State Board of Education
Summary of Action Items
Sept. 18, 2009

1. Resolutions and Presentations

The State Board of Education honored the following 15 school volunteers with the Heroes for Children award: Maria Luisa Munoz of the Laredo Independent School District; Sally Garcia of Corpus Christi; Charlotte Travis of San Antonio ISD; Lucy Blome of Klein ISD; Tom Shaw of Marble Falls; Howard Caywood of Katy ISD; Jorge Garza of Humble ISD; Leon Bailey of Livingston ISD; Norm Pleasant of Normangee ISD; John C. Blazier of Austin ISD; Doyle Lee of Weatherford ISD; Katie Pedigo of Dallas' Highland Park ISD; Felicia Washington of DeSoto's Hampton Preparatory Charter School; Cameron Roberts of China Spring ISD and AnnMarie Ramiro of Snyder ISD.

Staff Contact: Questions about this item should be directed to the office of the State Board of Education at (512) 463-9007.

2. Approval of Consent Agenda

Any agenda item may be placed on the Consent Agenda by any State Board of Education committee.

(1). Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of June and July 2009

The board approved the purchases and sales of securities executed in the portfolio of the Permanent School Fund for the months of June and July 2009 in the amount of $554,429,467 and $608,962,626, respectively.

Staff Contact: Questions about this item should be directed to the office of the Permanent School Fund (512) 463-9169.

(2). Recommendation for Appointment to the Lackland Independent School District Board of Trustees

The board approved the reappointment of Brian Miller to the board of trustees of the Lackland ISD for a two-year term from Sept. 18, 2009, to Sept. 17, 2011.

Staff Contact: Questions about this item should be directed to the Division of Governance and General Inquiries at (512) 475-3697.

(3). Recommendation for Appointments to the Randolph Field Independent School District Board of Trustees

The board approved the reappointment of John McKinley and the appointment of Larry Clemons and MSgt Jeffrey Morris to serve two-year terms on the board of trustees of the Randolph Field ISD. The terms expire Sept. 17, 2011.

Staff Contact: Questions about this item should be directed to the Division of Governance and General Inquiries at (512) 475-3697.

ITEMS FOR ACTION BY THE FULL SBOE
(COMMITTEE OF THE FULL BOARD)

3. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum (First Reading and Filing Authorization)

The board approved for first reading and filing authorization an amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum. The amendment bring the rules in the Texas Administrative Code into alignment with changes made to statute by House Bill 3, which was passed by the Legislature this spring. One of the changes clarifies that students who enter ninth grade in the 2010-2011 school year will be the first group of students who must meet a new one-credit fine arts requirement if they follow the Minimum High School Program.

Staff Contact: Questions about this item should be directed to the Curriculum Division at (512) 463-9581.

4. Proposed Revisions to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions (First Reading and Filing Authorization)

Amendments were approved for first reading and filing authorization that revise an existing rule related to high school health education and the board added a new rule related to physical education to bring this section of the Texas Administrative Code into alignment with new laws passed by the 81st Texas Legislature. The changes update the parenting and paternity awareness program (p.a.p.a.) rules by allowing a teacher to modify the suggested sequence and pace of the program and by specifying that a child under the age of 14 cannot participate in the p.a.p.a. program without parental permission. Revisions to this rule would also add a requirement that districts incorporate instruction in alcohol awareness in high school health classes.

The board added a new provision that includes ensuring that physical education curriculum standards emphasize lifetime physical activity; are consistent with national physical education standards; and requiring that at least 50 percent of P.E. class time be used for actual student physical activity.

Staff Contact: Questions about this item should be directed to the Curriculum Division at (512) 463-9581.

5. Update on Social Studies Texas Essential Knowledge and Skills (TEKS) Review

No formal vote was taken on this item but board members offered suggestions to members of the TEKS review committees who provided updates on the efforts to revise the social studies standards. The TEKS review committees will meet in October to update and finalize their recommendations, which will come back to the board as a discussion item at the Nov. 18-20 meeting.

