

**Report of the State Board of Education  
Committee of the Full Board  
April 14, 2011**

The State Board of Education Committee of the Full Board met at 9:07 a.m. on Thursday, April 14, 2011, 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 committee were present, as follows:

Presiding: Gail Lowe, chair; Lawrence A. Allen, Jr., Mary Helen Berlanga, David Bradley, Barbara Cargill, George Clayton, Bob Craig, Marsha Farney, Charlie Garza, Pat Hardy, Mavis B. Knight, Terri Leo, Ken Mercer, Thomas Ratliff, Michael Soto

**Public Testimony**

This item provides an opportunity for the public to present testimony at the time the related item comes up for committee discussion or action. The procedures for registering and taking public testimony at State Board of Education committee meetings and general board meetings are provided at <http://www.tea.state.tx.us/index4.aspx?id=3958> or in the information section (yellow pages) of the agenda.

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

The committee considered items in the following order: Items #2, #1, #3, #4, #10, #5 through #9.

**DISCUSSION ITEMS**

**1. Discussion of Parliamentary Procedures**  
(Board agenda page I-85)

Parliamentarian Kirk Overbey discussed the use of seconds, which he said are filters to ensure that other members of the body are willing to consider a topic brought up for discussion or action. He said there are times when the use of a second is not necessary. For example, when a recommendation is being brought from a State Board of Education committee to the full board, it is not necessary to second a motion because the action clearly had the support of a majority of the members of the committee.

**2. Commissioner's Comments Regarding the SBOE Agenda and Legislative Activities**  
(Board agenda page I-87)

In wide ranging comments, Commissioner of Education Robert Scott informed the board that Congress had repealed the "Doggett amendment" in a supplementary budget bill, which will free up \$830 million in funding for Texas public schools. Once that bill is signed, he said he would submit the Texas funding application quickly and would work with legislators to determine how the federal funds will be distributed.

In light of the state's budget situation, he notified board members that their fiscal year 2012 travel budgets would be cut by a percentage equal to the cuts sustained by the Texas Education Agency in the 2012-2013 biennial budget.

The commissioner also told the board that he had provided them with a draft copy of recommended updates to the mathematics Texas Essential Knowledge and Skills. A link to this draft can be found at <http://www.tea.state.tx.us/index2.aspx?id=2147499971>.

The commissioner and board also discussed the status of a number of bills under consideration by the Texas Legislature, including HB6/SB6, which are two similar bills that make substantial changes to the textbook funding and adoption process.

**3. Public Hearing on Proposed Revisions to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, Subchapter B, Middle School, Subchapter C, High School, and Subchapter D, Other Technology Applications Courses**

(Board agenda page I-89)

NAME: Karen North  
AFFILIATION: Self

NAME: Russell Kirkscey  
AFFILIATION: Texas Speech Communication Association

NAME: Mark A. Evans  
AFFILIATION: Klein ISD

NAME: Rachelle Grant  
AFFILIATION: Hallsville ISD

NAME: Melissa Witt  
AFFILIATION: Teacher, Lubbock ISD; and Texas Speech Communication Association

NAME: Robert Glen Martin  
AFFILIATION: Self

NAME: Judith Hromcik  
AFFILIATION: Retired Teacher

NAME: Stacey Armstrong  
AFFILIATION: High School Computer Science Teacher

NAME: Shawn Mena  
AFFILIATION: Texas Forensics Association

NAME: James Longoria  
AFFILIATION: Deer Park ISD

NAME: Shamekia Forge  
AFFILIATION: Graduate of Mexia ISD

NAME: Amy Gerwick  
AFFILIATION: Deer Park ISD

NAME: Thomas Cheatham  
AFFILIATION: Dean of Fine Arts, Texas State University

NAME: Lacye Odam Matejowsky  
AFFILIATION: Texas Speech Communication Association

NAME: Heath Martin  
AFFILIATION: Self

NAME: Patty Low  
AFFILIATION: Teacher, Klein ISD

NAME: Virginia Myers Dorman  
AFFILIATION: Texas Speech Communication Association

NAME: Travis Cormier  
AFFILIATION: Self

#### **ACTION ITEMS**

4. **Proposed Revisions to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications**  
(Second Reading and Final Adoption)  
(Board agenda page I-1)  
[Official agenda item #3]

Monica Martinez, managing director, curriculum division, explained that several proposed technology applications courses in 19 TAC, Chapter 126, Subchapter C, are recommended to satisfy graduation requirements. Three courses are recommended to satisfy the fine arts graduation requirement and two courses are recommended to satisfy the speech graduation requirement.

