



# AGENDA

State Board of Education

January 28, 2022

**STATE BOARD OF EDUCATION**  
*(State Board for Career and Technology Education)*

**KEVEN ELLIS, Lufkin**  
**Chair of the State Board of Education**  
**District 9**

**PAM LITTLE, Fairview**  
**Vice Chair of the State Board of Education**  
**District 12**

**GEORGINA PÉREZ, El Paso**  
**Secretary of the State Board of Education**  
**District 1**

**Board Members**

**RUBEN CORTEZ, JR., Brownsville**  
**District 2**

**AUDREY YOUNG, Apple Springs**  
**District 8**

**MARISA PEREZ-DIAZ, Converse**  
**District 3**

**TOM MAYNARD, Florence**  
**District 10**

**LAWRENCE ALLEN, JR., Houston**  
**District 4**

**PATRICIA HARDY, Fort Worth**  
**District 11**

**REBECCA BELL-METEREAU**  
**San Marcos, District 5**

**AICHA DAVIS, Dallas**  
**District 13**

**WILL HICKMAN, Houston**  
**District 6**

**SUE MELTON-MALONE, Robinson**  
**District 14**

**MATT ROBINSON, Friendswood**  
**District 7**

**JAY JOHNSON, Pampa**  
**District 15**

**Committees of the State Board of Education**  
(updated January 26, 2021)

**INSTRUCTION**

Sue Melton-Malone, chair  
Audrey Young, vice chair  
Rebecca Bell-Metereau  
Pam Little  
Georgina Pérez

**SCHOOL FINANCE/PERMANENT SCHOOL FUND**

Tom Maynard, chair  
Lawrence Allen, Jr., vice chair  
Keven Ellis  
Pat Hardy  
Marisa Perez-Diaz

**SCHOOL INITIATIVES**

Matt Robinson, chair  
Aicha Davis, vice chair  
Ruben Cortez, Jr.  
Will Hickman  
Jay Johnson

January 25, 2022

State Board of Education  
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on January 25-28, 2022. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mike Morath', with a long horizontal flourish extending to the right.

Mike Morath  
Commissioner of Education

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**William B. Travis Building  
1701 N. Congress Avenue, Austin, Texas**

**SCHEDULE AND AGENDAS**

**Committees and Board  
State Board of Education, Austin, Texas**

<b>Meeting Times January 25-28, 2022</b>	
<b><u>Tuesday, January 25, 2022</u></b>	
<b>1:00 p.m.</b>	<b>Committee of the Full Board (Room 1-104)</b>
<b><u>Wednesday, January 26, 2022</u></b>	
<b>9:00 a.m.</b>	<b>Committee of the Full Board (Room 1-104)</b>
<b><u>Thursday, January 27, 2022</u></b>	
<b>9:00 a.m.</b>	<b>Committee on Instruction (Room 1-100)</b>
<b>9:00 a.m.</b>	<b>Committee on School Finance/Permanent School Fund (Room 1-104)</b>
<b>9:00 a.m.</b>	<b>Committee on School Initiatives (Room 1-111)</b>
<b><u>Friday, January 28, 2022</u></b>	
<b>9:00 a.m.</b>	<b>General Meeting (Room 1-104)</b>

If the Committee of the Full Board does not complete its agenda Tuesday, it will resume its meeting on Wednesday, Thursday, or Friday. If the Committee of the Full Board does not complete its agenda Wednesday, it will resume its meeting on Thursday or Friday. If the Committee on Instruction does not complete its meeting on Thursday, it will resume its meeting on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting on Friday.

NOTE: The chair may permit the board to take up and discuss any of the discussion items on a committee agenda, including hearing any invited presentations to a committee, based upon a recommendation from the committee or inability of the committee to complete its agenda on a preceding day.

The SBOE or a committee of the SBOE may conduct a closed meeting on any agenda item in accordance with Texas Open Meetings Act, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

The agenda is online at <https://tea.texas.gov/sboe/agenda/> on the Texas Education Agency website. The posted information contains links to board action items including rule items and rule text, and selected discussion items. Public comments on proposed rules may be submitted electronically. All agenda items and rule text are subject to change at any time prior to each board meeting. To the extent possible, copies of changes made after the agenda and the schedule are published will be available at the board meeting.

**TUESDAY**  
**January 25, 2022**

**1:00 p.m.**

**COMMITTEE OF THE FULL BOARD – Room 1-104**

*Public testimony – Individual testimony will be taken 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 <https://tea.texas.gov/about-tea/leadership/state-board-of-education/sboe-meetings/sboe-operating-rules> or in the information section of the agenda.*

- 1. Public Hearing on Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, and Subchapter B, Middle School**  
**(Board agenda page I-1)**

**COMMITTEE - DISCUSSION**  
**SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, January 25, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Elementary, Adopted 2022, §126.2, Technology Applications, Kindergarten, Adopted 2022; §126.3, Technology Applications, Grade 1, Adopted 2022, §126.4, Technology Applications, Grade 2, Adopted 2022, §126.8, Technology Applications, Grade 3, Adopted 2022, §126.9, Technology Applications, Grade 4, Adopted 2022, §126.10, Technology Applications, Grade 5, Adopted 2022, and Subchapter B, Middle School, §126.17, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Middle School, Adopted 2022, §126.18, Technology Applications, Grade 6, Adopted 2022, §126.19, Technology Applications, Grade 7, Adopted 2022, §126.20, Technology Applications, Grade 8, Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4); and §28.002(a), (c), (c-3) and (z).

**COMMITTEE OF THE FULL BOARD (continued)**

2. **Discussion of Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, and Subchapter B, Middle School**  
**(Board agenda page I-3)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

This item provides an opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Elementary, Adopted 2022, §126.2, Technology Applications, Kindergarten, Adopted 2022; §126.3, Technology Applications, Grade 1, Adopted 2022, §126.4, Technology Applications, Grade 2, Adopted 2022, §126.8, Technology Applications, Grade 3, Adopted 2022, §126.9, Technology Applications, Grade 4, Adopted 2022, §126.10, Technology Applications, Grade 5, Adopted 2022, and Subchapter B, Middle School, §126.17, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Middle School, Adopted 2022, §126.18, Technology Applications, Grade 6, Adopted 2022, §126.19, Technology Applications, Grade 7, Adopted 2022, and §126.20, Technology Applications, Grade 8, Adopted 2022. The proposed new rules would update the technology applications standards to ensure the standards remain current. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4) and 28.002(a), (c), (c-3), and (z).



**COMMITTEE OF THE FULL BOARD (continued)**

3. **Proposed Repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, §§130.161-130.166; Subchapter G, §§130.201-130.211; Subchapter H, §§130.221-130.234; Subchapter I, §§130.251-130.263; Subchapter L, §§130.331-130.343; Subchapter O, §§130.401-130.435; and Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, §§127.309-127.314; Subchapter I, §§127.402-127.415; Subchapter J, §§127.468-127.480; Subchapter M, §§127.625-127.648; and Subchapter O, §§127.742-127.776**  
**(Second Reading and Final Adoption)**  
**(Board agenda page I-5)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776. The proposed rule actions would repeal Texas Essential Knowledge and Skills (TEKS) for career and technical education (CTE) in subchapters that are being revised and move the TEKS for existing CTE courses in these subchapters to 19 TAC Chapter 127 in order to keep all the TEKS for revised subchapters together in administrative rule and avoid confusion. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2), and (b-17).

**COMMITTEE OF THE FULL BOARD (continued)**

4. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.311, 127.317, and 127.318, and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783 and §127.784**

**COMMITTEE - ACTION  
SBOE - ACTION**

**(First Reading and Filing Authorization)**

**(Board agenda page I-10)**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.311, Human Growth and Development; §127.317, Child Development; and §127.318, Child Guidance; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II. The proposed new sections would update the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) for courses in the career clusters for education and training and science, technology, engineering, and mathematics to ensure the standards are up to date. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

5. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**

**COMMITTEE - ACTION  
SBOE - ACTION**

**(First Reading and Filing Authorization)**

**(Board agenda page I-14)**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements. The proposed amendments would update the high school graduation requirements to align with Senate Bill (SB) 369 and SB 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.025(a), (b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, (b-3), (b-14), (b-17), (c), (c-1), and (c-2); and 28.0256(a) and (b) and (d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021.

**WEDNESDAY  
January 26, 2022**

**9:00 a.m.**

**COMMITTEE OF THE FULL BOARD – Room 1-104**

*Public testimony – Individual testimony will be taken 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 <https://tea.texas.gov/about-tea/leadership/state-board-of-education/sboe-meetings/sboe-operating-rules> or in the information section of the agenda.*

- 1. Approval of Bylaws of The Texas Permanent School Fund Corporation**  
**(Board agenda page I-35)**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item provides an opportunity for the State Board of Education (SBOE) to consider the approval of the Bylaws of The Texas Permanent School Fund Corporation. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

- 2. Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits**  
**(First Reading and Filing Authorization)**  
**(Board agenda page I-36)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020. The proposed revisions would update the standards for positive character traits to align with the requirements of Senate Bill (SB) 123, 87th Texas Legislature, Regular Session, 2021. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021.

**COMMITTEE OF THE FULL BOARD (continued)**

3. **Discussion of *Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials (Board agenda page I-46)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

This item provides an opportunity for the State Board of Education (SBOE) to discuss the schedule of events and instructional materials to be included in *Proclamation 2024*. Instructional materials submitted in response to *Proclamation 2024* would be scheduled for adoption by the SBOE in November 2023. Statutory authority is the Texas Education Code (TEC), §31.022.

4. **Update on Texas Essential Knowledge and Skills (TEKS) Review (Board agenda page I-47)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS and ELPS review work groups. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

5. **Discussion of Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.62, Personal Financial Literacy and Economics (Board agenda page I-50)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

This item provides an opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.62, Personal Financial Literacy and Economics. The proposed new rule would add Texas Essential Knowledge and Skills (TEKS) for a new social studies course to comply with the requirements of Senate Bill (SB) 1063, 87th Texas Legislature, Regular Session, 2021. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(b-1) and (b-22), as amended and added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

**COMMITTEE OF THE FULL BOARD (continued)**

6. **Discussion of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.792-127.794**  
**(Board agenda page I-52)**

This item provides an opportunity for the committee to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022. The proposed new rules would update the Texas Essential Knowledge and Skills (TEKS) for the high school cybersecurity courses to ensure the standards remain current. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (c-3), and (f)(2); and 28.025(a), (c-1)(1), and (c-10).

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

7. **Ethics Training**  
**(Board agenda page I-54)**

This item provides an opportunity for the State Board of Education (SBOE) to discuss ethics statutes and rules that apply to SBOE members. Statutory authority is the Texas Education Code (TEC), §43.0031 and 19 Texas Administrative Code (TAC), §33.5(s).

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

**COMMITTEE OF THE FULL BOARD (continued)**

**8. Discussion of Pending Litigation**  
**(Board agenda page I-75)**

**COMMITTEE - DISCUSSION**  
**SBOE - NO ACTION**

The State Board of Education (SBOE) may enter into executive session in accordance with the Texas Government Code, §551.071(1)(A), to discuss pending and contemplated litigation with the general counsel, legal staff, and, if necessary, attorney(s) from the Attorney General's Office. The Committee of the Full Board will meet in Room 1-103 to discuss this item.

