Minutes
State Board of Education
January 15, 2010

The State Board of Education met at 9:02 a.m. on Friday, January 15, 2010, 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 Highland Park High School Highlander Strolling Strings, Highland Park Independent School District.

Invocation

Pledge of Allegiance

Approval of Minutes

State Board of Education, November 20, 2009

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the November 20, 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

Teacher of the Year Resolution

Ms. Leo read the resolution, which the State Board of Education adopted by unanimous consent, congratulating Yushica Walker and Donna Patrick on their selection as Texas Teachers of the Year.

Presidential Awards for Excellence in Mathematics and Science Teaching

Ms. Leo read the resolution, which the State Board of Education adopted by unanimous consent, recognizing outstanding mathematics and science teachers in elementary and secondary schools identified as state and national finalists for the 2009 Presidential Awards for Excellence in Mathematics and Science Teaching program.

National Standards Resolution

Ms. Leo read the resolution, which the State Board of Education adopted by unanimous consent, supporting the efforts of Texas Governor Rick Perry and Commissioner of Education Robert Scott to ensure that Texas sovereignty over matters concerning public education in Texas is fully preserved.

(ATTACHMENT 1, page 13)

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 #15—Recommendations Regarding Readoption of Instructional Materials
- Official Agenda Item #18—Adoption of Review of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, and Subchapter B, Use of State Funds

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

(1) Approval of Nominees to Recommend to the Governor for Service on the Board of Trustees of the Teacher Retirement System of Texas
(Board agenda page I-1)
(COMMITTEE OF THE FULL BOARD)

The State Board of Education approved the list of nominees to be submitted to the governor for consideration for appointment to the board of trustees of the Teacher Retirement System for a term expiring on August 31, 2015, as recommended by the Committee of the Full Board.

(ATTACHMENT 2, page 19)

(2) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2009
(Board agenda page III-17)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education ratified the purchases and sales for the months of October and November 2009, in the amount of $542,463,790 and $376,338,171, respectively, as recommended by the Committee on School Finance/Permanent School Fund.

(3) Proposed Amendments to Section I of the Investment Procedures Manual
(Board agenda page III-19)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education approved the amendments to Section I of the Investment Procedures Manual of the Permanent School Fund, as recommended by the Committee on School Finance/Permanent School Fund.

(ATTACHMENT 3, page 23)

(4) Recommendation for Appointments to the Fort Sam Houston Independent School District Board of Trustees
(Board agenda page IV-1)
(COMMITTEE ON SCHOOL INITIATIVES)

The State Board of Education approved the reappointments of Mrs. Jane Crow and Ms. Jeanne Warren, to each serve a two-year term of office, from January 15, 2010, through January 14, 2012, on the Fort Sam Houston Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 4, page 27)

15. Recommendations Regarding Readoption of Instructional Materials
(Board agenda page II-203)
(COMMITTEE ON INSTRUCTION)

The State Board of Education readopted instructional materials currently under contract in the subject areas and for the periods and pricing indicated in the attachment, as recommended by the Committee on Instruction.

(ATTACHMENT 5, page 35)

18. Adoption of Review of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, and Subchapter B, Use of State Funds
(Adoption of Review)
(Board agenda page III-9)
(COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND)

The State Board of Education adopted the review of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, and Subchapter B, Use of State Funds, as recommended by the Committee on School Finance/Permanent School Fund.

COMMITTEE OF THE FULL BOARD

Mrs. Lowe announced that the State Board of Education would recess its general board meeting and would reconvene the January 14, 2010, meeting of the Committee of the Full Board, to resume with discussion and consideration of amendments to Item #5--Chapter 113, the Texas Essential Knowledge and Skills for Social Studies; and Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits. Following consideration of the item, Mrs. Lowe reconvened the general board meeting. Items were considered in the following order: #11, #12, #17, #5, #6, #9, #10, returned to #6, #20, #19, #16, #13, #14, #8, #7, #3, and #4.

3. Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, §33.5, Code of Ethics
(First Reading and Filing Authorization)
(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 approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, §33.5, Code of Ethics.*

4. Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, §33.2, Distributions to the Available School Fund
(First Reading and Filing Authorization)
(Board agenda page I-21)

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 new 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, §33.2, Distributions to the Available School Fund.*

5. 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
(Second Reading and Final Adoption)
(Board agenda page I-31)

MOTION: *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 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 of the Full Board, with an effective date of 20 days after filing as adopted with the Texas Register.*

MOTION AND VOTE: *It was moved by Mr. Craig and carried, with Ms. Leo voting No, to amend §§74.52-§74.54(b)(7) and 74.62-74.64(b)(7), relating to credit for physical education, as amended and presented by agency staff. (Mr. Agosto was absent for the vote.)*

MOTION AND VOTE: *It was moved by Mr. Craig and carried to amend §74.63(b)(3), relating to credit for science, by striking subparagraphs (A)-(C) and adding the following language: "Three of the credits must consist of a biology credit (Biology, AP Biology, or IB Biology), a chemistry credit (Chemistry, AP Chemistry, or IB Chemistry), and a physics credit (Physics, Principles of Technology, AP Physics, or IB Physics). (A) The additional credit may be Integrated Physics and Chemistry (IPC) and must be successfully completed prior to chemistry and physics." Subparagraph (D) would be reordered as subparagraph (B). (Mr. Agosto was absent for the vote.)*

VOTE: *A vote was taken on the recommendation of the Committee of the Full Board and carried by an affirmative vote of two-thirds of the members of the State Board of Education to approve for second reading and final adoption 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, with an effective date of 20 days after filing as adopted with the Texas Register. (Mr. Agosto was absent for the vote.)*

(ATTACHMENT 6, page 43)

6. Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials
(Second Reading and Final Adoption)
(Board agenda page I-61)

MOTION AND VOTE: *It was moved by Mr. Craig, seconded by Ms. Hardy, and carried unanimously to postpone action on the proposed new 19 TAC §66.67, Adoption of Open-Source Instructional Materials,until the March 2010 board meeting. (Mr. Agosto, Mr. Allen, and Mr. Bradley were absent for the vote.)*

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 State Board of Education approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, as amended by the Committee of the Full Board, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously. (Mr. Agosto was absent for the vote.)*

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 amendment to 19 TAC §66.69, Ancillary Materials, by adding a new subsection (b) to read, "Three-dimensional ancillary materials designed for use as manipulatives in prekindergarten systems that cannot be produced in a digital or web-based format shall not be required to be provided electronically." Existing subsection (b) would be reordered as subsection (c). (Mr. Agosto and Ms. Dunbar were absent for the vote.)*

(ATTACHMENT 7, page 73)

7. Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School
(First Reading and Filing Authorization)
(Board agenda page I-87)

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 revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter C, High School.*

8. Proposed Revisions to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter C, High School, and 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, Subchapter A, High School
(First Reading and Filing Authorization)
(Board agenda page I-133)

MOTION AND VOTE: *It was recommended by the Committee of the Full Board and carried unanimously by the State Board of Education to postpone until the March 2010 meeting further consideration of the proposed revisions to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter C, High School, and 19 TAC Chapter 118, Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits, Subchapter A, High School, for first reading and filing authorization. (Mr. Agosto, Mr. Allen, and Mr. Bradley were absent for the vote.)*

9. Report and Recommendations from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Midcycle 2010 Proclamation
(Board agenda page I-233)

MOTION AND VOTE: *It was moved by Mr. Bradley, seconded by Mr. Nuñez, and carried unanimously that the State Board of Education postpone until the March 2010 board meeting the Report and Recommendations from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Midcycle 2010 Proclamation. (Mr. Agosto was absent for the vote.)*

10. Midcycle 2011 Proclamation of the State Board of Education Advertising for Bids on Instructional Materials
(Board agenda page I-239)

MOTION AND VOTE: *It was moved by Mr. Bradley, seconded by Mr. Nuñez, and carried unanimously that the State Board of Education postpone until the March 2010 board meeting the Midcycle 2011 Proclamation of the State Board of Education Advertising for Bids on Instructional Materials. (Mr. Agosto was absent for the vote.)*

