

**Report of the State Board of Education
Committee of the Full Board
Tuesday, November 14, 2023**

The State Board of Education Committee of the Full Board met at 9:27 a.m. on Tuesday, November 14, 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; L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1, #3 and #4. Information regarding the individuals who presented public testimony is included in the discussion of that item.

ACTION ITEM

1. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2024*

(Board agenda page I-1)

[Official agenda item #3]

Public testimony was provided by the following individuals:

NAME: Alexander Harris
AFFILIATION: Network of Concerned Citizens

NAME: Terry Kosobud
AFFILIATION: Self

NAME: Jackie Besinger
AFFILIATION: National Alliance for Education Freedom

NAME: Mary Castle
AFFILIATION: Texas Values

NAME: Robert Baumgardner
AFFILIATION: Self

NAME: Belynda Montgomery
AFFILIATION: Self

NAME: Ethan Ganz
AFFILIATION: Self

NAME: Meghan Fairbanks
AFFILIATION: Self

NAME: Emerald Belmarez
AFFILIATION: Texas Freedom Network

Amie Phillips, director, instructional materials review and approval, district operations, technology, and sustainability supports division, presented information regarding proposed editorial changes, corrections made in response to errors reported by state review panels (SRPs) and the public, comments received by the public and the publishers' responses, and new content reviewed and approved by the SRPs. Ms. Phillips also shared base pricing information shared by publishers and that the quality reports conducted through the Texas Resource Review (TRR) are available on the TRR website for science, K–grade 8, Biology, Chemistry, and Physics.

MOTION: *It was moved by Mr. Hickman and seconded by Mrs. Little to recommend that the State Board of Education:*

Require that all publishers make corrections listed in the Proclamation 2024 Report of Required Corrections, Report of New Content, and Report of Editorial Changes;

Require that all instructional materials meet established manufacturing standards and specifications;

Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;

Approve changes and corrections submitted in response to written comments and public testimony; and

Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2024 List of Instructional Materials Eligible for Adoption.

MOTION AND VOTE: *It was moved by Mr. Francis and seconded by Mr. Kinsey to recommend that the State Board of Education remove Accelerate Learning, Inc., STEMscopes Science TX, K–grade 8, Biology, Chemistry, Integrated Physics and Chemistry, and Physics, from consideration for adoption. The motion failed with 3 members voting Aye and 10 members voting No as follows:*

Aye: Mr. Francis Ms. Pickren
Mr. Kinsey

No: Dr. Bell-Metereau Mr. Hickman
Mrs. Brooks Mrs. Little
Ms. Childs Mr. Maynard
Ms. Davis Dr. Ortega
Ms. Hardy Dr. Young

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

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Dr. Young, and carried to recommend that the State Board of Education remove Accelerate Learning Inc., STEMscopes Science TX, grades 6–8 and Biology, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Dr. Young, and carried, to recommend that the State Board of Education remove Argument-Driven Inquiry, LLC, Texas ADI Learning Hub for Science, grades 3–5, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Dr. Young, and carried unanimously to recommend that the State Board of Education remove Carolina Biological Supply Company, Science Bits, grades 6–8, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Ms. Pickren, seconded by Mr. Hickman, and carried to recommend that the State Board of Education remove Discovery Education Inc., Science Techbook for Texas by Discovery Education, K–grade 8 and Biology, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mr. Francis, and carried to recommend that the State Board of Education remove Green Ninja, Green Ninja Middle School Science – Texas, grades 6–8, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mr. Kinsey, and carried unanimously to recommend that the State Board of Education remove Kiddom, OpenSciEd Science powered by Kiddom, grades 6–8, and OpenStax powered by Kiddom, Biology, Chemistry, and Physics, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove McGraw-Hill School Division, McGraw Hill Texas Biology, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Mr. Francis and seconded by Mr. Kinsey to recommend that the State Board of Education remove PASCO SCIENTIFIC, Essential Chemistry and Essential Physics 3rd Edition, from consideration for adoption. The motion failed.*

MOTION AND VOTE: *It was moved by Ms. Pickren and seconded by Mr. Kinsey to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Texas Experience Science, grade 5, from consideration for adoption. The motion failed.*

