Minutes
State Board of Education
March 27, 2009

The State Board of Education met at 9:03 a.m. on Friday, March 27, 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: Don McLeroy, Chair; Rick Agosto; Lawrence A. Allen, Jr., Vice Chair; David Bradley; Barbara Cargill; Bob Craig; Cynthia Dunbar; Pat Hardy; Terri Leo, Secretary; Gail Lowe; Ken Mercer; Geraldine Miller; Rene Nuñez

Mary Helen Berlanga participated in the meeting through videoconferencing capabilities at Region 2 Education Service Center, 209 North Water Street, Room 305, Corpus Christi, Texas.

Mavis B. Knight participated in the meeting through videoconferencing capabilities at Region 10 Education Service Center, TETN Kaufman Room, 400 East Spring Valley Road, Richardson, Texas.

Student Performance

The student performance was provided by the James Bowie High School Jazz Choir, Austin Independent School District. Mr. Mercer presented the choir with a special recognition certificate in appreciation of its outstanding performance.

Invocation

Pledge of Allegiance

Approval of Minutes

State Board of Education, January 13, 2009
State Board of Education, January 21, 2009
State Board of Education, January 23, 2009

MOTION AND VOTE: *It was moved by Mr. Craig and carried unanimously to approve the Minutes of the January 13, 2009, January 21, 2009, and January 23, 2009, meetings 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

There were no resolutions or presentations introduced.

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 #7—Adoption of Review of 19 TAC Chapter 101, Assessment
- Official Agenda Item #8—Requests to Approve Substitutions of Instructional Materials
- Official Agenda Item #11—Proposed Ratification of Increase in the Reserve for the Guarantee Program for School District Bonds
- Official Agenda Item #13—Decision on a Real Estate Policy Statement
- Official Agenda Item #14—Authorization to Issue a Request for Proposals for Global Custody and Securities Lending Services for the Permanent School Fund
- Official Agenda Item #15—Authorization to Issue a Request for Proposals for a Private Equity Discretionary Separate Account Manager
- Official Agenda Item #16—Authorization to Issue a Request for Proposals for Performance Measurement Services for the Permanent School Fund

Dr. McLeroy reported that official agenda items #11, #13, #14, #15, and #16 were being pulled from the consent agenda, per the request of some board members.

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) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of December 2008 and January 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 December 2008 and January 2009, in the amount of $667,387,330 and $658,796,495, respectively, as recommended by the Committee on School Finance/Permanent School Fund.

(2) 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 appointment of MSgt Elizabeth Morales to serve a two-year term of office from March 27, 2009, through March 26, 2011, on the Lackland Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 1, page 19)

7. Adoption of Review of 19 TAC Chapter 101, Assessment
(Adoption of Review)
(Board agenda page II-1)
(COMMITTEE ON INSTRUCTION)

The State Board of Education adopted the review of 19 TAC Chapter 101, Assessment, as recommended by the Committee on Instruction.

8. Requests to Approve Substitutions of Instructional Materials
(Board agenda page II-43)
(COMMITTEE ON INSTRUCTION)

The State Board of Education approved the request from SRA McGraw-Hill to substitute newer versions of two components of *The DLM Early Childhood Express Texas Package* instructional materials, and approved the request from Bedford, Freeman & Worth Publishing to substitute newer versions of *Psychology* and *The Making of the West*, as recommended by the Committee on Instruction.

COMMITTEE OF THE FULL BOARD

John Lopez, managing director of instructional materials and educational technology, reviewed the Discussion of Proclamation 2012 Regarding Science Instructional Materials; and Anita Givens, associate commissioner for standards and programs, reviewed the Discussion of Texas High School Graduation Programs. These items were postponed during the meeting of the Committee of the Full Board the previous day, to be considered at this general board meeting.

