Minutes
State Board of Education
November 20, 2009

The State Board of Education met at 9:02 a.m. on Friday, November 20, 2009, 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: Gail Lowe, Chair; Rick Agosto; Lawrence A. Allen, Jr., Vice Chair; Mary Helen Berlanga; David Bradley; Barbara Cargill; Bob Craig; Cynthia Dunbar; Pat Hardy; Mavis B. Knight; Terri Leo, Secretary; Don McLeroy; Ken Mercer; Geraldine Miller; Rene Nuñez

Student Performance

The student performance was provided by the Lancaster High School Choir, Lancaster Independent School District.

Invocation

Pledge of Allegiance

Approval of Minutes

State Board of Education, September 18, 2009

MOTION AND VOTE: *It was moved by Mr. Craig and carried unanimously to approve the Minutes of the September 18, 2009, 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 State Board of Education received no presentations of public testimony.

1. Resolutions and Presentations

2009 National History Day

The State Board of Education adopted by unanimous consent the 2009 National History Day Resolution congratulating the 2009 National History Day winners from the Aldine Independent School District, Boerne Independent School District, and Corpus Christi Independent School District.

National Geographic Bee

The State Board of Education adopted by unanimous consent the National Geographic Bee Resolution congratulating Eric Yang on his impressive study of geography and on his national championship.

Employers for Education Excellence Award

The State Board of Education adopted by unanimous consent the Employers for Education Excellence Awards Resolution recognizing outstanding organizations as recipients of the Employers for Education Excellence Award.

(ATTACHMENT 1, page 19)

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.

In addition to the items on the original consent agenda, the following agenda items received unanimous approval in committee and were brought forward to the consent agenda for board approval:

- Official Agenda Item #17—Recommended Penalties for Failure to Correct Factual Errors in Adopted Instructional Materials
- Official Agenda Item #19—Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes
- Official Agenda Item #20—Report on Back-Ordered Instructional Materials and Recommendations for Penalties
- Official Agenda Item #21—Large Type Materials for the Visually Impaired
- Official Agenda Item #22—Braille Materials for the Visually Impaired

By unanimous consent, the State Board of Education approved the following items on the consent agenda, including the five items that were brought forward.

(1) Approval of Costs of Administering the 2009-2010 Texas Assessment of Knowledge and Skills (TAKS) to Private School Students
(Board agenda page III-43)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved the per-student costs for administering the TAKS tests to private school students in 2009-2010, as recommended by the Committee on School Finance/Permanent School Fund.

(ATTACHMENT 2, page 23)

(2) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of August and September 2009
(Board agenda page III-51)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education ratified the purchases and sales for the months of August and September 2009, in the amount of $713,141,042 and $698,265,678, respectively, as recommended by the Committee on School Finance/Permanent School Fund.

(3) 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. Reynaldo Treviño to serve a two-year term of office from November 19, 2009, through November 18, 2011, on the Lackland Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 3, page 27)

17. Recommended Penalties for Failure to Correct Factual Errors in Adopted Instructional Materials
(Board agenda page II-15)
(COMMITTEE ON INSTRUCTION)

The State Board of Education accepted the recommendation of the Committee on Instruction to assess penalties for failure to make required corrections in instructional materials adopted under Proclamation 2000 in November 2002, Proclamation 2004 in November 2006, and Proclamation 2005 in November 2007.

(ATTACHMENT 4, page 33)

19. Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes
(First Reading and Filing Authorization)
(Board agenda page III-9)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved for first reading and filing authorization the proposed amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes, as recommended by the Committee on School Finance/Permanent School Fund.

20. Report on Back-Ordered Instructional Materials and Recommendations for Penalties
(Board agenda page III-17)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education imposed a penalty for publishers' back orders based on one percent of the average value of back-ordered materials for each day the instructional materials remained on back order after the first day of school year 2008-2009; and required each publisher to issue credit to the agency in the appropriate amount, as recommended by the Committee on School Finance/Permanent School Fund.