Staff Contact: Questions about this item should be directed to the Curriculum Division at (512) 463-9581.

6. Update on Texas Essential Knowledge and Skills (TEKS) Review

Staff provided an update on the Texas Essential Knowledge and Skills revision process and discussed activities for the next few months but no action was taken on this item.

Staff Contact: Questions about this item should be directed to the Curriculum Division at (512) 463-9581.

7. Proposed Amendment to Proclamation 2010

Proclamation 2010 was issued by the SBOE in November 2007 and amended in May 2008 to add TEKS for English Language Arts and Reading. In September 2008 the board amended Proclamation 2010 to add the TEKS for Spanish Language Arts and Reading, Grades K-1; Spanish Reading, Grades 2-5; Spanish Literature, Grade 6; English for Speakers of Other Languages I and II; and to include college readiness standards. In July 2009, the board amended Proclamation 2010 to adjust total cost. At the September meeting, the board took an additional step and approved an across-the-board cut of 4.74 percent to the maximum cost the state will pay per textbook. Because the state will purchase about 6.2 million English language arts books for kindergarten through twelfth grade next year, this 4.74 percent reduction will save about $23.1 million. These books will go into the classrooms next fall.

Staff Contact: Questions about this item should be directed to the Instructional Materials and Educational Technology Division at (512) 463-9601.

8. Proposed Amendment to Proclamation 2011

Proclamation 2011 was issued by the board in May 2008 and was amended in November 2008 to include changes to the Prekindergarten Guidelines and to include a letter of intent from the commissioner. The amendment to Proclamation 2011 adjusted the total cost of the proclamation to no more than 85 percent of the amount derived by the maximum cost methodology as originally adopted due to legislative mandates. This adjustment results in a 6.66 percent reduction in the maximum costs. The board also amended the proclamation to add requirements regarding submission of electronic instructional materials.

Staff Contact: Questions about this item should be directed to the Instructional Materials and Educational Technology Division at (512) 463-9601.

9. Proclamation 2012 of the State Board of Education Advertising for Bids on Instructional Materials

Proclamation 2012 advertises for bids on new instructional materials to be used by school districts and open-enrollment charter schools beginning in school year 2012-2013. Subjects and grade levels proposed for Proclamation 2012 include Science, Grades K-12; Spanish Science, Grades K-6; and Engineering. The board amended the proclamation to add requirements regarding submission of electronic instructional materials and directed staff to bring the proclamation back for action in March.

Staff Contact: Questions about this item should be directed to the Instructional Materials and Educational Technology Division at (512) 463-9601.

COMMITTEE ON INSTRUCTION

10. Proposed Approval of Updates to the Texas State Plan for the Education of Gifted/Talented Students (Moved to Consent)

The board voted to approve the updated language in the Texas State Plan for the Education of Gifted/Talented Students so that it is in alignment with the Texas Education Code.

Staff Contact: Questions about this item should be directed to the Curriculum Division at (512) 463-9581.

11. Recommended Penalties for Failure to Correct Factual Errors in Adopted Instructional Materials (Moved to Consent)

The board approved penalties for textbook publishers that failed to correct factual errors in instructional materials adopted under Proclamations 2004 and 2005. The following textbook publishers were assessed a penalty: Harcourt School Publishers in the amount of $458,942.73; Macmillan/McGraw-Hill in the amount of $33,858.86; Glencoe/McGraw-Hill in the amount of $5,000; and Houghton Mifflin Company in the amount of $2,480,451.40. The board waived the penalties for Houghton Mifflin Company's Spanish materials for grades 3-5 because the publisher will replace both student and teacher editions now in use in Texas classrooms.

Staff Contact: Questions about this item should be directed to the Instructional Materials and Educational Technology at (512) 463-9601.

12. Proposed Revisions to 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions, and Subchapter B, Development and Administration of Tests (Moved to Consent)

The board approved for first reading revisions to the assessment rules related to student testing, graduation, grade advancement, remediation, release of tests, performance standards, and private school administration of state tests. These revisions align the assessment rules with recent legislation.