3. Proposed Revisions to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter C, High School
(Second Reading and Final Adoption)
(Board agenda page I-1)

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 revisions to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter C, High School, as amended, with an effective date of 20 days after filing as adopted with the Texas Register.*

MOTION: *It was moved by Ms. Dunbar and seconded by Dr. McLeroy to amend subsection (b)(3)(A) in §112.14. Science, Grade 3; §112.15. Science, Grade 4; §112.16. Science, Grade 5; §112.18. Science, Grade 6; §112.19. Science, Grade 7; §112.20. Science, Grade 8; and subsection (c)(3)(A) in §112.32. Aquatic Science; §112.33. Astronomy; §112.34. Biology; §112.35. Chemistry; §112.36. Earth and Space Science; §112.37. Environmental Systems; §112.38. Integrated Physics and Chemistry; and §112.39. Physics, by substituting the following language:*

analyze, evaluate, and critique scientific explanations in all fields of science by using empirical evidence, logical reasoning and experimental and observational testing, by examining both scientific evidence that is supportive and not supportive of those explanations, so as to encourage critical thinking by the student;

MOTION: *It was moved by Mr. Craig and seconded by Ms. Dunbar to amend Ms. Dunbar's amendment, as follows:*

analyze, evaluate, and critique scientific explanations in all fields of science by using empirical evidence, logical reasoning, and experimental and observational testing, including [~~by~~] examining all sides of [~~both~~] scientific evidence [~~that is supportive and not supportive~~] of those scientific explanations, so as to encourage critical thinking by the student;

MOTION AND VOTE: *It was moved by Mrs. Cargill and seconded by Ms. Dunbar to amend Mr. Craig's motion by moving the phrase, "in all fields of science," to the beginning of the student expectation.*

The motion carried, with 11 members voting Aye and 4 members voting No, as follows:

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

VOTE: *A vote was taken on Mr. Craig's motion, as amended. The motion carried, with Mrs. Berlanga voting no.*

VOTE: *A vote was taken on the motion to amend subsection (b)(3)(A) in §112.14. Science, Grade 3; §112.15. Science, Grade 4; §112.16. Science, Grade 5; §112.18. Science, Grade 6; §112.19. Science, Grade 7; §112.20. Science, Grade 8; and subsection (c)(3)(A) in §112.32. Aquatic Science; §112.33. Astronomy; §112.34. Biology; §112.35. Chemistry; §112.36. Earth and Space Science; §112.37. Environmental Systems; §112.38. Integrated Physics and Chemistry; and §112.39. Physics, as amended, as follows:*

in all fields of science, analyze, evaluate, and critique scientific explanations by using empirical evidence, logical reasoning, and experimental and observational testing, including examining all sides of scientific evidence of those scientific explanations, so as to encourage critical thinking by the student;

The motion carried, with 13 members voting Aye and 2 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Ms. Hardy to amend §112.15. Science, Grade 4, subsection (a)(4)(A), by substituting the following language:*

Within the physical environment, students learn to measure physical properties of matter and to compare and contrast a variety of mixtures and solutions. The students explore different forms of energy. The students will design an experiment to test the effect of force on objects.

The motion failed, with 5 members voting Aye, 7 members voting No, and 3 members Abstaining, as follows:

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

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Ms. Dunbar, and carried to amend §112.18. Science, Grade 6, subsection (b)(5)(D), as follows:*

identify the formation of a new substance [~~compounds~~] by using the evidence of a possible chemical change such as production of a gas, change in temperature, production of a precipitate, or color change.

Mrs. Berlanga voted No.

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Ms. Leo, and carried to amend §112.18. Science, Grade 6, subsection (b)(8)(B), as follows:*

identify and describe the changes in position, direction, [~~motion,~~] and speed of an object when acted upon by unbalanced forces;

Mrs. Berlanga voted no.

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Ms. Leo, and carried to amend §112.18. Science, Grade 6, subsection (b)(2)(A), as follows:*

plan and implement comparative and descriptive investigations by making observations, asking well-defined questions, and using appropriate equipment and technology;

Mrs. Berlanga voted no.