Cases to be discussed may include:

*Tribune Company*, No. 08-13141; *The Official Committee of Unsecured Creditors of Tribune Company v. Fitzsimmons*, Adv. Pro. No. 10-54010 (*Bankr. D. Del.*); *Deutsche Bank v Bank of America*, No. 3:11-CV-01175-F (*N. D. Tex., Dallas Div.*) and *Deutsche Bank v. Employees Retirement Fund of the City of Dallas*, No. 3:11-CV-1167-F; (*N. D. Tex. Dallas Div.*) *CONSOLIDATED in: In re: Tribune Company Fraudulent Conveyance Litigation*; No. 11-MD-2296 *Consolidated Multidistrict Action (S.D.N.Y.)*;

*Student v. Conroe ISD, Texas Education Agency and State Board of Education*, Civil Cause No. 1:21-CV-01048-LY (U.S. District Court – Western District of Texas (Austin)); and

any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

**THURSDAY  
January 27, 2022**

**9:00 a.m.**

**COMMITTEE ON INSTRUCTION – Room 1-100**

**Members: Sue Melton-Malone, chair; Audrey Young, vice chair; Rebecca Bell-Metereau; Pam Little; and Georgina C. Pérez. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.**

*Public testimony – Individual testimony will be taken 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 <https://tea.texas.gov/about-tea/leadership/state-board-of-education/sboe-meetings/sboe-operating-rules> or in the information section of the agenda.*

- 1. Proposed Repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005 (Second Reading and Final Adoption) (Board agenda page II-1)**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005. The proposed repeals would remove high school graduation requirements that are outdated and no longer necessary. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.025.

- 2. Approval of Updates and Substitutions to Adopted Instructional Materials (Board agenda page II-4)**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item provides an opportunity for the committee to approve instructional materials update and/or substitution requests received from publishers since the last board meeting. The updated content has been reviewed by subject-area specialists and was determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

**COMMITTEE ON INSTRUCTION (continued)**

- 3. Recommendations Regarding Renewal of Instructional Materials Contracts**  
**(Board agenda page II-6)**

**COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item recommends renewal of instructional materials contracts that expire on August 31, 2022. This action is recommended to ensure that these materials remain available for distribution to school districts until replacements become available. Statutory authority is the Texas Education Code (TEC), §31.026.

- 4. Proposed Approval of Innovative Courses**  
**(Board agenda page II-7)**

**COMMITTEE – ACTION**  
**SBOE - ACTION**

This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

- 5. Rule Review of 19 TAC Chapter 89, Adaptations for Special Populations**  
**(Board agenda page II-10)**

**COMMITTEE - DISCUSSION**  
**SBOE - NO ACTION**

Texas Government Code (TGC), §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 SBOE rules in 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, Subchapter C, Texas Certificate of High School Equivalency, and Subchapter D, Special Education Services and Settings. The rules being reviewed relate to gifted/talented education, Texas certificate of high school equivalency, and special education services and settings. The statutory authority for the rule review is the TGC, §2001.039. The statutory authority for 19 TAC Chapter 89, is Subchapter A, Texas Education Code (TEC), §29.122 and §48.109(b); for Subchapter C is the Texas Education Code (TEC), §7.111; and for Subchapter D is TEC, §30.003(d) and (g) and §30.004.



**THURSDAY**  
**January 27, 2022**  
**9:00 a.m.**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND – Room 1-104**

**Members: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Keven Ellis; Patricia Hardy; Marisa Perez-Diaz. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda. A quorum of the Committee of Investment Advisors to the Permanent School Fund may attend the committee meeting and discuss items on the committee agenda.**

*Public testimony – Individual testimony will be taken 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 <https://tea.texas.gov/about-tea/leadership/state-board-of-education/sboe-meetings/sboe-operating-rules> or in the information section of the agenda.*

- 1. Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide (Board agenda page III-1)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

This item provides an opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). Statutory authority is the Texas Education Code (TEC), §§7.102(c)(32), 44.007(a)-(d), and 44.008(b).

- 2. Review of Permanent School Fund Securities Transactions and the Investment Portfolio (Board agenda page III-5)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

Investment staff will report on the transactions executed during the months of October and November 2021 in the investment portfolio of the Texas Permanent School Fund. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)**

- 3. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2021** COMMITTEE - ACTION  
SBOE - CONSENT

**(Board agenda page III-6)**

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund (PSF) for the months of October and November 2021. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

- 4. Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of October and November 2021** COMMITTEE - ACTION  
SBOE - CONSENT

**(Board agenda page III-7)**

This item provides an opportunity for the committee and board to receive a status update report on the liquid account and consider approval of the purchases and sales of investments executed in the liquid account for the months of October and November 2021. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Natural Resources Code (NRC), §51.414, as repealed by SB 1232, 87th Legislature, Regular Session, 2021; and 19 Texas Administrative Code (TAC) Chapter 33.

- 5. Annual Reporting Requirement of the Internally-Managed Permanent School Fund Investment Portfolio** COMMITTEE - DISCUSSION  
SBOE - NO ACTION

**(Board agenda page III-8)**

This item provides an opportunity for the executive administrator and chief investment officer of the Permanent School Fund to report on various items required by 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund. Statutory authority is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)**

6. **Third Quarter 2021 Permanent School Fund Performance Report** COMMITTEE - DISCUSSION  
(Board agenda page III-10) SBOE - NO ACTION

The performance measurement consultant to the Permanent School Fund (PSF), BNY Mellon Asset Servicing, will report on the investment performance during the third calendar quarter 2021 and the cumulative investment performance of various portfolios of the PSF. This item provides the opportunity for the committee to discuss in depth, various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes. Statutory authority is the Texas Constitution, Article VII, §2 and §5; 19 Texas Administrative Code (TAC), Chapter 33.

7. **Review of the Bond Guarantee Program Capacity** COMMITTEE - DISCUSSION  
(Board agenda page III-11) SBOE - NO ACTION

This item provides an opportunity for the committee to receive a presentation on the bond guarantee program's capacity. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Education Code (TEC) §45.0532; and 19 Texas Administrative Code (TAC) Chapter 33.

8. **Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation** COMMITTEE - ACTION  
(Second Reading and Final Adoption) SBOE - CONSENT  
(Board agenda page III-12)

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation. The proposed new section would address the term length of State Board of Education (SBOE) members on the board of directors of the Texas Permanent School Fund (PSF) Corporation as required by Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved for first reading. Statutory authority is the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code (TEC), §43.001 and §43.053, as added by SB 1232, 87th Texas Legislature, Regular Session, 2021.

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)**

- 9. Review of the Private Equity Asset Class for the Permanent School Fund** COMMITTEE - DISCUSSION  
(Board agenda page III-17) SBOE - NO ACTION

This item provides an opportunity for the committee to review the private equity asset class. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

- 10. Review of Real Return Asset Class for the Permanent School Fund** COMMITTEE - DISCUSSION  
(Board agenda page III-18) SBOE - NO ACTION

This item provides an opportunity for the committee to receive an overview of the real return asset class. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

- 11. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer** COMMITTEE - DISCUSSION  
(Board agenda page III-19) SBOE - NO ACTION

The Permanent School Fund (PSF) executive administrator will report to the committee on matters relating to the management of the PSF and the Charter District Reserve Fund. The report may present information on historical and current status of fund holdings, current and proposed investment policies and procedures, and historical and current fund performance and compliance. The administrator may update the board on the bond guarantee program, the status of requests for proposal, or for qualifications and current contracts for services and other administrative activities undertaken on behalf of the board. The administrator may provide an update on the PSF distribution or on the effect of legislation impacting the PSF. The administrator may provide an analysis of current and future investment market conditions, focusing upon the impact on the holdings of the PSF. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

**THURSDAY  
January 27, 2022**

**9:00 a.m.**

**COMMITTEE ON SCHOOL INITIATIVES – Room 1-111**

**Members: Matt Robinson, chair; Aicha Davis, vice chair; Ruben Cortez, Jr; Will Hickman; Jay Johnson. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.**

*Public testimony – Individual testimony will be taken 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 <https://tea.texas.gov/about-tea/leadership/state-board-of-education/sboe-meetings/sboe-operating-rules> or in the information section of the agenda.*

- 1. Approval of Special Purpose School District Advisory Board Member for University of Texas at Austin High School**  
**(Board agenda page IV-1)**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item provides an opportunity for the board to consider a nominee from The University of Texas (UT) at Austin High School to serve as a member of the district advisory board for UT Austin High School. Statutory authority is the Texas Education Code (TEC), §11.351.

- 2. Recommendation for One Appointment to the Boys Ranch Independent School District Board of Trustees**  
**(Board agenda page IV-2)**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item provides an opportunity for the board to consider one appointment to the board of trustees of Boys Ranch Independent School District (ISD). The appointment is necessary because one board member has resigned. Statutory authority is the Texas Education Code (TEC), §11.352.

**COMMITTEE ON SCHOOL INITIATIVES** (continued)

3. **Recommendation for Reappointments to the Randolph Field Independent School District Board of Trustees**  
**(Board agenda page IV-11)**

**COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of two board members. Statutory authority is the Texas Education Code (TEC) 11.352.

4. **Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members**  
**(First Reading and Filing Authorization)**  
**(Board agenda page IV-31)**

**COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members. The proposed new rule would reflect changes made by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. Statutory authority is the Texas Education Code (TEC), §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

5. **Open-Enrollment Charter School Generation 27 Application Updates**  
**(Board agenda page IV-35)**

**COMMITTEE - DISCUSSION**  
**SBOE - NO ACTION**

The director of the Division of Charter School Authorizing and Administration will provide updates regarding the Generation 27 Open-Enrollment Charter Application cycle. Statutory authority is the Texas Education Code (TEC), §12.101.

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

6. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements**  
**(Board agenda page IV-36)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose an amendment to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements. The proposed amendment would update the list of countries that permit individuals who have obtained the equivalent of a United States bachelor's or master's degree to be exempt from the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) to demonstrate English language proficiency; would clarify that individuals who have already demonstrated English language proficiency to receive an SBEC-issued Texas certificate would not have to demonstrate English language proficiency again for purposes of admission into an educator preparation program (EPP) to obtain an additional Texas educator certificate; and would provide technical and grammatical edits. Statutory authority for 19 TAC Chapter 230, Subchapter B, §230.11, is the Texas Education Code (TEC), §§21.003(a); 21.031; and 21.041(b)(1), (4), and (5).

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

7. **Review of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**  
**(Board agenda page IV-43)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendments would implement House Bill (HB) 139, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would add the space force to the list of branches of the United States Armed Forces and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience. The statutory authority for 19 TAC Chapter 234, §234.3 and §234.5, is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; and 21.052(b-1), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, (c), (d-1), (f), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, and (i), as added by HB 139, 87th Texas Legislature, Regular Session, 2021; and Texas Occupations Code (TOC), §§55.001, as amended by HB 139, 87th Texas Legislature, Regular Session, 2021; 55.002; 55.003; 55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021, 55.0041, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021; and 55.005; 55.006; 55.007; 55.008; 55.009; and 55.010.