(ATTACHMENT 5, page 35)

21. Large Type Materials for the Visually Impaired
(Board agenda page III-27)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education accepted the proposal submitted by HOV Services and authorized the commissioner of education to conclude the necessary contract, as recommended by the Committee on School Finance/Permanent School Fund.

22. Braille Materials for the Visually Impaired
(Board agenda page III-33)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education accepted the proposal from Region 20 Education Service Center (ESC) to produce Braille masters from Packages A and B and authorized the commissioner of education to conclude the necessary contract; accepted the proposal from Visual Aid Volunteers to produce Braille masters from Packages C and D and authorized the commissioner of education to conclude the necessary contract; accepted the proposal from Region 4 ESC to produce Braille masters from Package E and authorized the commissioner of education to conclude the necessary contract; accepted the proposal from Region 20 ESC to produce Braille copies from Packages A and B and authorized the commissioner of education to conclude the necessary contract; accepted the proposal from the Region 4 ESC to produce Braille copies from Packages C and D and authorized the commissioner of education to conclude the necessary contact; and accepted the proposal from Braille Jymico to produce Braille copies from Package E and authorize the commissioner of education to conclude the necessary contract, as recommended by the Committee on School Finance/Permanent School Fund.

COMMITTEE OF THE FULL BOARD

Mr. Allen, vice chair of the board, presented the report of the Committee of the Full Board.

3. Proposed Amendments to Section H of the Investment Procedures Manual
(Board agenda page I-1)

MOTION AND VOTE: *It was moved by Dr. McLeroy, seconded by Mr. Craig, and carried unanimously that the State Board of Education adopt the proposed amendments to Section H of the Investment Procedures Manual of the Permanent School Fund, as amended. (Mr. Agosto and Ms. Hardy were absent for the vote.)*

(ATTACHMENT 6, page 43)

4. Proposed Amendments to Section 4.3 of the State Board of Education's Operating Rules
(Board agenda page I-3)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to adopt amendments to Section 4.3 of the State Board of Education Operating Rules, as amended. (Mr. Agosto and Ms. Hardy were absent for the vote.)*

(ATTACHMENT 7, page 47)

5. Proposed Repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.1-110.7, Subchapter B, Middle School, §§110.21-110.24, and Subchapter C, High School, §§110.41-110.45, and Proposed Amendments to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, §§110.10, 110.17, and 110.30
(First Reading and Filing Authorization)
(Board agenda page I-7)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter A, Elementary, §§110.1-110.7, Subchapter B, Middle School, §§110.21-110.24, and Subchapter C, High School, §§110.41-110.45, and the proposed amendments to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, §§110.10, 110.17, and 110.30. (Mr. Agosto and Ms. Hardy were absent for the vote.)*

6. **Proposed Repeal of 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.1-128.7, Subchapter B, Middle School, §128.21 and §128.22, and Subchapter C, High School, §§128.41-128.43, and Proposed Amendments to 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, §§128.10, 128.17, and 128.30**
(First Reading and Filing Authorization)
(Board agenda page I-95)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, Subchapter A, Elementary, §§128.1-128.7, Subchapter B, Middle School, §§128.21 and 128.22, and Subchapter C, High School, §§128.41-128.43, and the proposed amendments to 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language, §§128.10, 128.17, and 128.30. (Mr. Agosto and Ms. Hardy were absent for the vote.)*

7. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum**
(Second Reading and Final Adoption)
(Board agenda page I-197)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board that the State Board of Education, by an affirmative vote of two-thirds of the members of the board, approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously. (Ms. Hardy was absent for the vote.)*

(ATTACHMENT 8, page 51)

8. **Proposed Revisions to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions**
(Second Reading and Final Adoption)
(Board agenda page I-205)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board that the State Board of Education, by an affirmative vote of two-thirds of the members of the board, approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously.*

(ATTACHMENT 9, page 53)

9. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005, and Subchapter F, Graduation Requirements, Beginning with School Year 2007-2008
(First Reading and Filing Authorization)
(Board agenda page I-215)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to direct staff to convene an independent panel to reconsider the proposed Texas Essential Knowledge and Skills (TEKS) for the Advanced Mathematical Decision Making (AMDM) course and examine its rigor, appropriateness for an applied math course, and to address concerns of board members.*

MOTION: *It was recommended by the Committee of the Full Board that the State Board of Education approve for first reading and filing authorization the proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005, and Subchapter F, Graduation Requirements, Beginning with School Year 2007-2008, as amended by the committee.*

MOTION AND VOTE: *It was moved by Dr. McLeroy and seconded by Mr. Bradley to revise §74.63, Recommended High School Program, (b)(3)(A) to restore the language regarding the phase out for Integrated Physics and Chemistry. The motion carried, with 8 members voting Aye and 7 members voting No, as follows:*

Aye:	*Mr. Agosto*	*Ms. Leo*
	Mr. Bradley	*Mrs. Lowe*
	Mrs. Cargill	*Dr. McLeroy*
	Ms. Dunbar	*Mr. Mercer*
No:	*Mr. Allen*	*Mrs. Knight*
	Mrs. Berlanga	*Mrs. Miller*
	Mr. Craig	*Mr. Nuñez*
	Ms. Hardy	

VOTE: *A vote was taken on the motion that the State Board of Education approve for first reading and filing authorization the proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005, and Subchapter F, Graduation Requirements, Beginning with School Year 2007-2008, as amended. The motion carried unanimously.*

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Mr. Craig to request that the commissioner of education conduct a survey of appropriate science personnel to determine the value of continuing Integrated Physics and Chemistry on the Recommended Plan, and that feedback be provided to the State Board of Education. The motion carried, with 8 members voting Aye and 6 members voting No, as follows:*

Aye:	*Mr. Agosto*	*Ms. Hardy*
	Mr. Allen	*Mrs. Knight*
	Mrs. Berlanga	*Mrs. Miller*
	Mr. Craig	*Mr. Nuñez*
No:	*Mr. Bradley*	*Mrs. Lowe*
	Mrs. Cargill	*Dr. McLeroy*
	Ms. Leo	*Mr. Mercer*

(Ms. Dunbar was absent for the vote.)

10. Update on Texas Essential Knowledge and Skills (TEKS) Review
(Board agenda I-223)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried by the State Board of Education to eliminate the Speech Communications Course.*

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to assign the initial technology applications TEKS review process to the Committee on Instruction.*

11. Consideration of Texas Attorney General Opinion GA-0707 Regarding Transfers from the Permanent School Fund to the Available School Fund and Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund
(Board agenda page I-227)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried that the State Board of Education determine that a distribution of $60.7 million for fiscal year 2010 is permitted under Texas Constitution Article VII, Subsection 5(a)(2). (Ms. Hardy and Ms. Leo were absent for the vote.)*

12. Report and Recommendations from the Commissioner of Education Regarding Instructional Materials Offered for Adoption Under Proclamation 2010
(Board agenda page I-237)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to accept the recommendation of the commissioner of education, as follows:*

Require that all publishers make corrections listed in the Report of the Commissioner of Education Concerning Required Corrections of Factual Errors; require that all student textbooks meet established manufacturing standards and specifications; approve changes and corrections in lists submitted by publishers to the agency by August 14, 2009, and in response to written comments and public testimony; grant permission for Handwriting Without Tears to withdraw Handwriting Without Tears; English Language Arts and Reading, Grade K; grant permission for The Trevor Romain Company to withdraw Bullies are a Pain in the Brain; Reading, Grade 5; grant permission for The Trevor Romain Company to withdraw Bullies are a Pain in the Brain; Spanish Reading, Grade 5; grant permission for Santillana to withdraw Elevator Level 1 and Elevator Level 2; English for Speakers of Other Languages I; grant permission for Santillana to withdraw Elevator Level 3 and Elevator Level 4; English for Speakers of Other Languages II; and place the remaining instructional materials submitted for adoption on the Conforming List or Nonconforming List as indicated on the Final Recommendations of the Commissioner of Education Regarding Instructional Materials Offered for Adoption Under Proclamation 2010, and to adopt the instructional materials called for under Proclamation 2010 as shown in the attachment.