Mrs. Lowe directed staff to make technical edits to 19 TAC Chapter 126, Subchapter D.

**MOTION:** *It was moved by Mr. Craig and seconded by Mr. Allen to recommend that the State Board of Education approve for second reading and final adoption proposed revisions to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications.*

**MOTION AND VOTE:** *It was moved by Mr. Craig, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education strike the sentence, “This course satisfies the high school speech graduation requirement” from 19 TAC §126.44(a), Digital Communications in the 21<sup>st</sup> Century, and §126.46(a), Web Communications. (Mrs. Berlanga and Mr. Bradley were absent for the vote.)*

**MOTION:** *It was moved by Mr. Craig and seconded by Ms. Hardy to recommend that the State Board of Education strike the word “recommended” from the prerequisites described in 19 TAC §126.42(a), Digital Art and Animation, and §126.43(a), 3-D Modeling and Animation.*

Mr. Craig withdrew his motion.

**MOTION AND VOTE:** *It was moved by Mr. Craig and seconded by Dr. Farney to recommend that the State Board of Education strike the sentence, “The recommended prerequisite is Art, Level I” from 19 TAC §126.42(a), Digital Art and Animation, and §126.43(a), 3-D Modeling and Animation. The motion failed. (Mrs. Berlanga and Mr. Bradley were absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Ratliff, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education strike the sentence, “This course satisfies the high school fine arts graduation requirement” from 19 TAC §126.48(a), Web Game Development. (Mrs. Berlanga and Mr. Bradley were absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Ratliff and seconded by Mr. Allen to amend Mr. Craig’s original motion by recommending that the State Board of Education postpone action on the main motion until the July meeting. The motion carried unanimously. (Mr. Allen, Mrs. Berlanga, Mr. Bradley, and Ms. Leo were absent for the vote.)*

**5. Recommended Assessment of Penalties for Unauthorized Updates to Adopted Instructional Materials**

(Board agenda page I-71)  
[Official agenda item #4]

John Lopez, managing director of instructional materials and educational technology, introduced the item and presented both a timeline of events and penalty options for the board to consider. Eve Myers, southwest regional vice president of Houghton Mifflin Harcourt, represented the publisher and responded to committee members’ questions.

**MOTION:** *It was moved by Mr. Craig and seconded by Mrs. Berlanga to recommend assessing a penalty of \$25,000.*

**MOTION AND VOTE:** *It was moved by Mr. Garza, seconded by Mrs. Knight, and carried unanimously to amend the motion by recommending assessment of a penalty of \$1,000 per grade level, for a total of \$12,000. (Mr. Bradley was absent for the vote.)*

**VOTE:** *A vote was taken on the motion as amended. The motion carried unanimously. (Mr. Bradley was absent for the vote.)*

**6. Report and Recommendations from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Midcycle 2011 Proclamation**

(Board agenda page I-77)

[Official agenda item #5]

Mr. Lopez introduced the item and provided the committee with two exhibits: the list of textbooks to be placed on the conforming list and the list of required corrections of factual errors. He also explained that some of the materials submitted for adoption under the Midcycle 2011 Proclamation are still being reviewed and anticipated that the SBOE would have an opportunity to consider those products at the July 2011 meeting.

**MOTION AND VOTE:** *It was moved by Mr. Ratliff, and seconded by Mr. Craig to recommend that the State Board of Education require that the publisher make corrections listed in the Report of the Commissioner of Education Concerning Required Corrections of Factual Errors (see Attachment A); require that all student textbooks meet established manufacturing standards and specifications; and place the instructional materials submitted for adoption on the Conforming List as indicated on the Final Recommendations of the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Midcycle 2011 Proclamation (see Attachment B). The motion carried, with Mrs. Berlanga voting No. (Mr. Bradley was absent for the vote.)*

**7. Request for Special Consideration Regarding an Update to Adopted Instructional Materials**

(Board agenda page I-83)

[Official agenda item #6]

Mr. Lopez introduced the item and explained that one publisher is requesting permission to update its assessment preparation workbook before the products are delivered to schools for implementation. He further explained that the changes are intended to reflect the new STAAR assessment. He added that several other publishers are also interested in updating their assessment preparation workbooks.