**COMMITTEE ON SCHOOL INITIATIVES (continued)**

**8. Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters (Board agenda page IV-49)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters. The proposed amendments would implement House Bill (HB) 2519, 87th Texas Legislature, Regular Session, 2021, by amending the SBEC's rules to allow the SBEC to put conditions on a certificate without any additional sanction; to reduce the minimum sanction for contract abandonment that occurs 30–44 days in advance of the first day of instruction for the next school year; to clarify that sanctions for contract abandonment are subject to all mitigating factors and that mitigating factors can reduce a sanction to the point that the SBEC takes no disciplinary action against an educator; and to clarify the notice that the Texas Education Agency (TEA) sends sanctioned educators regarding the necessity of filing a motion for rehearing if the respondent wants to appeal the decision. The proposed amendments also reflect the results of the SBEC's July work session on contract abandonment and October and December meetings by expanding the definition of good cause for contract abandonment to include instances when an educator resigns after receiving written permission from school administration and by adding new mitigating factors that allow lower sanctions for contract abandonment when an educator gets a promotion, has their salary reduced, faces a threat of immediate physical harm, or for any other relevant circumstances or facts. The statutory authority for 19 TAC Chapter 249, Subchapter B, §249.15 and §249.17, is Texas Education Code (TEC), §§21.006(a)–(c-2), (f)–(g-1), and (i); 21.007; 21.009(e); 21.031(a); 21.035; 21.041; 21.058; 21.0581; 21.060; 21.065, as added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.105(c), (e), and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.160(c), (e), and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.210(c), (e) and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093(a)–(f); Texas Government Code (TGC),

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

§§411.090, 2001.058(e), and 2001.142(a); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b); Texas Occupations Code (TOC), §§53.021(a), 53.022; 53.023; 53.024; 53.025, 53.051, 53.052, and 56.003; and the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926. The statutory authority for 19 TAC Chapter 249, Subchapter E, §249.42, is TEC, §§21.031(a); 21.035; 21.040(4); and 21.041(a) and (b)(1), (4), and (7); and TOC, §§53.021(a), 53.022; 53.023; 53.024; 53.025, and 53.051.

## **Information Materials**

1. **State Board of Education Operating Rules (amended January 26, 2021)**  
*Public testimony information begins on page V-8.*  
**(Board agenda page V-1)**

2. **Current Status of the Permanent School Fund**  
**(Board agenda page V-26)**

3. **2021-2025 Rule Review Plan for State Board of Education Rules**  
**(Board agenda page V-27)**

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

4. **Annual Report of the Division of Financial Compliance**  
**(Board agenda page V-35)**

This item provides the board with an annual review of the work accomplished by the division responsible for state financial reviews. The report describes the division's organization and legal responsibilities, deviations from the 2020-2021 audit plan, and the status of reports on the division's reviews.

**OFFICIAL AGENDA**

**STATE BOARD OF EDUCATION  
AUSTIN, TEXAS**

**January 28, 2022  
9:00 a.m.**

**William B. Travis Building, Room 1-104  
1701 N. Congress Avenue**

**Student Performance**

**Invocation**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes**

**State Board of Education, November 19, 2021 and December 1, 2021**

**1. Resolution and Presentations**

Commissioner’s Comments and Presentation

Resolution honoring the National Blue Ribbon Schools

Resolution regarding Career and Technical Education Month

*Public testimony – Individual testimony will be taken 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 <https://tea.texas.gov/about-tea/leadership/state-board-of-education/sboe-meetings/sboe-operating-rules> or in the information section of the agenda.*

**2. Approval of Consent Agenda**

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

**(Agenda Exhibit) ..... 30**

**COMMITTEE OF THE FULL BOARD**

3. **Proposed Repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, §§130.161-130.166; Subchapter G, §§130.201-130.211; Subchapter H, §§130.221-130.234; Subchapter I, §§130.251-130.263; Subchapter L, §§130.331-130.343; Subchapter O, §§130.401-130.435; and Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, §§127.309-127.314; Subchapter I, §§127.402-127.415; Subchapter J, §§127.468-127.480; Subchapter M, §§127.625-127.648; and Subchapter O, §§127.742-127.776  
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776. The proposed rule actions would repeal Texas Essential Knowledge and Skills (TEKS) for career and technical education (CTE) in subchapters that are being revised and move the TEKS for existing CTE courses in these subchapters to 19 TAC Chapter 127 in order to keep all the TEKS for revised subchapters together in administrative rule and avoid confusion. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2), and (b-17).

(Agenda Exhibit) ..... I-5

4. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.311, 127.317, and 127.318, and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783 and §127.784  
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.311, Human Growth and Development; §127.317, Child Development; and §127.318, Child Guidance; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II. The proposed new sections would update the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) for courses in the career clusters for education and training and science, technology, engineering, and mathematics to ensure the standards are up to date. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

(Agenda Exhibit) ..... I-10

**COMMITTEE OF THE FULL BOARD**

**5. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements. The proposed amendments would update the high school graduation requirements to align with Senate Bill (SB) 369 and SB 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.025(a), (b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, (b-3), (b-14), (b-17), (c), (c-1), and (c-2); and 28.0256(a) and (b) and (d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... I-14

**6. Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020. The proposed revisions would update the standards for positive character traits to align with the requirements of Senate Bill (SB) 123, 87th Texas Legislature, Regular Session, 2021. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... I-36

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

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS and ELPS review work groups. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

(Agenda Exhibit) ..... I-47

**COMMITTEE ON INSTRUCTION**

**8. Proposed Approval of Innovative Courses**

This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) ..... II-7

**COMMITTEE ON SCHOOL INITIATIVES**

**9. Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose an amendment to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements. The proposed amendment would update the list of countries that permit individuals who have obtained the equivalent of a United States bachelor's or master's degree to be exempt from the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) to demonstrate English language proficiency; would clarify that individuals who have already demonstrated English language proficiency to receive an SBEC-issued Texas certificate would not have to demonstrate English language proficiency again for purposes of admission into an educator preparation program (EPP) to obtain an additional Texas educator certificate; and would provide technical and grammatical edits. Statutory authority for 19 TAC Chapter 230, Subchapter B, §230.11, is the Texas Education Code (TEC), §§21.003(a); 21.031; and 21.041(b)(1), (4), and (5).

(Agenda Exhibit) ..... IV-36

**COMMITTEE ON SCHOOL INITIATIVES**

**10. Review of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendments would implement House Bill (HB) 139, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would add the space force to the list of branches of the United States Armed Forces and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience. The statutory authority for 19 TAC Chapter 234, §234.3 and §234.5, is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; and 21.052(b-1), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, (c), (d-1), (f), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, and (i), as added by HB 139, 87th Texas Legislature, Regular Session, 2021; and Texas Occupations Code (TOC), §§55.001, as amended by HB 139, 87th Texas Legislature, Regular Session, 2021; 55.002; 55.003; 55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021, 55.0041, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021; and 55.005; 55.006; 55.007; 55.008; 55.009; and 55.010.

(Agenda Exhibit) ..... IV-43



**COMMITTEE ON SCHOOL INITIATIVES**

**11. Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters. The proposed amendments would implement House Bill (HB) 2519, 87th Texas Legislature, Regular Session, 2021, by amending the SBEC's rules to allow the SBEC to put conditions on a certificate without any additional sanction; to reduce the minimum sanction for contract abandonment that occurs 30–44 days in advance of the first day of instruction for the next school year; to clarify that sanctions for contract abandonment are subject to all mitigating factors and that mitigating factors can reduce a sanction to the point that the SBEC takes no disciplinary action against an educator; and to clarify the notice that the Texas Education Agency (TEA) sends sanctioned educators regarding the necessity of filing a motion for rehearing if the respondent wants to appeal the decision. The proposed amendments also reflect the results of the SBEC's July work session on contract abandonment and October and December meetings by expanding the definition of good cause for contract abandonment to include instances when an educator resigns after receiving written permission from school administration and by adding new mitigating factors that allow lower sanctions for contract abandonment when an educator gets a promotion, has their salary reduced, faces a threat of immediate physical harm, or for any other relevant circumstances or facts. The statutory authority for 19 TAC Chapter 249, Subchapter B, §249.15 and §249.17, is Texas Education Code (TEC), §§21.006(a)–(c-2), (f)–(g-1), and (i); 21.007; 21.009(e); 21.031(a); 21.035; 21.041; 21.058; 21.0581; 21.060; 21.065, as added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.105(c), (e), and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.160(c), (e), and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.210(c), (e) and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093(a)–(f); Texas Government Code (TGC), §§411.090, 2001.058(e), and 2001.142(a); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b); Texas Occupations Code (TOC), §§53.021(a), 53.022; 53.023; 53.024; 53.025, 53.051, 53.052, and 56.003; and the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926. The statutory authority for 19 TAC Chapter 249, Subchapter E, §249.42, is TEC, §§21.031(a); 21.035; 21.040(4); and 21.041(a) and (b)(1), (4), and (7); and TOC, §§53.021(a), 53.022; 53.023; 53.024; 53.025, and 53.051.

(Agenda Exhibit) ..... IV-49

## **REPORTS OF COMMITTEES REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS**

Committee chairs may provide an update about discussion items considered during the current meeting by any standing committee or ad hoc committee.

## **REPORTS OF OTHER STATE BOARD OF EDUCATION MEMBERS REGARDING AGENDA ITEMS AND EDUCATIONAL ACTIVITIES AND CONCERNS IN INDIVIDUAL DISTRICTS**

Members of the State Board of Education may present information regarding agenda items or other relevant information about public education.

### **Information Materials**

- 1. State Board of Education Operating Rules (amended January 26, 2021)**  
*Public testimony information begins on page V-8.*  
**(Board agenda page V-1)**

- 2. Current Status of the Permanent School Fund**  
**(Board agenda page V-26)**

- 3. 2021-2025 Rule Review Plan for State Board of Education Rules**  
**(Board agenda page V-27)**

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

- 4. Annual Report of the Division of Financial Compliance**  
**(Board agenda page V-35)**

This item provides the board with an annual review of the work accomplished by the division responsible for state financial reviews. The report describes the division's organization and legal responsibilities, deviations from the 2020-2021 audit plan, and the status of reports on the division's reviews.

**CONSENT AGENDA  
STATE BOARD OF EDUCATION  
January 28, 2022**

**(1) Approval of Bylaws of The Texas Permanent School Fund Corporation**

This item provides an opportunity for the State Board of Education (SBOE) to consider the approval of the Bylaws of The Texas Permanent School Fund Corporation. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) ..... I-35

**(2) Proposed Repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005 (Second Reading and Final Adoption)**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005. The proposed repeals would remove high school graduation requirements that are outdated and no longer necessary. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.025.

(Agenda Exhibit) ..... II-1

**(3) Approval of Updates and Substitutions to Adopted Instructional Materials**

This item provides an opportunity for the committee to approve instructional materials update and/or substitution requests received from publishers since the last board meeting. The updated content has been reviewed by subject-area specialists and was determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

(Agenda Exhibit) ..... II-4

**(4) Recommendations Regarding Renewal of Instructional Materials Contracts**

This item recommends renewal of instructional materials contracts that expire on August 31, 2022. This action is recommended to ensure that these materials remain available for distribution to school districts until replacements become available. Statutory authority is the Texas Education Code (TEC), §31.026.

(Agenda Exhibit) ..... II-6

(5) **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2021**

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund (PSF) for the months of October and November 2021. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) ..... III-6

(6) **Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of October and November 2021**

This item provides an opportunity for the committee and board to receive a status update report on the liquid account and consider approval of the purchases and sales of investments executed in the liquid account for the months of October and November 2021. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Natural Resources Code (NRC), §51.414, as repealed by SB 1232, 87th Legislature, Regular Session, 2021; and 19 Texas Administrative Code (TAC) Chapter 33.