(ATTACHMENT 10, page 55)

13. Statewide Licenses for Electronic Instructional Materials
(Board agenda page I-243)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to direct the commissioner of education to adopt rules for the implementation of a statewide license for online instructional materials for use in school district and open-enrollment charter schools. (Ms. Leo was absent for the vote.)*

14. Approval of Question and Answer Document for Proclamation 2011
(Board agenda page I-247)

This item was to be considered during the meeting of the Committee of the Full Board on November 19, 2009; however, at the request of Dr. McLeroy, and without objection, this item was moved to this general board meeting.

John Lopez, managing director of instructional materials and educational technology, introduced the item and stated that Proclamation 2011 was issued by the State Board of Education in May 2008. He explained that in April of last year there was a meeting to present how the maximum costs were calculated, and a publisher orientation was held in October 2009 to give publishers an opportunity to ask questions. Mr. Lopez stated that staff also collected additional questions through e-mail and through project mailbox.

MOTION: *It was moved by Mr. Craig and seconded by Dr. McLeroy that the State Board of Education approve the questions and answers document for Proclamation 2011.*

Mr. Lopez reviewed the Q&A document with board members, as follows.

Question #17—Is it permissible to use the "TAKS" label on Test Practice questions as long as they are faithful to the format and style of previous TAKS exams?

MOTION AND VOTE: *It was moved by Dr. McLeroy, seconded by Mrs. Cargill, and carried unanimously to amend the answer to question number 17, as follows: No. Publishers are not permitted to use the TAKS label on practice exams. TAKS is a trademark, and its use is protected by law. Publishers may use the phrase "similar to Texas assessment program questions" to describe items they create. (Mr. Bradley was absent for the vote.)*

(**Note**: Later in the meeting, Question #17 was further amended.)

Question #26—Questions for Proclamation 2011 TEKS: Grade 2
Question: Does this definition meet the TEKS?

Mr. Lopez stated that agency staff proposed deleting the current answer and simply answering, "Yes." There being no motion, Mrs. Lowe stated that the answer to Question #26 would remain the same in the Q&A document.

Question #168—Regarding the SBOE statement that ancillaries must be digital format: Does this mean all ancillaries must be in digital format and, therefore, no ancillaries may be in print format?

MOTION: *It was moved by Ms. Hardy and seconded by Mrs. Berlanga that the answer to Question #168 read as follows: Yes. That is correct. Ancillaries must be in digital format only. Print ancillaries will not be permitted.*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mr. Craig, and carried, to amend the answer to Question #168, as follows: Yes. That is correct. Ancillaries must be in digital or web-based format only. Print ancillaries will not be permitted. Mrs. Knight voted No.*

Question #171—If the rule is that ancillaries can only be provided electronically, can the TEA enforce this and prohibit publishers from sampling all the support materials in a printed format?

MOTION: *It was moved by Ms. Hardy and seconded by Dr. McLeroy that the answer to Question #171 read as follows: At their September 2009 meeting, the State Board of Education amended Proclamation 2011 to add the requirement that ancillaries that accompany an order of instructional materials adopted under Proclamation 2011 may be provided in digital or web-based format only.*

MOTION AND VOTE: *It was moved by Ms. Dunbar and carried, with Mrs. Knight voting No, to strike the word "may" in the very last sentence and insert the word "shall" in its place.*

VOTE: *A vote was taken on the motion that the answer to Question #171 read as follows: At their September 2009 meeting, the State Board of Education amended Proclamation 2011 to add the requirement that ancillaries that accompany an order of instructional materials adopted under Proclamation 2011 shall be provided in digital or web-based format only. The motion carried, with Mrs. Knight voting No. (Mr. Bradley and Mr. Craig were absent for the vote.)*

Question #169—If ancillary materials are consumable, must they be provided in digital only? What if the district specifically asks for ancillary in print format too?