MOTION AND VOTE: *It was moved by Mr. Francis and seconded by Mr. Kinsey to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Texas Miller & Levine Experience Biology, from consideration for adoption. The motion failed.*

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Mr. Hickman, and carried unanimously to recommend that the State Board of Education remove School-it!, Inc., Elemental Science, grade 8, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education remove Smart Biology Inc., BIOLOGY Texas, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Mr. Hickman, and carried to recommend that the State Board of Education remove Summit K12 Holdings, Inc., Dynamic Science, K–grade 8, Dynamic Science Spanish, grades K–8, Dynamic Biology, Dynamic Chemistry, Dynamic Integrated Physics and Chemistry, Dynamic Physics, from consideration for adoption.*

(Mr. Maynard was absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Kinsey, seconded by Mr. Francis, and carried to recommend that the State Board of Education remove TPS Publishing, Inc., STEAM into Science K– grade 8, STEAM into Science Spanish Edition, grades K–8, STEAM into Aquatic Science - High School Edition, STEAM into Biology - High School Edition, STEAM into Chemistry - High School Edition, STEAM into Integrated Physics and Chemistry - High School Edition, and STEAM into Physics - High School Edition, from consideration for adoption.*

(Mrs. Brooks and Mr. Maynard were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove Edusmart, Edusmart Science, K– grade 8, EduSmart Science Spanish, K– grade 5, and Biology, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Mr. Francis and seconded by Ms. Hardy to remove BIOZONE Corporation, Biology for Texas, from consideration for adoption. The motion failed.*

MOTION AND VOTE: *It was moved by Mr. Kinsey and seconded by Dr. Young to recommend that the State Board of Education remove Goodheart-Willcox Company, Foundations of Financial Literacy, Personal Financial Literacy and Economics, from consideration for adoption. The motion failed.*

MOTION AND VOTE: *It was moved by Ms. Pickren, seconded by Mr. Francis, and carried to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Personal Financial Literacy, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education remove Coder Kids, Inc. DBA Ellipsis Education, Texas Technology Applications, grades 6–8, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Francis, and carried unanimously to recommend that the State Board of Education remove Typing.com, Typing.com, technology applications, K–grade 6, from consideration for adoption.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Kinsey, and carried unanimously to recommend that the State Board of Education remove Cengage Learning Inc., Medical Assisting: Administrative Clinical Competencies, Medical Assistant, from consideration for adoption.*

(Ms. Davis was absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Dr. Young, and carried to recommend that the State Board of Education remove CEV Multimedia Ltd., iCEV Computer Science I (Individual Course), from consideration for adoption.*

(Ms. Davis was absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Pickren, and carried to recommend that the State Board of Education remove CEV Multimedia Ltd., iCEV Child Development*

(Individual Course), iCEV Child Development Associate Foundations (Individual Course), and iCEV Instructional Practices, from consideration for adoption.

(Mr. Maynard and Ms. Davis were absent for the vote.)

MOTION AND VOTE: It was moved by Ms. Pickren, seconded by Mrs. Brooks, and carried unanimously to recommend that the State Board of Education remove Goodheart-Willcox Company, Child Development, from consideration for adoption.

MOTION AND VOTE: It was moved by Mrs. Brooks and seconded by Ms. Pickren to recommend that the State Board of Education remove Goodheart-Willcox Company, Child Development: Early Stages Through Adolescence, from consideration for adoption. The motion carried with 8 members voting Aye and 4 members voting No as follows:

<u>Aye:</u>	Mrs. Brooks	Mr. Kinsey
	Mr. Francis	Mrs. Little
	Ms. Hardy	Ms. Pickren
	Mr. Hickman	Dr. Young
<u>No:</u>	Dr. Bell-Metereau	Dr. Ortega
	Ms. Childs	Ms. Perez-Diaz

(Mr. Maynard and Ms. Davis were absent for the vote.)

MOTION AND VOTE: It was moved by Mr. Francis, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove Kiddom, OpenStax Anatomy and Physiology powered by Kiddom, from consideration for adoption.

