

Minutes  
State Board of Education  
January 31, 2017

The State Board of Education met at 9:06 a.m. on Tuesday, January 31, 2017, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. The following members of the board were present:

Presiding: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Erika Beltran; David Bradley; Barbara Cargill; Ruben Cortez, Jr.; Keven Ellis; Pat Hardy; Tom Maynard; Sue Melton-Malone; Ken Mercer; Geraldine “Tincy” Miller; Georgina C. Pérez; Marty Rowley

Absent: Marisa B. Perez

**1. Swearing-in Ceremony for Members of the State Board of Education**  
(No Agenda Exhibit)

The Honorable Larry Taylor, Texas Senate, administered the Oath of Office to Georgina C, Pérez and Keven Ellis, the newly elected members of the State Board of Education Districts 1 and 9, respectively; and the following re-elected SBOE members: Ken Mercer, District 5; Donna Bahorich, District 6; Barbara Cargill, District 8; Tom Maynard, District 10; Sue Melton-Malone, District 14; and Marty Rowley, District 15.

Senator Taylor provided an overview of the 85<sup>th</sup> Legislative Session.

The student performance was provided by the Vandegrift High School Chamber Choir, Leander Independent School District.

**2. Review and Adoption of State Board of Education Operating Rules**  
(Board agenda page SBOE-1)

Jennifer Carle, executive director, state board of education support, explained the changes recommended by staff to the State Board of Education Operating Rules.

**MOTION**: *It was moved by Mr. Bradley and seconded by Mrs. Melton-Malone to adopt the State Board of Education Operating Rules, as shown in pages SBOE-2 through SBOE-27 of the agenda materials.*

**MOTION:** *It was moved by Mr. Bradley and seconded by Mr. Mercer, to amend §1.3, Board Member Seating Selection, as follows:*

*With the exception of the chair, the selection of seating by board members shall be on the basis of years of total service on the board, with the board member having the longest service selecting a desk location first. The selection process shall proceed in order of service. For members with identical service periods, the order will be determined by the drawing of numbers which will govern the order of selection for those members with the same service period. With the exception of the chair, the seating of board members will be by State Board of Education districts. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.*

Mr. Bradley withdrew his motion without objection by the board.

**MOTION:** *It was moved by Mr. Mercer and seconded by Mr. Bradley, to amend §1.2, Committees of the Board, subsection (d), as follows:*

*(d) 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 also consider seniority (total years of service), ethnicity balance, gender balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. Except for the Committee of the Full Board, an ~~A~~ officer of the board is not eligible to serve as the chair of a standing committee, nor may a member serve as chair of the same standing committee for more than two consecutive terms.*

**MOTION:** *It was moved by Mr. Rowley and seconded by Mr. Mercer, to amend the last sentence, as follows:*

*Except for the Committee of the Full Board, an officer of the board is not eligible to serve as the chair of a standing committee, nor may a member serve as chair of the same standing committee for more than two consecutive terms provided that a member may serve as chair after sitting out one term.*

Mr. Mercer withdrew his motion without objection by the board.

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mr. Maynard, and carried unanimously to amend §3.1, Reimbursement of Expenses, subsection (k)(2), as follows:*

(2) *Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary). ~~Members are limited to one trip per fiscal year at state expense.~~*

By unanimous consent the board approved to amend §2.10, Oral Public Testimony in Connection with Regular Board and Committee Meetings, subsection (c)(2), as follows:

(2) *Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, unless modified by the presiding chair with the consent of the committee. Three (3) minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. ~~Board members shall hold questions for speakers until the end of the allotted time for testimony.~~ Testimony invited by committee 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.*

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Mr. Bradley, and carried to amend §2.10, Oral Public Testimony in Connection with Regular Board and Committee Meetings, subsection (c)(2), as follows:*

(2) *Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, unless modified by the presiding chair ~~with the consent of the committee.~~ Three (3) minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by committee 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.*