MOTION AND VOTE: *It was moved by Dr. McLeroy, seconded by Mrs. Cargill, and carried, with Mrs. Knight voting No, that the answer to Question #169 read as follows: Ancillaries must be in digital or web-based format only. Print ancillaries will not be permitted. (Mr. Bradley and Mr. Craig were absent for the vote.)*

Question #173—Proclamation 2011, page 9, requires publishers to provide ancillaries electronically. What is the intended scope of this requirement? Can publishers provide a mix of electronic and printed ancillaries? When and how will the review committees be reviewing and verifying this requirement as ancillaries are not to be reviewed?

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Ms. Dunbar, and carried, with Mrs. Knight voting No, that the answer to Question #173 read as follows: Under Proclamation 2011, ancillaries must be in digital or web-based format only. Print ancillaries are not permitted. (Mr. Craig was absent for the vote.)*

Question #176—Can you elaborate on electronic format for ancillaries. Is this only content or content/visuals?

Question #177—At that meeting we heard that "Publishers are to provide ancillaries electronically." Does this mean that we cannot have any print ancillaries—and that any "free with order" items may only be delivered electronically?

There being no objection from the board, with the exception of Mrs. Knight, the answer to Questions #176 and #177 will read, "Under Proclamation 2011, ancillaries must be in digital or web-based format only. Print ancillaries are not permitted."

Question #126—What information will be given to districts regarding samples publishers will provide? What should the response be if districts want and request printed versions of ancillary and supplemental components of adopted programs?

MOTION: *It was moved by Ms. Leo to amend the answer to Question #126, as follows: Publishers are required to provide districts with information that fully describes adopted instructional materials. The information provided to each school district or open-enrollment charter school must be identical in content. Publishers are not restricted from sending samples of ancillary and supplemental materials to districts. Publishers may provide requested samples of any ancillary or supplemental material in electronic format only.*

Mrs. Berlanga asked why Ms. Leo didn't use the word "shall" instead of "may" and use the wording "or web-based" for consistency. Ms. Leo agreed with Mrs. Berlanga to use the same language.

There being no objection from the board, with the exception of Mrs. Knight, the answer to Question #126 was adopted, as follows: Publishers are required to provide districts with information that fully describes adopted instructional materials. The information provided to each school district or open-enrollment charter school must be identical in content. Publishers are not restricted from sending samples of ancillary and supplemental materials to districts. Publishers shall provide requested samples of any ancillary or supplemental material in digital or web-based format only.

Ms. Dunbar asked the board to reconsider action taken on Question #17.

MOTION: *It was moved by Ms. Dunbar to amend the answer to Question #17, as follows: No. Publishers are not permitted to use the TAKS label on practice exams. [~~TAKS is a trademark, and its use is protected by law.~~] Publishers may use the phrase "similar to Texas assessment program questions" to describe items they create.*

There being no objection from the board, with the exception of Mrs. Knight, the answer to Question #17 was adopted, as amended.

VOTE: *A vote was taken on the motion that the State Board of Education approve the questions and answers document for Proclamation 2011, as amended. The motion carried unanimously.*

(ATTACHMENT 11, page 71)

15. Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials
(First Reading and Filing Authorization)
(Board agenda page I-249)

MOTION: *It was recommended by the Committee of the Full Board to approve for first reading and filing authorization the proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, as amended by the committee.*

MOTION AND VOTE: *It was moved by Mr. Craig, seconded by Mr. Allen, and carried unanimously to amend §66.121, Special Instructional Materials, as follows:*

(a) All laws and rules applying to instructional materials provided to sighted pupils that are not in conflict with the Texas Education Code, §31.028, or this section shall apply to the distribution and control of braille and large type instructional materials, including, but not limited to, the following.

(1) A requisition for special instructional materials shall be based on actual student enrollment to meet individual student need.
(2) Each school district or open-enrollment charters school shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by, and delivered to, the district. The results of the inventory shall be recorded in the district's files.

(b) Reimbursement and/or replacement shall be made for all volumes of braille and large type instructional materials determined to be lost.