COMMITTEE ON INSTRUCTION

11. 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
(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 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, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously. (Mr. Agosto was absent for the vote.)*

(ATTACHMENT 8, page 93)

12. 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
(Second Reading and Final Adoption)
(Board agenda page II-89)

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 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, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously. (Mr. Agosto was absent for the vote.)*

(ATTACHMENT 9, page 175)

13. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum
(First Reading and Filing Authorization)
(Board agenda page II-191)

MOTION AND VOTE: *It was recommended by the Committee on Instruction and carried unanimously by the State Board of Education to approve for first reading and filing authorization the proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, as amended.*

14. Update on Texas Essential Knowledge and Skills (TEKS) Review
(Board agenda page II-199)

No action was taken on this item.

15. Recommendations Regarding Readoption of Instructional Materials
(Board agenda page II-203)

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

16. Proposed Amendment to 19 TAC Chapter 101, Assessment, Subchapter E, Local Option, §101.101, Group-Administered Tests
(First Reading and Filing Authorization)
(Board agenda page II-207)

MOTION AND VOTE: *It was recommended by the Committee on Instruction and carried unanimously by the State Board of Education to approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 101, Assessment, Subchapter E, Local Option, §101.101, Group-Administered Tests. (Mr. Agosto, Mr. Craig, and Ms. Dunbar were absent for the vote.)*

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

17. 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
(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 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously. (Mr. Agosto was absent for the vote.)*

(ATTACHMENT 10, page 273)

18. Adoption of Review of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, and Subchapter B, Use of State Funds
(Adoption of Review)
(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.

19. Approval of the Selection of a Firm(s) to Provide Private Equity Discretionary Separate Account Manager for the Permanent School Fund and Authorization to Negotiate Terms and for Contract Execution by the Commissioner of Education
(Board agenda page III-25)

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 approve a contract with Credit Suisse Customized Fund Investment Group to serve as a private equity discretionary separate account manager for the Permanent School Fund and authorization for contract execution by the commissioner of education. (Mr. Agosto and Ms. Dunbar were absent for the vote.)*

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 approve a second contract with NB Alternatives Advisers, LLC to serve as a private equity discretionary separate account manager for the Permanent School Fund and authorization for contract execution by the commissioner of education. (Mr. Agosto and Ms. Dunbar were absent for the vote.)*

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 approve $650 million to each of the firms selected to serve as a private equity discretionary separate account manager for the Permanent School Fund. (Mr. Agosto and Ms. Dunbar were absent for the vote.)*

COMMITTEE ON SCHOOL INITIATIVES

20. Proposed Award of Residential Treatment Facility Charter
(Board agenda page IV-35)

MOTION AND VOTE: *It was recommended by the Committee on School Initiatives and carried unanimously by the State Board of Education to award the operation of a residential treatment facility charter to The Burke Center, Lufkin, Texas. (Mr. Agosto and Ms. Dunbar were absent for the vote.)*

REPORTS OF COMMITTEES REGARDING AGENDA ITEMS ON COMMITTEE AGENDAS

Committee on Instruction

Mrs. Cargill reported on the following discussion item of the Committee on Instruction: Discussion of Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter B, Adult Basic and Secondary Education.

Committee on School Finance/Permanent School Fund

No report was presented.

Committee on School Initiatives

No report was presented.

