cycle.”

VOTE: *A vote was taken on the motion to recommend that the State Board of Education approve the process and procedure for the new Instructional Materials Review and Approval (IMRA) process as amended. The motion carried without objection.*

4. Consideration for Approval Instructional Materials Review Suitability Rubric
(Board agenda page I-14)

Mr. Kinsey explained that this item is an amendment to the suitability rubric that was approved by the State Board of Education in the previous meeting. The amendment is a redesign of the document to provide a usable format to reviewers as they go through the suitability rubric.

MOTION: *It was moved by Mr. Francis, and seconded by Ms. Pickren, that the Committee of the Full Board recommend to the State Board of Education that they approve the amendments to the Instructional Materials Review and Approval (IMRA) Suitability Rubric as presented by the Chair.*

MOTION AND VOTE: *It was moved by Dr. Ellis, and seconded by Mr. Hickman, to amend item 3 of the overview section by adding “If relevant content is present in the materials, then reviewers must collect lesson-level evidence of compliance with indicators 2.1.1 and 6.2” The motion carried.*

MOTION AND VOTE: *It was moved by Ms. Pickren, and seconded by Mr. Francis, to strike “~~promoting citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights~~” from section 2.1.1 and replace the stricken language with “promoting American patriotism, Texas History, and the free enterprise system, understanding the importance of patriotism and democratic principles of our state and national heritage, including founding documents of the United States”; and to strike “~~2.1.3 presenting positive aspects of the United States and Texas, their heritage, and their abundant natural resources; and~~”. The motion carried.*

MOTION AND VOTE: *It was moved by Dr. Ellis, and seconded by Mr. Hickman, to add 2.2 “The IM is not contrary to 2.1.1” to section 2 alignment with public education’s constitutional goal. The motion carried with no objection.*

MOTION AND VOTE: *It was moved by Ms. Little, and seconded by Ms. Hardy, to strike “~~Health~~” from section 6 and replace that language with “Risk Avoidance”. The motion carried with no objection.*

MOTION AND VOTE: *It was moved by Ms. Little, and seconded by Ms. Hardy, to add “to students” to section 7.1. The motion passed with 13 members voting Aye, 0 members voting No, and 1 member abstaining as follows:*

| | | |
|-------------|----------------|-------------|
| <u>Aye:</u> | Ms. Little | Mr. Maynard |
| | Ms. Childs | Dr. Ellis |
| | Ms. Perez-Diaz | Dr. Young |
| | Mr. Francis | Ms. Pickren |

Dr. Ortega
Mrs. Brooks
Ms. Davis

Mr. Hickman
Ms. Hardy

No:

Abstain: Dr. Bell-Metereau

MOTION AND VOTE: *It was moved by Mr. Maynard, and seconded by Ms. Childs, to strike “~~child pornography~~” and replace the language with “pornographic” from section 7.1. The motion carried with no objection.*

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

5. **Adoption of Review of 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**
(Board agenda page I-22)

Colin Dempsey, director, district operations, technology & sustainability supports, explained that there is a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presented the adoption of review of 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. The rules being reviewed established procedures for the adoption, purchase, and distribution of instructional materials.

Mr. Dempsey shared that the agency completed the review, and no public comments were received. The SBOE maintains authority to adopt rules on instructional materials; therefore, the need for the rules in Subchapters A–C remains. Additionally, HB 1605 (88th Texas Legislature, Regular Session, 2023) implemented significant changes to the instructional materials review and adoption process. Existing rules in Chapter 66, Subchapters A–C, will continue to apply to instructional materials adopted under *Proclamation 2024* and before.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Perez-Diaz, and carried to recommend to the SBOE that they adopt the review of 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*

DISCUSSION ITEMS

6. **Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, §74.13, Endorsements, and §74.14, Performance Acknowledgments**
(Board agenda page I-50)

Shelly Ramos, senior director, curriculum standards and student support, provided an overview of recommended revisions to high school graduation requirements. Ms. Ramos explained that the

changes are necessary to update career and technical education (CTE) course titles and career clusters and course credits for physical education to align with changes to the TEKS. She also explained recommended changes to three endorsements to eliminate outdated language and align requirements with recently refreshed CTE programs of study.

Chairman Kinsey adjourned the meeting at 8:03 p.m.