VOTE: *A vote was taken on the recommendation by the Committee of the Full Board to approve for first reading and filing authorization the proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, with amendments, and as amended. The motion carried unanimously.*

COMMITTEE ON INSTRUCTION

16. Proposed Revisions to 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions, and Subchapter B, Development and Administration of Tests
(Second Reading and Final Adoption)
(Board agenda page II-1)

MOTION AND VOTE: *It was recommended by the Committee on Instruction that the State Board of Education by an affirmative vote of two-thirds of the members of the board, approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions, and Subchapter B, Development and Administration of Tests, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously. (Mr. Mercer was absent for the vote.)*

(ATTACHMENT 12, page 113)

17. Recommended Penalties for Failure to Correct Factual Errors in Adopted Instructional Materials
(Board agenda page II-15)

Action taken on this item by the State Board of Education is addressed under agenda item #2—Approval of Consent Agenda.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

18. Proposed Amendment to 19 TAC Chapter 105, Foundation School Program, Subchapter B, Use of State Funds, §105.11, Maximum Allowable Indirect Cost
(Second Reading and Final Adoption)
(Board agenda page III-1)

MOTION AND VOTE: *It was recommended by the Committee on School Finance/Permanent School Fund that the State Board of Education by an affirmative vote of two-thirds of the members of the board, approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 105, Foundation School Program, Subchapter B, Use of State Funds, §105.11, Maximum Allowable Indirect Cost, with an effective date of 20 days after filing as adopted with the Texas Register, as amended by the committee. The motion carried unanimously. (Mr. Mercer was absent for the vote.)*

(ATTACHMENT 13, page 121)

19. Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes
(First Reading and Filing Authorization)
(Board agenda page III-9)

Action taken on this item by the State Board of Education is addressed under agenda item #2—Approval of Consent Agenda.

20. Report on Back-Ordered Instructional Materials and Recommendations for Penalties
(Board agenda page III-17)

Action taken on this item by the State Board of Education is addressed under agenda item #2—Approval of Consent Agenda.

21. Large Type Materials for the Visually Impaired
(Board agenda page III-27)

Action taken on this item by the State Board of Education is addressed under agenda item #2—Approval of Consent Agenda.

22. Braille Materials for the Visually Impaired
(Board agenda page III-33)

Action taken on this item by the State Board of Education is addressed under agenda item #2—Approval of Consent Agenda.

23. Selection of Qualified Respondents for Request for Qualifications (RFQ) for Investment Management Services for Real Estate
(Board agenda page III-53)

Because of potential conflicts of interest with regard to real estate, Mr. Agosto, Ms. Hardy, Mrs. Miller, and Mr. Nuñez recused themselves from participating in any discussion or voting on this item.

MOTION: *It was recommended by the Committee on School Finance/Permanent School Fund and carried unanimously by the State Board of Education to approve the 68 qualified respondents identified by staff from the Request for Qualifications (RFQ) for Investment Management Services for Real Estate.*

MOTION AND VOTE: *It was moved by Ms. Dunbar, seconded by Ms. Leo, and carried unanimously to strike AEW from the list of qualified participants in the real estate RFQ. (Mr. Agosto, Ms. Hardy, Mrs. Miller, and Mr. Nuñez were absent for the vote.)*

VOTE: *A vote was taken on the motion, as amended. The motion carried, with Mr. Craig voting No. (Mr. Agosto, Ms. Hardy, Mrs. Miller, and Mr. Nuñez were absent for the vote.)*

24. Review of the Absolute Return Asset Class
(Board agenda page III-55)

MOTION AND VOTE: *It was recommended by the Committee on School Finance/Permanent School Fund and carried unanimously by the State Board of Education to place Goldman Sachs on an absolute return strategy watch list for 90 days and that the firm's status be reviewed at the March 2010 committee meeting.*