(Agenda Exhibit) ..... III-7

(7) **Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation (Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation. The proposed new section would address the term length of State Board of Education (SBOE) members on the board of directors of the Texas Permanent School Fund (PSF) Corporation as required by Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved for first reading. Statutory authority is the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code (TEC), §43.001 and §43.053, as added by SB 1232, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... III-12

(8) **Approval of Special Purpose School District Advisory Board Member for University of Texas at Austin High School**

This item provides an opportunity for the board to consider a nominee from The University of Texas (UT) at Austin High School to serve as a member of the district advisory board for UT Austin High School. Statutory authority is the Texas Education Code (TEC), §11.351.

(Agenda Exhibit) ..... IV-1

**(9) Recommendation for One Appointment to the Boys Ranch Independent School District Board of Trustees**

This item provides an opportunity for the board to consider one appointment to the board of trustees of Boys Ranch Independent School District (ISD). The appointment is necessary because one board member has resigned. Statutory authority is the Texas Education Code (TEC), §11.352.

(Agenda Exhibit) ..... IV-2

**(10) Recommendation for Reappointments to the Randolph Field Independent School District Board of Trustees**

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of two board members. Statutory authority is the Texas Education Code (TEC) 11.352.

(Agenda Exhibit) ..... IV-11

**(11) Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members. The proposed new rule would reflect changes made by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. Statutory authority is the Texas Education Code (TEC), §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... IV-31

**SBOE**

## Commissioner's Comments

**January 28, 2022**

### **STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the board to be briefed on current agenda items, agency operations, policy implementation, and public education-related legislation.

**BOARD RESPONSE:** Review and comment.

**BACKGROUND INFORMATION AND JUSTIFICATION:** On an as needed basis, the board will be briefed on significant public education issues and events.

**Staff Member Responsible:**

Yolanda M. Walker, Executive Director, State Board of Education Support Division

# **COMMITTEE OF THE FULL BOARD**



**Public Hearing on Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, and Subchapter B, Middle School**

**January 25, 2022**

**COMMITTEE OF THE FULL BOARD: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, January 25, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Elementary, Adopted 2022, §126.2, Technology Applications, Kindergarten, Adopted 2022; §126.3, Technology Applications, Grade 1, Adopted 2022, §126.4, Technology Applications, Grade 2, Adopted 2022, §126.8, Technology Applications, Grade 3, Adopted 2022, §126.9, Technology Applications, Grade 4, Adopted 2022, §126.10, Technology Applications, Grade 5, Adopted 2022, and Subchapter B, Middle School, §126.17, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Middle School, Adopted 2022, §126.18, Technology Applications, Grade 6, Adopted 2022, §126.19, Technology Applications, Grade 7, Adopted 2022, §126.20, Technology Applications, Grade 8, Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §7.102(c)(4); and §28.002(a), (c), (c-3), and (z).

TEC, §7.102(c)(4), requires the SBOE to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.002(c-3), requires the SBOE to include coding, computer programming, computational thinking, and cybersecurity in the Texas Essential Knowledge and Skills (TEKS) for technology applications for kindergarten through grade eight. This section also requires that, as needed, the SBOE review and revise the technology applications TEKS every five years to ensure that the standards are relevant to student education and align current or emerging professions.

TEC, §28.002(z), requires the SBOE to require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject. Technology applications is part of the required curriculum for

Kindergarten-Grade 8 only. In 2020, the SBOE approved the consolidation of the high school technology applications courses into the career and technical education (CTE) TEKS.

At the January 2021 meeting, SBOE members were asked to designate content advisors for the review and revision of the technology applications TEKS. Applications to serve on the TEKS review work groups were posted on the Texas Education Agency (TEA) website in March 2021. In April 2021, TEA distributed a survey to collect information from educators regarding the review and revision of the technology applications TEKS. TEA staff provided applications for the technology applications review work groups to SBOE members on a monthly basis from May 2021 to September 2021.

Technology applications TEKS review content advisor and work group meetings convened in 2021 were conducted virtually. In July 2021, technology applications TEKS review content advisors met virtually to develop consensus recommendations regarding revisions to the technology applications TEKS and met with representatives from Work Group A to discuss their recommendations. Also in July 2021, Work Group A convened to discuss the consensus recommendations, review survey results, and develop recommendations for how subsequent technology applications TEKS review work groups could address the feedback received. Work Group B was convened in September 2021 and was charged with developing recommendations for a new strand framework. The work group recommended six new strands and reorganized the current technology applications TEKS into the proposed new strands. Work Group C was convened in October 2021 to draft recommendations for student expectations for two of the strands in the proposed new strand framework. Work Group D was convened at the end of October 2021 to draft recommendations for the remaining four proposed new strands. The work group recommended eliminating one of the strands, which would reduce the original proposed strand framework to a total of five strands. Work Group E was convened for a virtual meeting in December 2021 to review the vertical alignment of the strands across all grade levels and to ensure the proposed new standards could be reasonably taught in an academic year. In December 2021, content advisors were sent the draft recommendations for review.

Proposed new 19 TAC §§126.1-126.4, §§126.8-126.10, and §§126.17-126.20 is presented for discussion as a separate item in this agenda.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Discussion of Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, and Subchapter B, Middle School**

**January 25, 2022**

**COMMITTEE OF THE FULL BOARD: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Elementary, Adopted 2022, §126.2, Technology Applications, Kindergarten, Adopted 2022; §126.3, Technology Applications, Grade 1, Adopted 2022, §126.4, Technology Applications, Grade 2, Adopted 2022, §126.8, Technology Applications, Grade 3, Adopted 2022, §126.9, Technology Applications, Grade 4, Adopted 2022, §126.10, Technology Applications, Grade 5, Adopted 2022, and Subchapter B, Middle School, §126.17, Implementation of Texas Essential Knowledge and Skills for Technology Applications, Middle School, Adopted 2022, §126.18, Technology Applications, Grade 6, Adopted 2022, §126.19, Technology Applications, Grade 7, Adopted 2022, and §126.20, Technology Applications, Grade 8, Adopted 2022. The proposed new rules would update the technology applications standards to ensure the standards remain current.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4) and 28.002(a), (c), (c-3), and (z).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.002(c-3), requires the SBOE to include coding, computer programming, computational thinking, and cybersecurity in the Texas Essential Knowledge and Skills (TEKS) for technology applications for Kindergarten-Grade 8. The statute also requires that, as needed, the SBOE review and revise the technology applications TEKS every five years to ensure that the standards are relevant to student education and align current or emerging professions.

TEC, §28.002(z), requires the SBOE to adopt rules to require school districts to incorporate instruction in digital citizenship, including information regarding the potential criminal consequences of cyberbullying, into the district's curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**FUTURE ACTION EXPECTED:** First reading and filing authorization of proposed new Chapter 126, Subchapters A and B, will be presented at a future SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the

required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject. Technology applications is part of the required curriculum for Kindergarten-Grade 8 only. In 2020, the SBOE approved the consolidation of the high school technology applications courses into the career and technical education (CTE) TEKS.

At the January 2021 meeting, SBOE members were asked to designate content advisors for the review and revision of the technology applications TEKS. Applications to serve on the TEKS review work groups were posted on the Texas Education Agency (TEA) website in March 2021. In April 2021, TEA distributed a survey to collect information from educators regarding the review and revision of the technology applications TEKS. TEA staff provided applications for the technology applications review work groups to SBOE members on a monthly basis from May-September 2021.

Technology applications TEKS review content advisor and work group meetings convened in 2021 were conducted virtually. In July 2021, technology applications TEKS review content advisors met virtually to develop consensus recommendations regarding revisions to the technology applications TEKS and met with representatives from Work Group A to discuss their recommendations. Also in July 2021, Work Group A convened to discuss the consensus recommendations, review survey results, and develop recommendations for how subsequent technology applications TEKS review work groups could address the feedback received. Work Group B was convened in September 2021 and was charged with developing recommendations for a new strand framework. The work group recommended six new strands and reorganized the current technology applications TEKS into the proposed new strands. Work Group C was convened in October 2021 to draft recommendations for student expectations for two of the strands in the proposed new strand framework. Work Group D was convened at the end of October 2021 to draft recommendations for the remaining four proposed new strands. The work group recommended eliminating one of the strands, which would reduce the original proposed strand framework to a total of five strands. Work Group E was convened for a virtual meeting in December 2021 to review the vertical alignment of the strands across all grade levels and to ensure the proposed new standards could be reasonably taught in an academic year. In December 2021, content advisors were sent the draft recommendations for review.

A public hearing on proposed revisions to Chapter 126, Subchapters A and B, is presented as a separate item in this agenda.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Separate Exhibit:**

Text of Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, and Subchapter B, Middle School  
(to be provided at the January 2022 SBOE meeting)

**Proposed Repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, §§130.161-130.166; Subchapter G, §§130.201-130.211; Subchapter H, §§130.221-130.234; Subchapter I, §§130.251-130.263; Subchapter L, §§130.331-130.343; Subchapter O, §§130.401-130.435; and Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, §§127.309-127.314; Subchapter I, §§127.402-127.415; Subchapter J, §§127.468-127.480; Subchapter M, §§127.625-127.648; and Subchapter O, §§127.742-127.776  
(Second Reading and Final Adoption)**

January 28, 2022

**COMMITTEE OF THE FULL BOARD: ACTION  
STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776. The proposed rule actions would repeal Texas Essential Knowledge and Skills (TEKS) for career and technical education (CTE) in subchapters that are being revised and move the TEKS for existing CTE courses in these subchapters to 19 TAC Chapter 127 in order to keep all the TEKS for revised subchapters together in administrative rule and avoid confusion. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2), and (b-17).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.002(n), allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the CTE curriculum required in TEC, §28.002.

TEC, §28.002(o), requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

TEC, §28.025(b-2), requires the SBOE to by rule allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content.

TEC, §28.025(b-17), requires the SBOE by rule to ensure that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposed rule actions is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will allow the TEKS in subchapters that were revised in Chapter 130 to move to Chapter 127 to avoid confusion.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for CTE, including career development, in 19 TAC Chapters 119-125 and 127 effective September 1, 1998. The SBOE approved revisions to the CTE TEKS in Chapter 127 and new Chapter 130, Subchapters A-P, effective August 23, 2010. In 2015, the CTE TEKS were amended effective August 28, 2017. In 2018, the SBOE adopted revisions to 19 TAC Chapter 130, Subchapters B, H, M, and O, effective March 27, 2018. The CTE TEKS were last amended in 2020 when the SBOE adopted revisions to 19 TAC Chapter 130, Subchapters A, C, K, O, and Q, effective August 1, 2020. At the November 2021 SBOE meeting, the board approved for first reading and filing authorization the proposed repeal of 19 TAC §§130.161-130.166, 130.201-130.211, 130.221-130.234, 130.251-130.263, 130.331-130.343, and 130.401-130.435, and proposed new 19 TAC §§127.309-127.314, 127.402-127.415, 127.468-127.480, 127.625-127.648, and 127.742-127.776.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Currently, CTE TEKS for career development courses for middle and high school are codified in 19 TAC Chapter 127, Subchapters A and B. The TEKS for courses associated with 17 CTE career clusters are codified by subchapter in 19 TAC Chapter 130, Subchapters A-Q. In December 2020, the SBOE began initial steps to prepare for the review and revision of CTE courses in programs of study for the education and training, health science, and science, technology, engineering, and mathematics (STEM) career clusters. Two additional courses eligible to satisfy a graduation requirement in science are also part of the review. At the November 2021 SBOE meeting, the board approved for second reading and final adoption proposed new TEKS for these courses.

