Minutes
State Board of Education
Special Meeting
January 13, 2009

The State Board of Education met at 9:02 a.m. on Tuesday, January 13, 2009, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. The following members of the board were present:

Presiding: Don McLeroy, Chair; Lawrence A. Allen, Jr.; David Bradley, Vice Chair; Pat Hardy; Mavis B. Knight; Gail Lowe; Ken Mercer; Geraldine Miller

State Board of Education member, Barbara Cargill, participated in the meeting through videoconferencing capabilities at Region 6 Education Service Center, Room Bluebonnet D, DL Preview Center, 3332 Montgomery Road, Huntsville, Texas.

State Board of Education member, Bob Craig, participated in the meeting through videoconferencing capabilities at Region 17 Education Service Center, Room 133, ITV Classroom, 1111 West Loop 289, Lubbock, Texas.

Absent: Rick Agosto, Secretary; Mary Helen Berlanga; Cynthia Noland Dunbar; Terri Leo; Rene Nuñez

There being no objection, the board operated under the current State Board of Education operating rules.

1. Decision on the Percentage Distribution of the Permanent School Fund
(Page 1)

MOTION AND VOTE: *It was moved by Mr. Bradley and seconded by Mr. Allen that the Board amend its November 2008 decision to set the amount to be paid from the Permanent School Fund to the Available School Fund for funding of instructional materials at 2.5% of the 16-quarter average market value of the investment assets of the Fund ending November 30, 2008, in each year of the next state fiscal biennium.*

However, to the extent that the limitation in Article VII, Section 5(a)(2), does not allow full payment of that amount as scheduled either during FY 2010 or FY 2011, and to the extent authorized under the Texas Constitution, the amount of payments during the biennium shall be increased to an amount that makes up any shortfall. Under no circumstances may the total amount paid over the two years of the state fiscal biennium exceed 5% of the 16-quarter average market value of the investment assets of the Fund ending November 30, 2008. The motion carried, with 10 members voting Aye and 0 members voting No, an affirmative vote of two-thirds of the members of the board, as follows:

Aye:	*Mr. Allen*	*Mrs. Knight*
	Mr. Bradley	*Mrs. Lowe*
	Mrs. Cargill	*Dr. McLeroy*
	Mr. Craig	*Mr. Mercer*
	Ms. Hardy	*Mrs. Miller*

The meeting adjourned at 9:34 a.m.

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Rick Agosto, Secretary