MOTION AND VOTE: *It was moved by Mrs. Cargill to amend §112.19. Science, Grade 7, subsection (b)(7)(B), as follows:*

illustrate the transformation of energy within an organism such as the transfer from chemical energy to heat and thermal energy in digestion [~~relate the amount of work done during an everyday activity to energy transformations~~]; and

The motion carried, with 11 members voting Aye and 4 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Craig, and carried to amend §112.19. Science, Grade 7, subsection (b)(12)(A), as follows:*

investigate and explain how internal structures of organisms have adaptations that allow [~~are adapted to perform~~] specific functions such as gills in fish, hollow bones in birds, or xylem in plants;

Mrs. Berlanga and Mrs. Knight voted No.

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Mr. Craig, and carried to amend §112.19. Science, Grade 7, subsection (b)(2)(A), as follows:*

plan and implement comparative and descriptive investigations by making observations, asking well-defined questions, and using appropriate equipment and technology;

Mrs. Berlanga voted no.

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried to amend §112.20. Science, Grade 8, subsection (b)(7)(C), as follows:*

relate the position of the moon and sun to their [~~lunar cycle to its~~] effect on ocean tides.

Mrs. Berlanga and Mrs. Knight voted No.

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Mr. Craig, and carried to amend §112.20. Science, Grade 8, subsection (b)(2)(A), as follows:*

plan and implement comparative and descriptive investigations by making observations, asking well-defined questions, and using appropriate equipment and technology;

Mrs. Berlanga and Mrs. Knight voted no.

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Mr. Craig, and carried to amend §112.20. Science, Grade 8, subsection (b)(2)(B), as follows:*

design and implement comparative and experimental investigations by making observations, asking well-defined questions, formulating testable hypotheses, and using appropriate equipment and technology;

Mrs. Berlanga and Mrs. Knight voted no.

MOTION AND VOTE: *It was moved by Mr. Allen and seconded by Mr. Craig to strike §112.34. Biology, subsection (c)(7)(B), as follows:*

~~*(B) analyze and evaluate the sufficiency or insufficiency of common ancestry to explain the sudden appearance, stasis, and sequential nature of groups in the fossil record;*~~

The motion carried, with 8 members voting Aye and 7 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. Dunbar	*Mr. Mercer*
	Ms. Leo	

MOTION: *It was moved by Mrs. Dunbar and seconded by Mr. Craig to add §112.34. Biology, subsection (c)(7)(B), as follows:*

(B) analyze and evaluate the sufficiency of scientific explanations concerning any data of sudden appearance, stasis, and the sequential nature of groups in the fossil record;

MOTION AND VOTE: *It was moved by Mr. Craig, seconded by Ms. Dunbar, and carried to amend the motion, as follows:*

(B) analyze and evaluate [~~the sufficiency of~~] scientific explanations concerning any data of sudden appearance, stasis, and the sequential nature of groups in the fossil record;

VOTE: *A vote was taken on the motion, as amended. The motion carried, with 13 members voting Aye and 2 members voting No, as follows:*

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

MOTION AND VOTE: *It was moved by Mr. Allen and seconded by Mr. Craig to strike §112.34. Biology, subsection (c)(7)(G), which was approved by the Committee of the Full Board the previous day, as follows:*

[~~(G) analyze and evaluate the sufficiency or insufficiency of natural selection to explain the complexity of the cell.~~]

The motion carried, with 8 members voting Aye and 7 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. Dunbar	*Mr. Mercer*
	Ms. Leo	

MOTION AND VOTE: *It was moved by Mr. Craig and seconded by Dr. McLeroy to add §112.34. Biology, subsection (c)(7)(G), as follows:*

(G) analyze and evaluate scientific explanations concerning the complexity of the cell.

The motion carried, with 13 members voting Aye and 2 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mr. Allen and seconded by Mr. Nuñez to strike §112.34. Biology, subsection (c)(9)(D), which was approved by the Committee of the Full Board the previous day, as follows:*

[~~(D) analyze and evaluate the evidence regarding formation of simple organic molecules and their organization into long complex molecules having information such as the DNA molecule for self replicating life.~~]

The motion failed, with 5 members voting Aye and 10 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Mr. Bradley, and carried to amend §112.34. Biology, subsection (c)(2)(E), as follows:*

plan and implement descriptive, comparative, and experimental investigations [~~investigative procedures~~], including asking questions, formulating testable hypotheses, and selecting equipment and technology;

Mrs. Berlanga, Mr. Craig, Mrs. Knight, and Mr. Nuñez voted No.