Due to the current structure of Chapter 130, there are not enough sections to add the new CTE courses under consideration in their assigned subchapters. To accommodate the addition of new and future courses, the CTE TEKS in Chapter 130 are being moved to existing 19 TAC Chapter 127 and that chapter is being renamed "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." Consequently, the TEKS for existing CTE courses from the subchapters under revision will be repealed from Chapter 130 and moved into their new subchapters in Chapter 127 in order to keep all the TEKS for revised subchapters together in administrative rule and avoid confusion.

The proposed repeal would remove the TEKS in Chapter 130 for Subchapters E, G, H, I, L, and O, and related implementation language that will be superseded by new TEKS. The proposed new courses would move the courses repealed from Chapter 130 to Chapter 127, Subchapters G, I, J, M, and O. No changes are being proposed to the existing CTE courses as part of the move to Chapter 127. However, the related implementation sections will be updated to reflect new course numbers.

The text of 19 TAC §§130.161-130.166, 130.201-130.211, 130.221-130.234, 130.251-130.263, 130.331-130.343, and 130.401-130.435 proposed for repeal is not included as an attachment to this item due to the volume of rules; however, the rules are viewable on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-130>.

At the November 2021 SBOE meeting, the board approved for first reading and filing authorization the proposed repeal of 19 TAC §§130.161-130.166, 130.201-130.211, 130.221-130.234, 130.251-130.263, 130.331-130.343, and 130.401-130.435, and proposed new 19 TAC §§127.309-127.314, 127.402-127.415, 127.468-127.480, 127.625-127.648, and 127.742-127.776.

No changes are recommended since approved for first reading.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed.

TEA has determined that there are no additional costs to state or local government required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations and create new regulations by transferring existing CTE TEKS from Chapter 130 to Chapter 127.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed.

The proposal would improve access to and organization of the CTE TEKS and avoid confusion regarding the revised TEKS. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed.

The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed.

TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** Following the November 2021 SBOE, notice of proposed repeal of 19 TAC §§130.161-130.166, 130.201-130.211, 130.221-130.234, 130.251-130.263, 130.331-130.343, and 130.401-130.435, and proposed new 19 TAC §§127.309-127.314, 127.402-127.415, 127.468-127.480, 127.625-127.648, and 127.742-127.776 was filed with the Texas Register, initiating the public comment period. The public comment period began December 17, 2021, and ended at 5:00 p.m. on January 21, 2022. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the January 2022 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2022 in accordance with the SBOE board operating policies and procedures.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for second reading and final adoption proposed repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and



Make an affirmative finding that immediate repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435 is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*; and

Approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776 is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.311, 127.317, and 127.318, and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783 and §127.784**  
**(First Reading and Filing Authorization)**

**January 28, 2022**

**COMMITTEE OF THE FULL BOARD: ACTION**  
**STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.311, Human Growth and Development; §127.317, Child Development; and §127.318, Child Guidance; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II. The proposed new sections would update the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) for courses in the career clusters for education and training and science, technology, engineering, and mathematics to ensure the standards are up to date.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.002(n), allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the CTE curriculum required in TEC, §28.002.

TEC, §28.002(o), requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

TEC, §28.025(b-2), requires the SBOE to allow by rule a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content.

TEC, §28.025(b-17), requires the SBOE to ensure by rule that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposed new sections is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised CTE TEKS.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for CTE, including career development, effective September 1, 1998. The CTE TEKS were amended effective August 23, 2010. In April 2015 and July 2015, the board approved for second reading and final adoption proposed revisions to the CTE TEKS. At the September 2015 meeting, the board approved for second reading and final adoption proposed new CTE TEKS for an Advanced Marketing course and second-level practicum and automotive technology courses. The revised CTE TEKS were implemented at the start of the 2017-2018 school year.

The SBOE approved proposed revisions to 19 TAC Chapter 130, Subchapters B, H, J, M, and O, for second reading and final adoption at the January-February 2018 meeting. The revised CTE courses were implemented at the start of the 2018-2019 school year.

In November 2021, the board approved for second reading and final adoption proposed new CTE TEKS for certain courses in the health science; education and training; hospitality and tourism; law and public safety; and science, technology, engineering, and mathematics (STEM) programs of study. The new CTE TEKS will be implemented over the course of three school years from 2022-2023 to 2024-2025.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification examinations, adoption of instructional materials, and the completion of the Texas Resource Review. Texas Education Agency (TEA) staff provided an overview of CTE programs of study and a skills gap analysis that is being completed to inform review and revision of the CTE TEKS.

Also during the January 2021 meeting, staff provided an update on plans for the review and revision of CTE courses that satisfy a science graduation requirement as well as certain courses in the health science; education and training; and STEM programs of study. Applications to serve on these CTE TEKS review work groups were posted on the TEA website in December 2020. TEA staff provided SBOE members applications for approval to serve on a CTE work group at the January 2021 SBOE meeting. Additional applications were provided to SBOE members in February and March 2021. Work groups were convened from March-July 2021 to develop recommendations for the CTE courses. At the June 2021 SBOE meeting, a discussion item for proposed new 19 TAC Chapter 130 was presented to the board. At the September 2021 SBOE meeting, one representative from each CTE TEKS review committee provided invited testimony to the SBOE Committee of the Full Board.

The SBOE postponed first reading and filing authorization for a selection of courses from the education and training and STEM programs of study: §127.311, Human Growth and Development; §127.317, Child Development; §127.318, Child Guidance; §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II, to allow additional time to review and finalize

recommendations. Education and training CTE TEKS work groups met in October and November 2021 to continue finalizing their recommendations for revisions to the CTE TEKS.

A separate exhibit to this item presents the text of proposed new 19 TAC §§127.311, 127.317, 127.318, 127.783, and 127.784 for first reading and filing authorization. In order to avoid confusion regarding the year of implementation, the proposed new sections would include an implementation subsection with specific implementation language for each course.

Currently, CTE courses are codified in 19 TAC Chapter 130. Due to the current structure of 19 TAC Chapter 130, there are not enough section numbers available in Chapter 130 to add all of the proposed new courses in their assigned subchapters. To accommodate the addition of these new courses and future courses, the CTE TEKS in Chapter 130 are being moved to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and that chapter is being renamed "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." The move of CTE subchapters from Chapter 130 to Chapter 127 will take place over time as the TEKS in each subchapter are revised.

**FISCAL IMPACT:** TEA has determined that for the first five years the proposal is in effect (2022-2026), there are no fiscal implications to the state. However, there will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

There may be fiscal implications for school districts and charter schools to implement the proposed revisions to the TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by proposing new CTE TEKS required to be taught by school districts and charter schools offering the courses.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or

decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would better align the TEKS and coordinate the standards with the adoption of instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins February 25, 2022, and ends at 5:00 p.m. on April 1, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on February 25, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.311, Human Growth and Development; §127.317, Child Development; and §127.318, Child Guidance; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Separate Exhibit:**

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.311, Human Growth and Development; §127.317, Child Development; and §127.318, Child Guidance; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II (to be provided at the January 2022 meeting)

**Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B,  
Graduation Requirements  
(First Reading and Filing Authorization)**

**January 28, 2022**

**COMMITTEE OF THE FULL BOARD: ACTION  
STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements. The proposed amendments would update the high school graduation requirements to align with Senate Bill (SB) 369 and SB 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.025(a), (b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, (b-3), (b-14), (b-17), (c), (c-1), and (c-2); and 28.0256(a) and (b) and (d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school program that are consistent with the required curriculum and requires the SBOE to designate specific courses that are required for the foundation high school program.

TEC, §28.025(b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires the SBOE to determine by rule specific courses for graduation under the foundation high school program.

TEC, §28.025(b-3), requires the SBOE to approve a variety of advanced English, mathematics, and science courses that can be taken to fulfill the foundation high school program.

TEC, §28.025(b-14), requires the SBOE to allow a student receiving special education services to substitute the languages other than English requirement with two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives.

TEC, §28.025(b-17), requires the SBOE to adopt rules that ensure a student who successfully completes an advanced career and technical education course, including a course that may lead to an industry-recognized credential or certificate or an associate degree may comply with elective requirements for graduation.

TEC, §28.025(c), requires that, in order to receive a high school diploma, a student must complete the curriculum requirements identified by the SBOE and comply with the financial aid application requirement in accordance with TEC, §28.0256.

TEC, §28.025(c-1), requires the SBOE to adopt rules regarding earning an endorsement.

TEC, §28.025(c-2), requires the SBOE to adopt rules for earning an endorsement that include four credits in mathematics and four credits in science.

TEC, §28.0256(a), requires each student to complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) before graduating from high school.

TEC, §28.0256(b), provides an exception to students to opt out of the financial aid application requirement under TEC, §28.0256(a), by submitting a form signed by a parent, guardian, or student aged 18 years old or older, that authorizes the student to decline to comply with the financial aid application graduation requirement. A high school counselor may also authorize a student to decline to comply with the financial aid application graduation requirement for good cause.

TEC, §28.0256(d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021, specifies that if a school counselor notifies a school district whether a student has complied with the requirement under TEC, §28.0256(a) or (b), the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied. A school counselor may not indicate that a student has not complied with the requirement if the school district or charter school fails to provide the form.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposed amendments is August 1, 2022. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

**BACKGROUND INFORMATION AND JUSTIFICATION:** SB 367, 87th Texas Legislature, Regular Session, 2021, amended TEC, §28.0256(d), to specify that a school counselor may not indicate that a student has not complied with the financial aid requirement for high school graduation if the school district or open-enrollment charter school fails to provide an opt-out form to the student or the student's parent or other person standing in parental relation to the student. Section 74.11 would be updated to add the new statutory provision.

SB 1063, 87th Texas Legislature, Regular Session, 2021, amended TEC, §28.025(b-1), to add a personal financial literacy and economics course as an option to satisfy graduation requirements for social studies under the foundation high school program. Section 74.12 would be updated to add the new credit option.

At the November 2020 SBOE meeting, the board approved for second reading and final adoption 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education. The effective date for the new Texas Essential Knowledge and Skills (TEKS) for physical education is August 1, 2022. The board approved the inclusion of new TEKS for three new high school physical education courses in Lifetime Fitness and Wellness Pursuits, Lifetime Recreation and Outdoor Pursuits, and Skill-based Lifetime Activities that will replace Foundations of Personal Fitness, Adventure/Outdoor Education, Aerobic Activities, and Team or Individual Sports. Section 74.12 would be updated to add the new physical education courses to satisfy specific graduation requirements.

At the June 2021 SBOE meeting, the board approved for second reading and final adoption 19 TAC §112.51, Specialized Topics in Science, with an effective date of August 1, 2022. The board also amended the title of the Earth and Space Science course to Earth Systems Science. Section 74.12 and

§74.13 would be updated to add the new course and update the course title to satisfy specific graduation requirements.

