Report of the State Board of Education
Committee on School Initiatives
September 15, 2011

The State Board of Education Committee on School Initiatives met at 6:24 p.m. on Thursday, September 15, 2011, in Room #1-111 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. All members of the committee were present, as follows:

Presiding: Ken Mercer, chair; Charlie Garza, vice chair; Mavis B. Knight, Gail Lowe, Michael Soto

Non-Committee Members Present: Lawrence Allen, David Bradley, Barbara Cargill, Marsha Farney, Pat Hardy

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 on School Initiatives heard public testimony on agenda item #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

CONSENT ITEM

1. **Proposed Repeal of 19 TAC Chapter 97, Planning and Accountability, Subchapter A, Accountability**
   (First Reading and Filing Authorization)
   (Board agenda page IV-1)
   [Consent agenda item #(4)]

   Dr. Criss Cloudt, Associate Commissioner of Assessment and Accountability, explained the necessity of repealing 19 TAC Chapter 97, Planning and Accountability, Subchapter A, Accountability to reflect statutory changes resulting from House Bill (HB) 3, 81st Texas Legislature, 2009, which transferred the authority to adopt student achievement indicators from the State Board of Education (SBOE) to the commissioner of education.

   MOTION AND VOTE: *It was moved by Ms. Knight, seconded by Mr. Garza, and carried by unanimous vote to recommend that the State Board of Education approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 97, Planning and Accountability, Subchapter A, Accountability.*

DISCUSSION ITEM

2. **Review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners**
(Board agenda page IV-13)

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners. Subchapter A establishes the procedures for appeals heard by the SBOE regarding administrative penalties for violations of textbook requirements. Subchapter D sets forth the certification criteria for independent hearing examiners who conduct due process termination, nonrenewal, and suspension without pay hearings at the school district level. The statutory authority for the rule review is Texas Government Code, §2001.039. The statutory authority for 19 TAC Chapter 157, Subchapter A, is Texas Education Code (TEC), §31.151, and Texas Government Code, §2001.004. The statutory authority for Subchapter D is TEC, §21.252. Joan Howard Allen, Deputy General Counsel, stated that the reasons for initially adopting these rules continue to exist. The committee and the board will consider adopting the rule review at the November meeting.

ACTION ITEM

3. **Proposed Selection of Open-Enrollment Charter Schools**
(Board agenda page IV-11)
[Official agenda item #9]

Public testimony was provided by the following individuals:

Name: Steve Fyke
Affiliation: The Pro-Vision Academy

Name: Roynell Young
Affiliation: The Pro-Vision Academy

Name: Dr. Rebecca Good
Affiliation: Legacy Preparatory

Name: Byron Ricks
Affiliation: Legacy Preparatory

Name: Gayle Fallon
Affiliation: Houston Federation of Teachers – Texas High School for Career and Post-Secondary Success

Name: Dr. Reagan Flowers
Affiliation: CSTEM Teacher and Student Services, Inc. – Texas High School for Career and Post-Secondary Success

Name: Dr. Nolan Estes
Affiliation: UME Preparatory Academy

Name: John Armbrust
Affiliation: Austin Achieve Public Schools

Name: Elizabeth B. Lopez
Affiliation: Excellence in Leadership Academy

MOTION AND VOTE: *It was moved by Dr. Soto and seconded by Mr. Garza to recommend awarding an open-enrollment charter to the sponsoring entity for the UME Preparatory Academy, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by unanimous vote.*

MOTION AND VOTE: *It was moved by Dr. Soto and seconded by Mrs. Knight to recommend awarding an open-enrollment charter to the sponsoring entity for Austin Achieve Public Schools, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by unanimous vote.*

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Mr. Garza to recommend awarding an open-enrollment charter to the sponsoring entity for Bridge to Tomorrow, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by a 3-2 vote. Dr. Soto and Mrs. Lowe opposed.*

MOTION AND VOTE: *It was moved by Mrs. Lowe and seconded by Mrs. Knight to recommend awarding an open-enrollment charter to the sponsoring entity for the Fallbrook College Preparatory Academy, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by a 3-1-1 vote. Mr. Garza abstained. Dr. Soto opposed.*

MOTION AND VOTE: *It was moved by Mr. Garza and seconded by Mrs. Knight to recommend awarding an open-enrollment charter to the sponsoring entity for Legacy Preparatory, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by a 4-1 vote. Dr. Soto opposed.*

MOTION AND VOTE: *It was moved by Mr. Garza and seconded by Mrs. Knight to recommend awarding an open-enrollment charter to the sponsoring entity for the Prime Prep Academy, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by 4-1 vote. Dr. Soto opposed.*

MOTION AND VOTE: *It was moved by Mr. Garza and seconded by Mrs. Knight to recommend awarding an open-enrollment charter to the sponsoring entity for the El Paso Country Day Charter School, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by a 3-2 vote. Dr. Soto and Mrs. Lowe opposed.*

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Dr. Soto to recommend awarding an open-enrollment charter to the sponsoring entity for the Hope Global Learning Village K-12, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by a 3-2 vote. Mr. Garza and Mrs. Lowe opposed.*

MOTION AND VOTE: *It was moved by Mrs. Knight to recommend awarding an open-enrollment charter to the sponsoring entity for the Center for Teaching and Learning. The motion failed for lack of a second.*

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Mrs. Lowe to recommend awarding an open-enrollment charter to the sponsoring entity for the Excellence in Leadership Academy, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by a 4-1 vote. Dr. Soto opposed.*

MOTION AND VOTE: *It was moved by Mr. Garza and seconded by Mrs. Knight to recommend awarding an open-enrollment charter to the sponsoring entity for the Academy for Technological Advancement, to begin serving students in the 2012-2013 school year, provided contingencies are cleared. The motion carried by a 3-2 vote. Dr. Soto and Mrs. Lowe opposed.*

The meeting of the Committee on School Initiatives adjourned at 8:13 p.m.