MOTION AND VOTE: *It was moved by Ms. Hardy to amend §112.35. Chemistry, subsection (c)(6)-(12).*

The motion failed, with 5 members voting Aye and 10 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mr. Craig and seconded by Ms. Hardy to amend §112.36. Earth and Space Science, subsection (c)(4), as follows:*

(4) Earth in space and time. The student knows how Earth-based and space-based astronomical observations reveal information [~~differing theories~~] about the structure, scale, composition, origin, and history of the universe.

The motion failed, with 7 members voting Aye and 8 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mrs. Dunbar and seconded by Mr. Craig to amend §112.36. Earth and Space Science, subsection (c)(8)(A), by substituting language, as follows:*

analyze and evaluate a variety of fossil types such as transitional fossils, proposed transitional fossils, fossil lineages, and significant fossil deposits with regard to their appearance, completeness, and alignment with scientific explanations in light of this fossil data;

The motion carried, with 9 members voting Aye and 6 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Nuñez, and carried to amend §112.39. Physics, subsection(c)(5)(C), as follows:*

describe and calculate how the magnitude of the electrical force between two objects depends on their charges and the distance between them [~~their centers~~];

Mrs. Berlanga voted No.

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Mr. Nuñez to add §112.18. Science, Grade 6, subsection (b)(8)(E), as follows:*

(E) investigate how inclined planes and pulleys can be used to change the amount of force to move an object.

The motion carried, with 9 members voting Aye and 6 members voting No, as follows:

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

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Mr. Nuñez to amend §112.19. Science, Grade 7, subsection (b)(14)(C), as follows:*

recognize that inherited traits of individuals are governed in the genetic material found in the genes within chromosomes in the nucleus.

The motion carried, with 8 members voting Aye and 7 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. Dunbar	*Mr. Mercer*
	Ms. Leo	

MOTION AND VOTE: *It was moved by Mrs. Knight and seconded by Mr. Nuñez to amend §112.20. Science, Grade 8, subsection (b)(9)(B), as follows:*

illustrate how plate tectonics causes major geological events such as ocean basins, earthquakes, volcanic eruptions, and mountain building [~~relate plate tectonics to the formation of crustal features~~]; and

The motion failed, with 7 members voting Aye, 7 members voting No, and 1 member Abstaining, as follows:

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

VOTE: *A vote was taken on the motion 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 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter C, High School, as amended, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried, with 13 members voting Aye and 2 members voting No, as follows:*

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

(ATTACHMENT 2, page 21)

4. Approval of Question and Answer Document for the Midcycle 2010 Proclamation
(Board agenda page I-69)

MOTION AND VOTE: *It was moved by Mrs. Miller, seconded by Ms. Dunbar, and carried unanimously to approve the Question and Answer document for the Midcycle 2010 Proclamation.*

(ATTACHMENT 3, page 87)

5. Consideration of Options for Graduation Credit for Athletics
(Board agenda page I-71)

MOTION: *It was recommended by the Committee of the Full Board that the State Board of Education select Option 2 with a timeline that would postpone implementation and place this item on the State Board of Education agenda for first reading and filing authorization in September 2009.*

MOTION: *It was moved by Mr. Bradley and seconded by Mrs. Miller to table this item.*

Dr. McLeroy explained that this motion was out of order. Kirk Overbey, parliamentarian, read from *Robert's Rules of Order, Newly Revised*, page 202, "…the motion to *Lay on the Table* is out of order if the evident intent is to kill or avoid dealing with a measure."