At the September 2021 SBOE meeting, the board began revising career and technical education (CTE) courses currently codified in 19 TAC Chapter 130. Due to the current structure of Chapter 130, there are not enough section numbers available to add all of the proposed new courses in their assigned subchapters. To accommodate the addition of these new courses and future courses, the CTE TEKS in Chapter 130 are being moved to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and that chapter is being renamed "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." The move of CTE subchapters from Chapter 130 to Chapter 127 will take place over time as the TEKS in each subchapter are revised. The board approved new 19 TAC Chapter 127, Subchapters G, I, J, M, and O, for first reading and filing authorization at the September 2021 SBOE meeting. Section 74.11 and §74.13 would be updated to reflect the move of CTE TEKS from Chapter 130 to Chapter 127 as well as the proposed new title for Chapter 127.

The attachment to this item reflects the text of proposed amendments to 19 TAC Chapter 74, Subchapter B, for consideration by the SBOE for first reading and filing authorization.

**FISCAL IMPACT:** TEA has determined that there are no additional costs to state or local government required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by updating the high school graduation requirements to align with SB 369 and SB 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.



**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would add flexibility in course options for students to meet high school graduation requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins February 25, 2022, and ends at 5:00 p.m. on April 1, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on February 25, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements

**ATTACHMENT**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 74. Curriculum Requirements**

**Subchapter B. Graduation Requirements**

**§74.11. High School Graduation Requirements.**

- (a) To receive a high school diploma, a student entering Grade 9 in the 2014-2015 school year and thereafter must complete the following:
- (1) in accordance with subsection (d) of this section, requirements of the Foundation High School Program specified in §74.12 of this title (relating to Foundation High School Program);
  - (2) testing requirements for graduation as specified in Chapter 101 of this title (relating to Assessment); and
  - (3) demonstrated proficiency, in Grade 8 or higher, as determined by the district in which the student is enrolled, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.
- (b) Beginning with students enrolled in Grade 12 during the 2021-2022 school year, each student in Grade 12 must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) before graduating from high school.
- (1) A student may graduate under the Foundation High School Program without completing a financial aid application if:
- (A) ~~(1)~~ the student's parent or other person standing in parental relation submits a signed form, approved by the Texas Education Agency (TEA), indicating that the parent or other person declines to complete and submit the application or authorizes the student to decline to complete and submit the financial aid application;
  - (B) ~~(2)~~ the student signs and submits the form described by paragraph (1) of this subsection on the student's own behalf if the student is 18 years of age or older or has been emancipated under Texas Family Code, Chapter 31; or
  - (C) ~~(3)~~ a school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor. [If a school counselor notifies a school district that a student has declined to complete and submit a financial aid application for good cause, the school counselor may not indicate details regarding what constitutes good cause.]
- (2) A school counselor may not indicate that a student has not complied with this subsection if the school district or open-enrollment charter school fails to provide the form described by paragraph (1)(A) of this subsection to the student or the student's parent or guardian.
- (c) A school district shall clearly indicate the distinguished level of achievement under the Foundation High School Program, an endorsement, and a performance acknowledgment on the transcript or academic achievement record (AAR) of a student who satisfies the applicable requirements.
- (d) A student entering Grade 9 in the 2014-2015 school year and thereafter shall enroll in the courses necessary to complete the curriculum requirements for the Foundation High School Program specified in §74.12 of this title and the curriculum requirements for at least one endorsement specified in §74.13 of this title (relating to Endorsements).
- (e) A student may graduate under the Foundation High School Program without earning an endorsement if, after the student's sophomore year:

- (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
  - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the TEA, allowing the student to graduate under the Foundation High School Program without earning an endorsement.
- (f) A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the Foundation High School Program and the curriculum requirements for at least one endorsement required by the Texas Education Code (TEC), §28.025(b-15), including four credits in science and four credits in mathematics to include Algebra II.
- (g) An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Texas diploma but must complete all requirements of this section to satisfy state graduation requirements. Any course credit required in this section that is not completed by the student before he or she enrolls in a Texas school district may be satisfied through the provisions of §74.23 of this title (relating to Correspondence Courses and Distance Learning) and §74.24 of this title (relating to Credit by Examination) or by completing the course or courses according to the provisions of §74.26 of this title (relating to Award of Credit).
- (h) Elective credits may be selected from the following:
- (1) high school courses not required for graduation that are listed in the following chapters of this title:
    - (A) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
    - (B) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics);
    - (C) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science);
    - (D) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
    - (E) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English);
    - (F) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education);
    - (G) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education);
    - (H) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts);
    - (I) Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education ); and
    - (J) Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education);
  - (2) state-approved innovative courses as specified in §74.27 of this title (relating to Innovative Courses and Programs);
  - (3) Junior Reserve Officer Training Corps (JROTC)--one to four credits;
  - (4) Driver Education--one-half credit; and
  - (5) College preparatory English language arts or mathematics courses developed and offered pursuant to the TEC, §28.014.

- (i) Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements.
- (j) A student may not be enrolled in a course that has a required prerequisite unless:
  - (1) the student has successfully completed the prerequisite course(s);
  - (2) the student has demonstrated equivalent knowledge as determined by the school district; or
  - (3) the student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.
- (k) A district may exempt a student from a specific career and technical education (CTE) course prerequisite for a CTE course that satisfies a mathematics or science credit if the district determines the student is not using the course to complete a CTE program of study.
- (l) ~~(k)~~ A district may award credit for a course a student completed without meeting the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.
- (m) ~~(l)~~ A district shall allow a student who successfully completes AP Computer Science A or IB Computer Science Higher Level to satisfy both one advanced mathematics requirement and one languages other than English requirement for graduation.
- (n) ~~(m)~~ Each school district shall annually report to the TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled as authorized by the TEC, §28.002(g-1). The TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.
- (o) ~~(n)~~ Each school district shall annually report to the TEA the names of cybersecurity courses approved by the board of trustees for credit and the institutions of higher education in which the district's students have enrolled as authorized by the TEC, §28.002(g-3). The TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.
- (p) ~~(o)~~ A school district shall permit a student to comply with the curriculum requirements under the Foundation High School Program by successfully completing appropriate courses in the core curriculum of an institution of higher education (IHE). A student who has completed the core curriculum of an IHE in accordance with TEC, §61.822, as certified by the IHE in accordance with §4.28 of this title (relating to Core Curriculum):
  - (1) is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
  - (2) is considered to have earned a distinguished level of achievement under the Foundation High School Program; and
  - (3) is entitled to receive a high school diploma.

**§74.12. Foundation High School Program.**

- (a) Credits. A student must earn at least 22 credits to complete the Foundation High School Program.
- (b) Core courses. A student must demonstrate proficiency in the following.
  - (1) English language arts--four credits. Two of the credits must consist of English I and II. (Students with limited English proficiency who are at the beginning or intermediate level of English language proficiency, as defined by §74.4(d) of this title (relating to English Language Proficiency

Standards), may satisfy the English I and English II graduation requirements by successfully completing English I for Speakers of Other Languages and English II for Speakers of Other Languages.) A third credit must consist of English III, a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation, or a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.33 of this title (relating to English Language Arts and Reading, English III (One Credit), Beginning with School Year 2009-2010). A fourth credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

- (A) English IV;
  - (B) Independent Study in English;
  - (C) Literary Genres;
  - (D) Creative Writing;
  - (E) Research and Technical Writing;
  - (F) Humanities;
  - (G) Public Speaking III;
  - (H) Communication Applications, which must be combined with another half credit from the other courses listed in subparagraphs (A)-(G) and (I)-(S) of this paragraph;
  - (I) Oral Interpretation III;
  - (J) Debate III;
  - (K) Independent Study in Speech;
  - (L) Independent Study in Journalism;
  - (M) Advanced Broadcast Journalism III;
  - (N) Advanced Journalism: Newspaper III;
  - (O) Advanced Journalism: Yearbook III;
  - (P) a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation;
  - (Q) a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.34 of this title (relating to English Language Arts and Reading, English IV (One Credit), Beginning with School Year 2009-2010);
  - (R) after the successful completion of English I, II, and III, a locally developed English language arts course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the Texas Education Code (TEC), §28.002(g-1);
  - (S) Business English; and
  - (T) a college preparatory English language arts course that is developed pursuant to the TEC, §28.014.
- (2) Mathematics--three credits. Two of the credits must consist of Algebra I and Geometry.
- (A) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses or a credit selected from the courses listed in subparagraph (B) of this paragraph:
    - (i) Mathematical Models with Applications;

- (ii) Mathematical Applications in Agriculture, Food, and Natural Resources;
  - (iii) Digital Electronics;
  - (iv) Robotics Programming and Design;
  - (v) Financial Mathematics;
  - (vi) Applied Mathematics for Technical Professionals;
  - (vii) Accounting II;
  - (viii) Manufacturing Engineering Technology II; and
  - (ix) Robotics II.
- (B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
- (i) Algebra II;
  - (ii) Precalculus;
  - (iii) Advanced Quantitative Reasoning;
  - (iv) Independent Study in Mathematics;
  - (v) Discrete Mathematics for Problem Solving;
  - (vi) Algebraic Reasoning;
  - (vii) Statistics;
  - (viii) a comparable AP mathematics course that does not count toward another credit required for graduation;
  - (ix) AP Computer Science A;
  - (x) IB Computer Science Higher Level;
  - (xi) Engineering Mathematics;
  - (xii) Statistics and Business Decision Making;
  - (xiii) Mathematics for Medical Professionals;
  - (xiv) Discrete Mathematics for Computer Science;
  - (xv) pursuant to the TEC, §28.025(b-5), after the successful completion of Algebra II, a mathematics course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this clause; and
  - (xvi) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).
- (C) One credit of a two-credit IB mathematics course selected from Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) may satisfy the additional mathematics credit.
- (3) Science--three credits. One credit must consist of Biology or a comparable AP or IB biology course.
- (A) One credit must be selected from the following laboratory-based courses:

- (i) Integrated Physics and Chemistry;
  - (ii) Chemistry;
  - (iii) Physics;
  - (iv) Principles of Technology; and
  - (v) a comparable AP or IB chemistry or physics course that does not count toward another credit required for graduation.
- (B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following laboratory-based courses:
- (i) Chemistry;
  - (ii) Physics;
  - (iii) Aquatic Science;
  - (iv) Astronomy;
  - (v) Earth Systems [~~and Space~~] Science;
  - (vi) Environmental Systems;
  - (vii) Specialized Topics in Science:
  - (viii) [(vii)] a comparable AP science course that does not count toward another credit required for graduation;
  - (ix) [(viii)] Advanced Animal Science;
  - (x) [(ix)] Advanced Plant and Soil Science;
  - (xi) [(x)] Anatomy and Physiology;
  - (xii) [(xi)] Medical Microbiology;
  - (xiii) [(xii)] Pathophysiology;
  - (xiv) [(xiii)] Food Science;
  - (xv) [(xiv)] Forensic Science;
  - (xvi) [(xv)] Biotechnology I;
  - (xvii) [(xvi)] Biotechnology II;
  - (xviii) [(xvii)] Principles of Technology;
  - (xix) [(xviii)] Scientific Research and Design;
  - (xx) [(xix)] Engineering Design and Problem Solving;
  - (xxi) [(xx)] Engineering Science;
  - (xxii) [(xxi)] pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The TEA shall maintain a current list of courses offered under this clause;
  - (xxiii) [(xxii)] a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1); and
  - (xxiv) [(xxiii)] one credit of a two-credit IB science course selected from Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science).