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 3:10 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 values devoted, passionate teachers who inspire their students to reach further than they think they can go; and

WHEREAS teachers do more than just instruct; they motivate, lead, coach, counsel, mentor, nurse, tutor, advise and most importantly, care; and

WHEREAS Texans are proud of the thousands of exemplary educators who have chosen to teach in this great state; and

WHEREAS Yushica Walker and Donna Patrick are shining examples of the many outstanding teachers in Texas; and

WHEREAS Yushica Walker, a sixth-grade science teacher at Morehead Middle School in the El Paso Independent School District, has been selected as the 2010 Texas Secondary Teacher of the Year; and

WHEREAS Yushica Walker will represent Texas in the National Teacher of the Year program; and

WHEREAS Yushica Walker believes that teaching must come from the heart, with unconditional love, in order to truly make a difference in the lives of children; and

WHEREAS Donna Patrick, a math and language arts teacher at Southern Hills Elementary School in the Wichita Falls Independent School District, has been selected as the 2010 Texas Elementary Teacher of the Year; and

WHEREAS Donna Patrick's central goal is to prepare each of her students to be successful in life; and

WHEREAS Donna Patrick encourages her students to take challenging risks because they know she will always be there as their safety net; now, therefore, be it

RESOLVED, That the State Board of Education does hereby congratulate Yushica Walker and Donna Patrick on their selection as the 2010 Texas Teachers of the Year; and be it further

RESOLVED, That the State Board of Education encourages Yushica Walker and Donna Patrick to use this year to highlight the important work performed by Texas teachers every day.

WITNESS our signatures this fifteenth day of January, two thousand and ten, 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 *Presidential Awards for Excellence in Mathematics and Science Teaching* program identifies outstanding science and mathematics teachers in each state and the four U.S. jurisdictions; and

WHEREAS, through state selection committees, three mathematics finalists and three science finalists were nominated as Texas finalists; and

WHEREAS, these teachers become candidates for the *Presidential Awards for Excellence in Mathematics and Science Teaching* with one mathematics and one science teacher to be named a National Presidential Awardee; now, therefore, be it

RESOLVED, That the State Board of Education does hereby extend its congratulations to Vicki Peters from Duncanville High School in the Duncanville Independent School District; Lara Anne Scheumack from Rockport Fulton Middle School in the Aransas County Independent School District; and Mallory Zimmerman from Uvalde Junior High School in the Uvalde Consolidated Independent School District, being named state finalists in the mathematics category for the 2009 Presidential Award for Excellence in Mathematics Teaching; and be it further

RESOLVED, That the State Board of Education does hereby extend its congratulations to Mila Bersabal from Lee High School in the Houston Independent School District; Michele Mann from Vista Ridge High School in the Leander Independent School District; and Stef Paramoure from Canyon Middle School in the Comal Independent School District, being named state finalists in the science category for the 2009 Presidential Award for Excellence in Science Teaching; and be it further

RESOLVED, That this resolution be presented to the aforementioned teachers for being identified as state and national finalists for the 2009 *Presidential Awards for Excellence in Mathematics and Science Teaching* program, and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this fifteenth day of January, two thousand and ten, 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 Article 7, Section 8 of the Texas Constitution requires the Texas Legislature to establish and assign duties to the State Board of Education; and

WHEREAS Section 7.102(c)(4) of the Texas Education Code requires the elected members of the State Board of Education to establish the state's public education curriculum and graduation requirements; and

WHEREAS Chapter 28 of the Texas Education Code requires the State Board of Education to identify and establish the essential knowledge and skills necessary to prepare and enable all students to succeed in postsecondary education, training, or employment; and

WHEREAS the State Board of Education has adopted the Texas Essential Knowledge and Skills through a process that is significantly informed by the input and guidance from educators, parents, business and industry representatives, and employers; and

WHEREAS the state-developed Texas Essential Knowledge and Skills serve as the basis for instructional materials, assessment, accountability, and educator professional development; and

WHEREAS the State Board of Education has adopted College and Career Readiness Standards aligned with the Texas Essential Knowledge and Skills; and

WHEREAS Texas' College and Career Readiness Standards for English language arts, mathematics, science, social studies, and cross-disciplinary skills were developed through a partnership between the Texas Education Agency, the Texas Higher Education Coordinating Board, and vertical teams consisting of Texas K-12 faculty; and

WHEREAS Texas' College and Career Readiness Standards for English language arts, mathematics, and science were externally validated and have been embedded into the state curriculum framework; and