Staff Contact: Questions about this item should be directed to the Division of Student Assessment at (512) 463-9536.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

13. Proposed Amendment to 19 TAC Chapter 105, Foundation School Program, Subchapter B, Use of State Funds, §105.11, Maximum Allowable Indirect Cost

The board voted to set the indirect cost rate at 35 percent and bring the issue back to the October workshop for further discussion.

Staff Contact: Questions about this item should be directed to the Financial Audits Division at (512) 463-9095.

14. Per Capita Apportionment Rate for 2009-2010 School Year. (Moved to Consent)

The board voted to set the per capita apportionment rate at $262 for the 2009-2010 school year.

Staff Contact: Questions about this item should be directed to the office of School Finance at (512) 463-9238.

COMMITTEE ON SCHOOL INITIATIVES

15. Review of Proposed Amendment to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Types and Classes of Certificates Issued, §232.4, Probationary Certificates

No action was taken on rules by the State Board of Educator Certification that removes language allowing the SBEC to grant a waiver of the baccalaureate degree requirement for a probationary certificate that requires such a degree. The amendment also grants an additional year's extension of a probationary certificate to an educator whose contract is terminated, or who resigns in lieu of termination, before the end of a school year due to a reduction in force by a school district.

Staff Contact: Questions about this item should be directed to the Division of Educator Certification and Standards at (512) 463-9575.

16. Review of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.1, General Authority, and §233.15, Languages Other Than English

The board took no action on an SBEC rule that amends 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.1, General Authority, and §233.15, Languages Other Than English. The amendments require an oral proficiency examination for Languages Other Than English (LOTE) certificates. The amendments also expand the certificates issued for LOTE by adding new certificates for French, German and Spanish to be issued no earlier than Nov. 1, 2009, and for Latin to be issued no earlier than Jan. 1, 2010.

Staff Contact: Questions about this item should be directed to the Division of Educator Certification and Standards at (512) 463-9575.

17. Review of Proposed Revisions to 19 TAC Chapter 241, Principal Certificate

No action was taken on SBEC rules revising the requirements for a principal certificate. The revisions update the rules to reflect current law and add specificity to educator preparation and certification requirements relating to the principal certificate.

Staff Contact: Questions about this item should be directed to the Division of Educator Certification and Standards at (512) 463-9575.

18. Review of Proposed Revisions to 19 TAC Chapter 242, Superintendent Certificate

No action was taken on rules revising 19 TAC Chapter 242, Superintendent Certificate. The revisions update the rules to reflect current law and add specificity to educator preparation and certification requirements relating to the superintendent certificate.

Staff Contact: Questions about this item should be directed to the Division of Educator Certification and Standards at (512) 463-9575.

19. Review of Proposed Amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition

The board took no action on an amendment to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, §249.14, Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition. The amendment modifies the description of circumstances requiring a superintendent to report alleged misconduct of an educator who resigns from a school district, the minimum requirements of a superintendent's report, and the requirements for a school district to request that the Texas Education Agency (TEA) pursue sanctions against an educator who has abandoned his or her contract in violation of the Texas Education Code (TEC), §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2).

Staff Contact: Questions about this item should be directed to the Division of Educator Certification and Standards at (512) 463-9575.

20. Proposed Amendments to 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, §100.105, Application to Public Senior College or University Charters
(First Reading and Filing Authorization)
(Moved to Consent)

The board approved amendments adding public junior colleges as potential charter applicants to the application form for public colleges and universities seeking to operate open-enrollment charter schools.

Staff Contact: Questions about this item should be directed to the Division of Charter School Administration at (512) 463-9575.

21. Proposed Guidelines and Application for the Residential Treatment Facility Charter Established in Human Resources Code by HB 3689
(Moved to Consent)

The board adopted the application form and guidelines for the residential treatment facility charter school established in the Human Resources Code by HB 3689, 81st Texas Legislature.

Staff Contact: Questions about this item should be directed to the Division of Charter School Administration at (512) 463-9575.