- (C) Credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.
- (4) Social studies--three credits. ~~[Two of the credits must consist of United States History Studies Since 1877 (one credit), United States Government (one half credit), and Economics with Emphasis on the Free Enterprise System and Its Benefits (one half credit). The additional credit may be selected from the following courses:]~~
- (A) One credit must consist of United States History Studies Since 1877.
- (B) One-half credit must consist of United States Government.
- (C) One-half credit must be selected from the following:
- (i) Economics with Emphasis on the Free Enterprise System and Its Benefits; or
- (ii) Personal Financial Literacy/Economics.
- (D) One credit must be selected from the following:
- (i) ~~(A)~~ World History Studies; ~~or~~
- (ii) ~~(B)~~ World Geography Studies; or
- (iii) ~~(C)~~ a comparable AP or IB world history or world geography course that does not count toward another credit required for graduation.
- (5) Languages other than English (LOTE)--two credits.
- (A) The credits may be selected from the following:
- (i) any two levels in the same language, including comparable AP or IB language courses that do not count toward another credit required for graduation; or
- (ii) two credits in computer programming languages, including computer coding, to be selected from Computer Science I, II, and III, AP Computer Science Principles, AP Computer Science A, IB Computer Science Standard Level, and IB Computer Science Higher Level.
- (B) A single two-credit IB LOTE course may only satisfy one LOTE requirement.
- (C) If a student, in completing the first credit of LOTE, demonstrates that the student is unlikely to be able to complete the second credit, the student may substitute another appropriate course as follows:
- (i) Special Topics in Language and Culture;
- (ii) World History Studies or World Geography Studies for a student who is not required to complete both by the local district;
- (iii) another credit selected from Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or
- (iv) computer programming languages, including computer coding.
- (D) The determination regarding a student's ability to complete the second credit of LOTE must be agreed to by:
- (i) the teacher of the first LOTE credit course or another LOTE teacher designated by the school district, the principal or designee, and the student's parent or person standing in parental relation;
- (ii) the student's admission, review, and dismissal (ARD) committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or
- (iii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive



special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

- (E) A student, who due to a disability, is unable to complete two credits in the same language in a language other than English, may substitute a combination of two credits that are not being used to satisfy another specific graduation requirement selected from English language arts, mathematics, science, or social studies or two credits in career and technical education [~~or technology applications~~] for the LOTE credit requirements. The determination regarding a student's ability to complete the LOTE credit requirements will be made by:
    - (i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or
    - (ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.
  - (F) A student who successfully completes a dual language immersion/two-way or dual language immersion/one-way program in accordance with §89.1210(d)(3) and (4) of this title (relating to Program Content and Design), §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model), and §89.1228 of this title (relating to Two-Way Dual Language Immersion Program Model Implementation) at an elementary school may satisfy one credit of the two credits required in a language other than English.
    - (i) To successfully complete a dual language immersion program, a student must:
      - (I) have participated in a dual language immersion program for at least five consecutive school years;
      - (II) achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on both the mathematics and reading State of Texas Assessments of Academic Readiness (STAAR®) in English or Spanish, as applicable, in at least one grade level; and
      - (III) achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.
    - (ii) The second credit of a language other than English must be in the same language as the successfully completed dual language immersion program.
  - (G) A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English.
- (6) Physical education--one credit.
- (A) The required credit may be selected from any combination of the following one-half to one credit courses:
    - (i) Lifetime Fitness and Wellness Pursuits;
    - (ii) Lifetime Recreation and Outdoor Pursuits; and
    - (iii) Skill-Based Lifetime Activities.
    - ~~(i) Foundations of Personal Fitness;~~
    - ~~(ii) Adventure/Outdoor Education;~~

~~[(iii) — Aerobic Activities; and]~~

~~[(iv) — Team or Individual Sports.]~~

- (B) In accordance with local district policy, the required credit may be earned through completion of any Texas essential knowledge and skills-based course that meets the requirement in subparagraph (E) of this paragraph for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement.
- (C) In accordance with local district policy, credit for any of the courses listed in subparagraph (A) of this paragraph may be earned through participation in the following activities:
- (i) Athletics;
  - (ii) Junior Reserve Officer Training Corps (JROTC); and
  - (iii) appropriate private or commercially sponsored physical activity programs conducted on or off campus. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions.
    - (I) Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    - (II) Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.
- (D) In accordance with local district policy, up to one credit for any one of the courses listed in subparagraph (A) of this paragraph may be earned through participation in any of the following activities:
- (i) Drill Team;
  - (ii) Marching Band; and
  - (iii) Cheerleading.
- (E) All substitution activities allowed in subparagraphs (B)-(D) of this paragraph must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.
- (F) Credit may not be earned more than once for any course identified in subparagraph (A) of this paragraph. No more than four substitution credits may be earned through any combination of substitutions allowed in subparagraphs (B)-(D) of this paragraph.
- (G) A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit (English language arts, mathematics, science, or social studies) or a course that is offered for credit as provided by the TEC, §28.002(g-1), for the physical education credit requirement. The determination regarding a student's ability to participate in physical activity will be made by:

- (i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A;
  - (ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973; or
  - (iii) a committee established by the school district of persons with appropriate knowledge regarding the student if each of the committees described by clauses (i) and (ii) of this subparagraph is inapplicable. This committee shall follow the same procedures required of an ARD or a Section 504 committee.
- (7) Fine arts--one credit.
- (A) The credit may be selected from the following courses subject to prerequisite requirements:
    - (i) Art, Level I, II, III, or IV;
    - (ii) Dance, Level I, II, III, or IV;
    - (iii) Music, Level I, II, III, or IV;
    - (iv) Music Studies;
    - (v) Theatre, Level I, II, III, or IV;
    - (vi) Musical Theatre, Level I, II, III, or IV;
    - (vii) Technical Theatre, Level I, II, III, or IV;
    - (viii) IB Film Standard or Higher Level;
    - (ix) Floral Design;
    - (x) Digital Art and Animation; and
    - (xi) 3-D Modeling and Animation.
  - (B) In accordance with local district policy, credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in fine arts. Approval may be granted if the fine arts program provides instruction in the essential knowledge and skills identified for a fine arts course as defined by Chapter 117, Subchapter C, of this title (relating to High School, Adopted 2013).
- (c) Elective courses--five credits. The credits must be selected from the list of courses specified in §74.11(g) or (h) of this title (relating to High School Graduation Requirements) or from a locally developed course or activity developed pursuant to the TEC, §28.002(g-1), for which a student may receive credit and that does not satisfy a specific course requirement.
- (d) Substitutions. No substitutions are allowed in the Foundation High School Program, except as specified in this chapter.

**§74.13. Endorsements.**

- (a) A student shall specify in writing an endorsement the student intends to earn upon entering Grade 9.
- (b) A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. This section does not entitle a student to remain enrolled to earn more than 26 credits.
- (c) A student must earn at least 26 credits to earn an endorsement.

- (d) A school district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in Chapters 110-117, 127, and 130 of this title are followed.
- (e) To earn an endorsement a student must demonstrate proficiency in the following.
- (1) The curriculum requirements for the Foundation High School Program as defined by §74.12 of this title (relating to Foundation High School Program).
  - (2) A fourth credit in mathematics that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
    - (A) Algebra II;
    - (B) Precalculus;
    - (C) Advanced Quantitative Reasoning;
    - (D) Independent Study in Mathematics;
    - (E) Discrete Mathematics for Problem Solving;
    - (F) Algebraic Reasoning;
    - (G) Statistics;
    - (H) a comparable Advanced Placement (AP) mathematics course that does not count toward another credit required for graduation;
    - (I) AP Computer Science A;
    - (J) International Baccalaureate (IB) Computer Science Higher Level;
    - (K) Engineering Mathematics;
    - (L) Statistics and Business Decision Making;
    - (M) Mathematics for Medical Professionals;
    - (N) Discrete Mathematics for Computer Science;
    - (O) pursuant to the Texas Education Code (TEC), §28.025(b-5), after the successful completion of Algebra II, a mathematics course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this subparagraph; and
    - (P) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).
  - (3) A student may complete a course listed in paragraph (2) of this subsection before or after completing a course listed in §74.12(b)(2)(A) of this title.
  - (4) The fourth mathematics credit may be a college preparatory mathematics course that is developed and offered pursuant to the TEC, §28.014.
  - (5) The fourth mathematics credit may be satisfied with one credit of a two-credit IB mathematics course selected from Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) that does not count toward another credit required for graduation.
  - (6) An additional credit in science that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

- (A) Chemistry;
- (B) Physics;
- (C) Aquatic Science;
- (D) Astronomy;
- (E) Earth Systems [~~and Space~~] Science;
- (F) Environmental Systems;
- (G) Specialized Topics in Science;
- (H) [~~G~~] a comparable AP science course that does not count toward another credit required for graduation;
- (I) [~~H~~] Advanced Animal Science;
- (J) [~~I~~] Advanced Plant and Soil Science;
- (K) [~~J~~] Anatomy and Physiology;
- (L) [~~K~~] Medical Microbiology;
- (M) [~~L~~] Pathophysiology;
- (N) [~~M~~] Food Science;
- (O) [~~N~~] Forensic Science;
- (P) [~~O~~] Biotechnology I;
- (Q) [~~P~~] Biotechnology II;
- (R) [~~Q~~] Principles of Technology;
- (S) [~~R~~] Scientific Research and Design;
- (T) [~~S~~] Engineering Design and Problem Solving;
- (U) [~~T~~] Engineering Science;
- (V) [~~U~~] pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The TEA shall maintain a current list of courses offered under this subparagraph;
- (W) [~~V~~] a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1);
- (X) [~~W~~] pursuant to the TEC, §28.025(c-3), a student pursuing an arts and humanities endorsement who has the written permission of the student's parent or a person standing in parental relation to the student may substitute a course that is not being used to satisfy another specific graduation requirement selected from:
  - (i) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
  - (ii) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
  - (iii) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or
  - (iv) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts); and

~~(Y)~~ ~~(X)~~ credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.

~~(Z)~~ ~~(Y)~~ The fourth science credit may be satisfied with one credit of a two-credit IB science course selected from Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science) that does not count toward another credit required for graduation.

(7) Two additional elective credits that may be selected from the list of courses specified in §74.11(g) or (h) of this title (relating to High School Graduation Requirements).

(f) A student may earn any of the following endorsements.

(1) Science, technology, engineering, and mathematics (STEM). A student may earn a STEM endorsement by completing the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:

(A) a coherent sequence of courses for four or more credits in career and technical education (CTE) that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education), Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education ), or CTE innovative courses approved by the commissioner of education. The final course in the sequence must be selected from Chapter 127 ~~[130]~~ , Subchapter O, of this title (relating to Science, Technology, Engineering, and Mathematics) or Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title (relating to High School), if the course addresses a STEM-related field; or

(B) courses required to complete a TEA-designated program of study related to STEM; or

(C) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section; or

(D) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or

(E) in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), (C), and (D) of this paragraph.