COMMITTEE ON SCHOOL INITIATIVES

25. Review of Proposed Amendments to 19 TAC Chapter 239, Student Services Certificates
(Board agenda page IV-15)

MOTION AND VOTE: *It was recommended by the Committee on School Initiatives and carried unanimously by the State Board of Education to take no action on the review of proposed amendments to 19 TAC Chapter 239, Student Services Certificates. (Mr. Mercer was absent for the vote.)*

26. Review of Proposed Repeal of 19 TAC Chapter 240, American Sign Language Certificate
(Board agenda page IV-47)

MOTION AND VOTE: *It was recommended by the Committee on School Initiatives and carried unanimously by the State Board of Education to take no action on the review of proposed repeal of 19 TAC Chapter 240, American Sign Language Certificate. (Mr. Mercer was absent for the vote.)*

27. Proposed Amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.105, Application to Public Senior College or University Charters
(Second Reading and Final Adoption)
(Board agenda page IV-53)

MOTION AND VOTE: *It was recommended by the Committee on School Initiatives that the State Board of Education by an affirmative vote of two-thirds of the members of the board, approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.105, Application to Public Senior College or University Charters, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously. (Mr. Mercer was absent for the vote.)*

(ATTACHMENT 14, page 123)

28. Proposed Guidelines and Application for Open-Enrollment Charters
(Board agenda page IV-59)

MOTION AND VOTE: *It was recommended by the Committee on School Initiatives and carried unanimously by the State Board of Education to adopt the Fifteenth Generation Open-Enrollment Charter Guidelines and Application. (Mr. Mercer was absent for the vote.)*

29. Proposed Guidelines and Application for Public College or University Charters
(Board agenda page IV-61)

MOTION AND VOTE: *It was recommended by the Committee on School Initiatives and carried unanimously by the State Board of Education to adopt the Public College or University Charter Guidelines and Application. (Mr. Bradley and Mr. Mercer were absent for the vote.)*

REPORTS OF COMMITTEES REGARDING AGENDA ITEMS ON COMMITTEE AGENDAS

Committee on Instruction

No report was presented.

Committee on School Finance/Permanent School Fund

Mr. Bradley reported on the discussion items of the meeting of the Committee on School Finance/Permanent School Fund held on October 16, 2009.

Committee on School Initiatives

Mr. Craig reported on the Update on Approved Generation 14 Open-Enrollment Charter Schools That Have Not Received Charter Contracts.

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

No reports were presented.

The meeting adjourned at 2:10 p.m.

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Terri Leo, 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 *The Individual in History: Actions and Legacies* was held in College Park, Maryland, on June 14-18, 2009; and

WHEREAS Kathleen Bride of Nimitz High School in Aldine ISD won Second Place in the Senior Division Individual Documentary category and the Irish or Irish-American History Award with her documentary titled *The Scarlet Pimpernel of the Vatican*; and

WHEREAS Kara Roberts of Boerne Middle School North in Boerne ISD won Second Place in the Junior Division Individual Performance category with her performance titled *Maude Davidson, Female POWs of WW II* ; and

WHEREAS Brooks Benadum of Carroll High School in Corpus Christi ISD won Third Place in the Senior Division Individual Performance category with her performance titled *Post-Modern Prometheus: Robert Oppenheimer*; and

WHEREAS Clifton Boudreaux, Darryus Vaughn, Ayeshia Powell, Alejandro Reyes, and Zuleyma Escobar of Eisenhower High School in Aldine ISD won Third Place in the Senior Division Group Performance category with their performance titled *We Ain't Running No More!*; and

WHEREAS Alejandro Suazo, Nernwon Kargou, Jonathan Espinoza, Dimas Gonzales, and Tasnim Mohamed of Eisenhower High School in Aldine ISD won Third Place in the Senior Division Group Documentary category with their documentary titled *Legacy of a Secularist*; now, therefore, be it

RESOLVED, That the State Board of Education does hereby congratulate these *2009 National History Day* winners from the Aldine Independent School District, Boerne Independent School District, and Corpus Christi Independent School District; and be it further

RESOLVED, That this resolution be presented to the aforementioned students for their winning projects at the *2009 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 nine, in Austin, Texas.