MOTION AND VOTE: *It was moved by Mr. Bradley and seconded by Mrs. Miller to postpone this item indefinitely. The motion failed, with 3 members voting Aye, 11 members voting No, and 1 member Abstaining, as follows:*

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

VOTE: *A vote was taken on the motion to select Option 2 with a timeline that would postpone implementation and place this item on the State Board of Education agenda for first reading and filing authorization in September 2009.*

The motion carried, with 11 members voting Aye and 4 members voting No, as follows:

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

(ATTACHMENT 4, page 95)

6. Proposed Amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes
(Second Reading and Final Adoption)
(Board agenda page I-81)

MOTION AND VOTE: *It was moved by Mrs. Miller, seconded by Mr. Craig, and carried by an affirmative vote of two-thirds of the members of the board to approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes, with an effective date of 20 days after filing as adopted with the Texas Register.*

(ATTACHMENT 5, page 97)

COMMITTEE ON INSTRUCTION (Mrs. Cargill, chair)

7. Adoption of Review of 19 TAC Chapter 101, Assessment
(Adoption of Review)
(Board agenda page II-1)

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

8. Requests to Approve Substitutions of Instructional Materials
(Board agenda page II-43)

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 (Mr. Bradley, chair)

9. 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.*

(ATTACHMENT 6, page 99)

10. Proposed Amendment to 19 TAC Chapter 30, Administration, Subchapter B, State Board of Education: Purchasing and Contracts, §30.21, Historically Underutilized Business (HUB) Program
(Second Reading and Final Adoption)
(Board agenda page III-7)

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 30, Administration, Subchapter B, State Board of Education: Purchasing and Contracts, §30.21, Historically Underutilized Business (HUB) Program, with an effective date of 20 days after filing as adopted with the Texas Register. The motion carried unanimously.*

(ATTACHMENT 7, page 101)

11. Proposed Ratification of Increase in the Reserve for the Guarantee Program for School District Bonds
(Board agenda page III-11)

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 ratify the increase of the amount of capacity held in reserve for the guarantee program for school district bonds from 5 percent to 8 percent of the Permanent School Fund's capacity to guarantee bonds. (Mrs. Berlanga, Mr. Craig, and Mrs. Miller were absent for the vote.)*

12. Search for Outside Legal Counsel for the Permanent School Fund
(Board agenda page III-13)

No action was taken on this item.

13. Decision on a Real Estate Policy Statement
(Board agenda page III-15)

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 the Texas Permanent School Fund Real Estate Investment Policy Statement dated March 2009. (Mrs. Berlanga, Mr. Craig, and Mrs. Miller were absent for the vote.)*

14. Authorization to Issue a Request for Proposals for Global Custody and Securities Lending Services for the Permanent School Fund
(Board agenda page III-19)

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 the issuance of a Request for Proposals for Global Custody and Securities Lending Services for the Permanent School Fund. (Mrs. Berlanga, Mr. Craig, and Mrs. Miller were absent for the vote.)*

15. Authorization to Issue a Request for Proposals for a Private Equity Discretionary Separate Account Manager
(Board agenda page III-21)

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 issuance of a Request for Proposals for Private Equity Discretionary Separate Account Manager for the Permanent School Fund. (Mrs. Berlanga, Mr. Craig, and Mrs. Miller were absent for the vote.)*

16. Authorization to Issue a Request for Proposals for Performance Measurement Services for the Permanent School Fund
(Board agenda page III-23)

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 the issuance of a Request for Proposals for Performance Measurement Services for the Permanent School Fund. (Mrs. Berlanga, Mr. Craig, and Mrs. Miller were absent for the vote.)*

COMMITTEE ON SCHOOL INITIATIVES (Mr. Craig, chair)

No action items.

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 following discussion items of the Committee on School Finance/Permanent School Fund meeting held on February 20, 2009: Discussion of the Permanent School Fund Organization; Discussion on Process; Discussion of Real Estate Investment; and Discussion of the Search for Outside Legal Counsel for the Permanent School Fund. He also reported on the following discussion items of the committee meeting held on March 25, 2009: Report by Weaver & Tidwell on the Audit of the Permanent School Fund's Financial Statements for the Period Ending August 31, 2008; Review of Permanent School Fund Securities Transaction; and Discussion of the Real Return Asset Class.

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 3:50 p.m.

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Terri Leo, Secretary