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mr. Mercer, and carried unanimously to recommend that the State Board of Education allow all publishers to update their assessment preparation workbooks adopted under Proclamation 2011. In accordance with the existing process for the approval of updates, publishers must submit updated preparation workbooks to TEA. (Mr. Bradley was absent for the vote.)*

**DISCUSSION ITEMS**

**8. Status of High School Equivalency Examinations and Program**

(Board agenda page I-91)

Lizzette Reynolds, deputy commissioner, statewide policy and programs, provided an update regarding the General Education Development (GED) exams. The item was brought to the board, given the board's authority to provide for the administration of a high school equivalency exam per §7.111 of the Texas Education Code (TEC §29.087 – TEA authority over programs/TAC, Chapter 89, Subchapter C, §§89.41-89.48).

Mrs. Reynolds informed the board that the agency received a letter last month that announced the formation of the GED Testing Service, LLC, which is essentially a public-private partnership between the American Council on Education (of which the GED name is a registered trademark) and Pearson.

The plan, according to the company's press release is to offer an "enhanced" GED assessment aligned to the national Common Core Standards. The company also announced a move towards online testing of which they selected Texas as one of four states to be offered the computer-based option.

Given the SBOE's authority for the administration of the high school equivalency exam and based upon its own process for establishing standards for state assessments, Commissioner Scott wanted to bring this to the board's attention for discussion. Mrs. Reynolds also informed the board that a representative of the GED Testing Services was also in the audience.

Commissioner Scott briefly discussed the status and answered questions regarding the high school equivalency examinations and the program.

**9. Update on Texas Essential Knowledge and Skills (TEKS) Review**  
(Board agenda page I-93)

Anita Givens, associate commissioner, standards and alignment, and Ms. Martinez provided an update on the schedule for review and revision of the mathematics and fine arts TEKS. Ms. Martinez explained that the timeline would stagger the reviews of the two subject areas. She also discussed the appointed experts and committee members for the mathematics and fine arts TEKS reviews. Ms. Givens reviewed the instructional materials adoption cycle and how potential legislation could affect the cycle.

Criss Cloudt, associate commissioner for assessment, accountability, and data quality, presented an update on the implementation of the State of Texas Assessments of Academic Readiness (STAAR) program as it relates to the Texas Essential Knowledge and Skills (TEKS) curriculum standards. Dr. Cloudt provided information regarding the implementation of the STAAR assessments, new accountability system requirements, and preliminary data on student performance for the operational end-of-course (EOC) assessments.

Several committee members asked for clarification about how the Texas Assessment of Knowledge and Skills (TAKS) is no longer effectively measuring instruction. Dr. Cloudt explained that many students had "topped out" on TAKS, citing current pass rates in all four subject areas. Committee members also had concerns with how the new accountability system would be implemented and how individual demographic groups would impact campus and district ratings. Committee members also had questions about legislation under consideration by the Texas Legislature to delay the implementation of STAAR. Dr. Cloudt explained that TAKS development has stopped. Further, STAAR is a legislatively mandated program and is designed to meet the assessment and accountability needs of the revised curriculum standards.

Committee members raised the concern that the purchase of new textbooks aligned with the revised TEKS curriculum standards might not occur before the implementation of the STAAR assessment program, affecting the quality of instruction, and possibly leaving the agency open to legal action. Dr. Cloudt explained that assessments are designed around the SBOE-approved curriculum standards, not the availability of textbooks, and Ms. Givens noted that since the TEKS were first adopted there have been a number of instances where the TEKS have been required to be taught before the instructional materials have been available in classrooms.

Committee members then asked if they had the authority to possibly roll back the curriculum standards to those in place before revision since the districts already have the matching textbooks. David Anderson, general counsel, said that the implementation of STAAR in 2011-2012 is required under the Texas Education Code, but that the SBOE does have broad authority over the design and implementation of curriculum and could adopt rules to revise curriculum standards as long as the curriculum met all the statutory requirements for the new assessment program, including college readiness.

Gloria Zyskowski, deputy associate commissioner, student assessment, was asked to clarify if modified and alternate assessments would be available under STAAR. Dr. Zyskowski responded that STAAR Modified and STAAR Alternate would be available and accommodations would continue to be offered.

The committee discussed the recent social studies TEKS adoption.

**10. Discussion of Pending Litigation**  
(Board agenda page I-97)

At 2:35 p.m., Mrs. Lowe announced that the Committee of the Full Board would go into executive session in Room 1-103 to discuss pending litigation. This discussion was held in accordance with the Texas Government Code, §551.071(1)(A).

Mrs. Lowe adjourned the meeting at 6:16 p.m.