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Gail Lowe, Chair

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Terri Leo, Secretary

R E S O L U T I O N

WHEREAS geography helps citizens make sense of our world by showing the connections between people and places; and

WHEREAS this year nearly five million students in grades four through eight in 55 states and territories put their geography knowledge to the test by competing in the National Geographic Bee, sponsored by the National Geographic Society; and

WHEREAS Eric Yang, a seventh-grade student at Griffin Middle School in the Lewisville Independent School District took top honors, winning the 2009 National Geographic Bee; and

WHEREAS Eric Yang is the first Texan to win this prestigious competition in its 20-year history; and

WHEREAS Eric Yang clinched this championship by correctly answering this question: Timis County shares its name with a tributary of the Danube and is located in the western part of which European country?; and

WHEREAS Eric knew the correct answer was Romania, thanks to training provided by his teachers and family and his intense preparation; now, therefore, be it

RESOLVED, That the State Board of Education does hereby congratulate Eric Yang on his impressive study of geography and on his national championship; and be it further

RESOLVED, That a copy of this resolution be presented to Eric Yang 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 nine, in Austin, Texas.

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Gail Lowe, Chair

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Terri Leo, Secretary

R E S O L U T I O N

WHEREAS the State Board of Education recognizes employers who encourage and support employees who actively participate in activities of schools; and

WHEREAS the Employers for Education Excellence Awards are presented with sincere appreciation to Texas employers who are dedicated to community involvement in Texas public schools; and

WHEREAS Administaff of Kingwood partners with Humble Independent School District to support the Students United in Reading Fun mentoring program and the company is actively involved in fundraising activities for the Humble ISD Education Foundation; and

WHEREAS the Association of Texas Professional Educators of Austin has purchased books for students, sponsored field trips, and provided employee mentors and tutors for Harris Elementary in Austin Independent School District; and

WHEREAS the City of Fort Worth – through its 100 Mentors in 100 Days Program – has been highly supportive of employees volunteering as mentors so at-risk youth will stay in school; and

WHEREAS employees of Flint Hills Resources of Corpus Christi teach business economics to students in Tuloso-Midway Independent School District and also spend one-on-one time with students at Tuloso-Midway Independent School District; and

WHEREAS Huckabee & Associates, Inc. of Fort Worth offers employees time off to attend parent-teacher conferences and school programs, and to serve as tutors and role models for students in Crowley Independent School District; and

WHEREAS Johnston Legal Group of Fort Worth started a reading program to help students who are struggling with reading skills at I.M. Terrell Elementary School in Fort Worth Independent School District, and the law firm also provided attorneys to talk to students about their profession during a school-wide Career Day; and

WHEREAS employees of Red River Credit Union of Texarkana have served as student advisors on financial literacy and have helped implement a financial education curriculum at Pleasant Grove Independent School District; and

WHEREAS Texans Credit Union of Richardson has demonstrated its support of local schools by encouraging employees to interact with students as professional role models and to work with Dallas Independent School District students on issues of financial literacy; and

WHEREAS the Texas Association of School Business Officials of Austin has supported employees who serve as mentors for Austin Independent School District students whose parents are incarcerated; and

WHEREAS Texas Wesleyan University of Fort Worth endeavors to enhance academics in the Fort Worth Independent School District and offers employees time off to work with students on science, math, and music studies; and

WHEREAS the U.S. Department of Housing and Urban Development in Fort Worth sponsors an employee Pen Pal Mentoring program in which workers help with reading and writing skills by corresponding with fourth grade students at Van Zandt-Guinn Elementary in Fort Worth ISD; and

WHEREAS all these employers' efforts have benefited the children of our state and contributed to the success of the Texas public education system, now, therefore, be it

RESOLVED, That the State Board of Education does hereby recognize these outstanding organizations as recipients of the Employers for Education Excellence Award; and be it further

RESOLVED, That this resolution be presented to each of the recipients 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 nine, in Austin, Texas.

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Gail Lowe, Chair

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Terri Leo, Secretary