**MOTION:** *It was moved by Ms. G. Pérez and seconded by Mr. Cortez to amend §2.12, Public Hearings, new subsection (3), as follows:*

(3) *Hearing panel. When the board chair determines that a public hearing falls under the area of oversight of the Committee of the Full Board or does not clearly fall under the area of oversight of one committee, the officers of the board ~~board chair~~ may appoint a panel of five to nine members of the board to conduct the hearing. The board chair may preside over the panel or appoint another chair. The panel shall proceed under the board operating rules as with any committee.*

**MOTION:** *It was moved by Mr. Bradley to strike §2.12, Public Hearings, new subsection (3). With no objection the motion was approved.*

**MOTION:** *It was moved by Mr. Bradley to adopt the State Board of Education Operating Rules, as amended. With no objection the motion was approved.*

After Item #4, Announcement of Membership of Committees, the board approved reconsideration of this item for action.

(ATTACHMENT, PAGE 8)

**3. Election of State Board of Education Officers**  
(Board agenda page SBOE-29)

Pursuant to the provisions of the Texas Education Code (TEC), §7.107, at the first regular meeting after the election and qualification of new State Board of Education (SBOE) members, the board shall elect by separate votes a vice chair and a secretary. The vice chair and secretary of the board will be elected to serve for terms of two years and until their successors are elected.

**NOMINATION:** *Mr. Maynard nominated Mr. Rowley for vice chair of the State Board of Education for a two-year term.*

Mr. Rowley was elected vice chair of the State Board of Education.

**NOMINATION:** *Mr. Allen nominated Mr. Cortez for secretary of the State Board of Education for a two-year term.*

Mr. Cortez was elected secretary of the State Board of Education.

Due to the temporary departure of Mrs. Bahorich, Mr. Rowley chaired the meeting and announced that the meeting would adjourn and reconvene later in the day.

Mr. Rowley adjourned the meeting at 11:06 a.m.

The meeting reconvened at 6:17 p.m. in 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; Keven Ellis; Pat Hardy; Tom Maynard; Sue Melton-Malone; Ken Mercer; Geraldine “Tincy” Miller; Georgina C. Pérez; Marisa B. Perez; Marty Rowley, Vice-Chair

**4. Announcement of Membership of Committees**  
(Board agenda page SBOE-31)

Pursuant to the provisions of the Texas Education Code (TEC), §7.107, at the board’s first regular meeting after the election and qualification of new members, the board shall organize. This item provides the opportunity to announce appointments to the committees of the State Board of Education (SBOE).

Mrs. Bahorich announced the membership of the committees of the board, as follows:

Committee on School Finance/Permanent School Fund

David Bradley  
Ken Mercer  
Patricia “Pat” Hardy  
Lawrence A. Allen, Jr.  
Tom Maynard

Committee on Instruction

Sue Melton-Malone  
Geraldine “Tincy” Miller  
Erika Beltran  
Georgina C. Pérez  
Donna Bahorich

Committee on School Initiatives

Marty Rowley  
Barbara Cargill  
Keven Ellis  
Ruben Cortez, Jr.  
Marisa B. Perez

After the announcement of membership committees, the following action was taken.

**MOTION AND VOTE:** *It was moved by Mr. Bradley and carried unanimously to reconsider the State Board of Education Operating Rules.*

There being no objection from board members, §2.10(c)(2) which was previously adopted, was reconsidered.

**MOTION AND VOTE:** *It was moved by Ms. G. Pérez, seconded by Ms. Beltran, and carried unanimously to amend §2.10, Oral Public Testimony in Connection with Regular Board and Committee Meetings, subsection (c)(2), as follows:*

- (2) ~~*Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, unless modified by the presiding chair. Three (3) minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by committee 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.*~~

**VOTE:** *A vote was taken on the motion to adopt the State Board of Education Operating Rules, as amended. The motion carried.*

Mrs. Bahorich instructed staff to make any necessary technical edits.

The meeting adjourned at 6:36 p.m.

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Ruben Cortez, Jr., Secretary