MOTION AND VOTE: It was moved by Mr. Francis, seconded by Mr. Kinsey, and carried unanimously to recommend that the State Board of Education remove Learning.com, Learning.com CTE for Texas, Fundamentals of Computer Science, from consideration for adoption.

MOTION AND VOTE: It was moved by Ms. Pickren and seconded by Mr. Kinsey to remove Savvas Learning Company LLC formerly Pearson K12 Learning, Anatomy, Physiology, and Disease, 2nd Edition, from consideration for adoption. The motion failed.

MOTION AND VOTE: It was moved by Mr. Francis, seconded by Dr. Young, and carried to recommend that the State Board of Education remove The Curriculum Center for Family and Consumer Sciences, Child Development and Principles of Education and Training, from consideration for adoption.

MOTION AND VOTE: It was moved by Ms. Pickren, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Health Science Theory, from consideration for adoption.

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education:*
Require that all publishers make corrections listed in the Proclamation 2024 Report of Required Corrections, Report of New Content, and Report of Editorial Changes;
Require that all instructional materials meet established manufacturing standards and specifications;
Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;
Approve changes and corrections submitted in response to written comments and public testimony;
and
Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2024 List of Instructional Materials Eligible for Adoption, as amended.
The motion carried.

DISCUSSION ITEMS

- 2. **Rule 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-3)

Colin Dempsey, director of district operations, technology and sustainability supports, explained the statutory requirement for the four-year rule review and provided a brief overview of 19 Texas Administrative Code (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. Mr. Dempsey also explained that House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, will require significant rulemaking related to instructional materials and that those rules will likely be added to a new chapter in administrative code.

DISCUSSION ITEMS

- 3. **Consideration of Instructional Materials Review and Approval Criteria and Instructional Materials Contract Terms and Conditions**
 (Board agenda page I-31)

Public testimony was provided by the following individuals:

NAME:	Anna Rowe
AFFILIATION:	Self
NAME:	Katelyn Damore
AFFILIATION:	Self
NAME:	Mary Lynn Pruneda
AFFILIATION:	Texas 2036

Todd Davis, associate commissioner of instructional strategy, explained this item provides an opportunity for the committee to begin consideration of the criteria for the new Instructional Materials Review and Approval (IMRA) process and the standard terms and conditions for publishers and manufacturers of instructional materials required by HB 1605.

Nicholas Keith, executive director of high-quality instructional materials supports, presented proposed drafts of the IMRA rubrics for English language arts and reading, K–grade 3 and grades 4–8; Spanish language arts and reading, K–grade 3 and grades 4–6; and mathematics, K–grade 12. He shared the plan for stakeholder engagement, including public comment and focus groups.

Mr. Dempsey presented draft recommendations for parent portal requirements, the definition of factual errors, physical manufacturing standards, accessibility requirements, interoperability standards, and the minimum requirement for coverage of the Texas Essential Knowledge and Skills.

The committee provided feedback on the draft rubrics and recommendations to be incorporated in the rule text that will be presented for first reading and filing authorization at the December 2023 meeting.

4. Consideration of Instructional Materials Review and Approval Process Components
(Board agenda page I-33)

Public testimony was provided by the following individual:

NAME: Kelsey Kling
AFFILIATION: Texas American Federation of Teachers

Mr. Dempsey explained that this item provides an opportunity for the committee to consider the process and procedures for the new IMRA process. He discussed the draft recommendations for the IMRA review structure and process, publisher submission packet, and process for prioritization of reviews.

The committee postponed further discussion of this item to the November 15, 2023, meeting of the Committee of the Full Board.

5. Discussion of Suitability of Instructional Materials
(Board agenda page I-35)

This item was postponed to the November 15, 2023, meeting of the Committee of the Full Board.

Dr. Ellis explained that developing and approving the suitability rubric is the sole responsibility of the SBOE under the authority granted by HB 1605. Dr. Ellis also explained that the suitability rubric will be considered for first reading and filing authorization at the December 2023 meeting. He presented suitability criteria identified in current statute that he outlined at the September 2023 meeting as a starting point and asked members to consider criteria that they wish to add or remove. Mr. Kinsey expressed a desire to consider the addition of criteria that is currently included in the approved SBOE Operating Rules.

Dr. Ellis adjourned the meeting at 9:26 p.m.