WHEREAS the Council of Chief State School Officers and the National Governors Association presented the Common Core State Standards Initiative as a voluntary effort in which the state's governor and chief state school officer are required to sign a binding memorandum of understanding to not only work with the design of the standards, but to adopt undeveloped and unproven standards once they are completed; and

WHEREAS the Common Core State Standards Initiative memorandum of understanding stipulates that the undeveloped and unproven Common Core Standards must comprise at least 85 percent of a state's standards, which would place substantial limitations on state-developed curriculum standards; and

WHEREAS the special-interest groups and states participating in the Common Core State Standards Initiative are developing the Common Core Standards in secret, without sufficient educator input and public oversight; and

WHEREAS the adoption of the state's curriculum standards is the legal responsibility of the State Board of Education, and the signing a memorandum of understanding to develop curriculum standards does not fall within the legal authority of the Texas governor or commissioner of education; and

WHEREAS replacing the state's English and math curriculum standards that were most recently revised, and adopted in 2006 and 2008, will cost the State of Texas as much as $3 billion, including up to $2 billion to purchase new textbooks that would reflect the undeveloped and unproven Common Core federal standards; and

WHEREAS Chapter 39 of the Texas Education Code requires the State Board of Education and the Texas Education Agency to create and implement a statewide testing system that assesses student acquisition of the Texas Essential Knowledge and Skills, and that the Board ensures stability in state testing requirements; and

WHEREAS Texas is implementing new end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history; and

WHEREAS the end-of-course assessments have been developed in such a manner that the assessment instrument may be used to determine the appropriate placement of a student in a course of the same subject matter at an institution of higher education; and

WHEREAS student performance on the end-of-course assessments will be used to determine a student's college and career readiness; and

WHEREAS the United States Department of Education's Race to the Top grant gives significant weight to the adoption of the undeveloped and unproven Common Core standards, effectively transforming the Common Core Initiative into an effort to establish a federally-imposed national curriculum; and

WHEREAS the United States Department of Education has allocated $350 million in American Recovery and Reinvestment Act funding to develop tests aligned with the standards that are to be developed by the Common Core Initiative and gives significant weight to the adoption of such tests; and

WHEREAS officials at the United States Department of Education have publicly expressed a desire to incorporate requirements in the Race to the Top grant into the upcoming reauthorization of the federal Elementary and Secondary Education Act, commonly referred to as "No Child Left Behind"; and

WHEREAS any attempt to impose a national curriculum and testing system is a likely precursor to a federal takeover of public schools across the nation through the upcoming reauthorization of the federal Elementary and Secondary Education Act; and

WHEREAS the nationalization of curriculum standards would undermine the ability of Texas to have a curriculum that reflects the unique heritage, culture, diversity, and history of the state; and

WHEREAS Section 9529 of the current Elementary and Secondary Education Act strictly prohibits the use of federal funds provided under the Act to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject; and

WHEREAS the use of funds under the American Recovery and Reinvestment Act to create national tests aligned to national curriculum standards ignores the clear intention of Congress not to establish a national curriculum and national tests; and

WHEREAS public education is a state and local responsibility, and decisions regarding what Texas children should learn and how Texas children should be tested are best made in Texas by Texans through an open and public process; now, therefore, be it

RESOLVED, That the State Board of Education opposes any effort to implement national standards and national tests, and believes that the authority to determine what Texas students will be taught in Texas public schools should reside with the State Board of Education, local school boards, and parents; and be it further

RESOLVED, That the State Board of Education supports the decision of Texas Governor Rick Perry and Commissioner of Education Robert Scott not to sign the memorandum of understanding enabling national standards in Texas; and be it further

RESOLVED, That the State Board of Education opposes the creation of any federally funded national tests aligned to national standards; and be it further

RESOLVED, That the Texas State Board of Education supports the efforts of Texas Governor Rick Perry and Commissioner of Education Robert Scott efforts to ensure that Texas sovereignty over matters concerning public education in Texas is fully preserved.

WITNESS our signatures this fifteenth day of January, two thousand and ten, in Austin, Texas.

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Gail Lowe, Chair

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Terri Leo, Secretary