(2) Business and industry. A student may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:

(A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:

(i) Chapter 130, Subchapter A, of this title (relating to Agriculture, Food, and Natural Resources); or

(ii) Chapter 130, Subchapter B, of this title (relating to Architecture and Construction); or

(iii) Chapter 130, Subchapter C, of this title (relating to Arts, Audio/Video Technology, and Communications); or

(iv) Chapter 130, Subchapter D, of this title (relating to Business Management and Administration); or

(v) Chapter 130, Subchapter F, of this title (relating to Finance); or

- ~~(vi) Chapter 127, Subchapter J, of this title (relating to Hospitality and Tourism); or~~
  - ~~[(vi) Chapter 130, Subchapter I, of this title (relating to Hospitality and Tourism); or]~~
  - (vii) Chapter 130, Subchapter K, of this title (relating to Information Technology); or
  - (viii) Chapter 130, Subchapter M, of this title (relating to Manufacturing); or
  - (ix) Chapter 130, Subchapter N, of this title (relating to Marketing); or
  - (x) Chapter 130, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics); or
  - (xi) Chapter 130, Subchapter Q, of this title (relating to Energy); or
  - (xii) Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title if the course addresses a career from a field listed in clauses (i)-(xi) of this subparagraph; or
- (B) courses required to complete a TEA-designated program of study related to business and industry; or
- (C) four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:
- (i) public speaking; or
  - (ii) debate; or
  - (iii) advanced broadcast journalism; or
  - (iv) advanced journalism: newspaper; or
  - (v) advanced journalism: yearbook; or
  - (vi) advanced journalism: literary magazine; or
- (D) a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.
- (3) Public services. A student may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:
- ~~(i) Chapter 127, Subchapter G, of this title (relating to Education and Training); or~~
  - ~~[(i) Chapter 130, Subchapter E, of this title (relating to Education and Training); or]~~
  - (ii) Chapter 130, Subchapter G, of this title (relating to Government and Public Administration); or
  - ~~(iii) Chapter 127, Subchapter I, of this title (relating to Health Science); or~~
  - ~~[(iii) Chapter 130, Subchapter H, of this title (relating to Health Science); or]~~
  - (iv) Chapter 130, Subchapter J, of this title (relating to Human Services); or
  - ~~(v) Chapter 127, Subchapter M, of this title (relating to Law and Public Service); or~~
  - ~~[(v) Chapter 130, Subchapter L, of this title (relating to Law, Public Safety, Corrections, and Security); or]~~
  - (vi) Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title if the course addresses a field from a cluster listed in clauses (i)-(v) of this subparagraph; or

- (B) courses required to complete a TEA-designated program of study related to public services; or
  - (C) four courses in Junior Reserve Officer Training Corps (JROTC).
- (4) Arts and humanities. A student may earn an arts and humanities endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) five social studies credits by selecting courses from Chapter 113 of this title; or
  - (B) four levels of the same language in a language other than English by selecting courses in accordance with Chapter 114 of this title, which may include Advanced Language for Career Applications; or
  - (C) two levels of the same language in a language other than English and two levels of a different language in a language other than English by selecting courses in accordance with Chapter 114 of this title; or
  - (D) four levels of American sign language by selecting courses in accordance with Chapter 114 of this title; or
  - (E) a coherent sequence of four credits by selecting courses from one or two categories or disciplines in fine arts from Chapter 117 of this title or innovative courses approved by the commissioner; or
  - (F) four English credits by selecting from the following:
    - (i) English IV; or
    - (ii) Independent Study in English; or
    - (iii) Literary Genres; or
    - (iv) Creative Writing; or
    - (v) Research and Technical Writing; or
    - (vi) Humanities; or
    - (vii) Communication Applications; or
    - (viii) AP English Literature and Composition; or
    - (ix) AP English Language and Composition; or
    - (x) IB Language Studies A: Language and Literature Standard Level; or
    - (xi) IB Language Studies A: Language and Literature Higher Level; or
    - (xii) IB Language Studies A: Literature Standard Level; or
    - (xiii) IB Language Studies A: Literature Higher Level; or
    - (xiv) IB Literature and Performance Standard Level.
- (5) Multidisciplinary studies. A student may earn a multidisciplinary studies endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) four advanced courses that prepare a student to enter the workforce successfully or postsecondary education without remediation from within one endorsement area or among endorsement areas that are not in a coherent sequence; or
  - (B) four credits in each of the four foundation subject areas to include chemistry and/or physics and English IV or a comparable AP or IB English course; or
  - (C) four credits in Advanced Placement, International Baccalaureate, or dual credit selected from English, mathematics, science, social studies, economics, languages other than English, or fine arts.



- (g) A course completed as part of the set of four courses needed to satisfy an endorsement requirement may also satisfy a requirement under §74.12(b) and (c) of this title and subsection (e)(2), (4), (5), and (6) of this section, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

**§74.14. Performance Acknowledgments.**

- (a) A student may earn a performance acknowledgment on the student's transcript for outstanding performance in a dual credit course by successfully completing:
  - (1) at least 12 hours of college academic courses, including those taken for dual credit as part of the Texas core curriculum, and advanced technical credit courses, including locally articulated courses, with a grade of the equivalent of 3.0 or higher on a scale of 4.0; or
  - (2) an associate degree while in high school.
- (b) A student may earn a performance acknowledgment on the student's transcript for outstanding performance in bilingualism and biliteracy as follows:
  - (1) A student may earn a performance acknowledgment by demonstrating proficiency in accordance with local school district grading policy in two or more languages by:
    - (A) completing all English language arts requirements and maintaining a minimum grade point average (GPA) of the equivalent of 80 on a scale of 100; and
    - (B) satisfying one of the following:
      - (i) completion of a minimum of three credits in the same language in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
      - (ii) demonstrated proficiency in the Texas Essential Knowledge and Skills for Level IV or higher in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
      - (iii) completion of at least three credits in foundation subject area courses in a language other than English with a minimum GPA of 80 on a scale of 100; or
      - (iv) demonstrated proficiency in one or more languages other than English through one of the following methods:
        - (I) a score of 3 or higher on a College Board Advanced Placement examination for a language other than English; or
        - (II) a score of 4 or higher on an International Baccalaureate examination for a higher-level languages other than English course; or
        - (III) performance on a national assessment of language proficiency in a language other than English of at least Intermediate High or its equivalent.
  - (2) In addition to meeting the requirements of paragraph (1) of this subsection, to earn a performance acknowledgment in bilingualism and biliteracy, an English language learner must also have:
    - (A) participated in and met the exit criteria for a bilingual or English as a second language (ESL) program; and
    - (B) scored at the Advanced High level on the Texas English Language Proficiency Assessment System (TELPAS).
- (c) A student may earn a performance acknowledgment on the student's transcript for outstanding performance on a College Board Advanced Placement test or International Baccalaureate examination by earning:
  - (1) a score of 3 or above on a College Board Advanced Placement examination; or

- (2) a score of 4 or above on an International Baccalaureate examination.
- (d) A student may earn a performance acknowledgment on the student's transcript for outstanding performance on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace or on an established valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process by:
- (1) earning a score on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT®) that qualifies the student for recognition as a commended scholar or higher by the College Board and National Merit Scholarship Corporation, as part of the National Hispanic Recognition Program (NHRP) of the College Board or as part of the National Achievement Scholarship Program of the National Merit Scholarship Corporation;
  - (2) achieving the ACT® readiness benchmark score on at least three of the five subject tests on the ACT Aspire™ examination;
  - (3) earning a total score of at least 1310 on the SAT®; or
  - (4) earning a composite score on the ACT® examination of 28 (excluding the writing subscore).
- (e) A student may earn a performance acknowledgment on the student's transcript for earning a state-recognized or nationally or internationally recognized business or industry certification or license as follows.
- (1) A student may earn a performance acknowledgment with:
    - (A) performance on an examination or series of examinations sufficient to obtain a nationally or internationally recognized business or industry certification; or
    - (B) performance on an examination sufficient to obtain a government-required credential to practice a profession.
  - (2) Nationally or internationally recognized business or industry certification shall be defined as an industry-validated credential that complies with knowledge and skills standards promulgated by a nationally or internationally recognized business, industry, professional, or government entity representing a particular profession or occupation that is issued by or endorsed by:
    - (A) a national or international business, industry, or professional organization;
    - (B) a state agency or other government entity; or
    - (C) a state-based industry association.
  - (3) Certifications or licensures for performance acknowledgements shall:
    - (A) be age appropriate for high school students;
    - (B) represent a student's substantial course of study and/or end-of-program knowledge and skills;
    - (C) include an industry-recognized examination or series of examinations, an industry-validated skill test, or demonstrated proficiency through documented, supervised field experience; and
    - (D) represent substantial knowledge and multiple skills needed for successful entry into a high-skill occupation.

## Approval of Bylaws of The Texas Permanent School Fund Corporation

January 28, 2022

**COMMITTEE OF FULL BOARD: ACTION**  
**STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides an opportunity for the State Board of Education (SBOE) to consider the approval of the Bylaws of The Texas Permanent School Fund Corporation.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the SBOE to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**FUTURE ACTION EXPECTED:** The SBOE is expected to implement SB 1232, 87th Texas Legislature, Regular Session, 2021.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Senate Bill (SB) 1232 was passed during the 87<sup>th</sup> Legislature, 2021. The bill authorizes the SBOE to create the Texas Permanent School Fund Corporation (Corporation) and delegate its authority to manage and invest the Permanent School Fund (PSF) to the Corporation.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills,  
Subchapter A, Character Traits  
(First Reading and Filing Authorization)**

**January 28, 2022**

**COMMITTEE OF THE FULL BOARD: ACTION  
STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020. The proposed revisions would update the standards for positive character traits to align with the requirements of Senate Bill (SB) 123, 87th Texas Legislature, Regular Session, 2021.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021, requires the SBOE to integrate positive character traits and personal skills into the essential knowledge and skills adopted for Kindergarten-Grade 12, as appropriate.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposed revisions is August 1, 2022. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for positive character traits effective August 1, 2019, for implementation beginning with the 2021-2022 school year. A discussion item on the proposed revisions to Chapter 120, Subchapter A, was presented to the Committee of the Full Board at the November 2021 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In 2019, the 86th Texas Legislature passed House Bill 1026, requiring the SBOE to integrate positive character traits into the essential knowledge and skills adopted for Kindergarten-Grade 12, as appropriate. The legislation required the SBOE to include the following positive character education traits in the standards: courage; trustworthiness, including honesty, reliability, punctuality, and loyalty; integrity; respect and courtesy; responsibility, including accountability, diligence, perseverance, and self-control; fairness, including justice and freedom from prejudice; caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity; good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; school pride; and gratitude. The legislation also required school districts and open-enrollment charter schools to adopt a character education program that includes the required positive character traits. At the January 2020 SBOE meeting, a discussion item on character traits instruction was presented to the Committee of the Full Board. The committee requested that staff prepare a proposal to add essential knowledge and skills for positive character traits as a new chapter in the TAC. The SBOE adopted the TEKS for positive character traits effective August 1, 2019. The new TEKS were implemented beginning with the 2021-2022 school year.

The 87th Texas Legislature, Regular Session, 2021, passed SB 123, which requires the SBOE to add personal skills to the TEKS for positive character traits. The legislation added responsible decision-making skills, interpersonal skills, and self-management skills to the required topics to be addressed in the standards.

The proposed amendments to §§120.3, 120.5, 120.7, and 120.9 would add the required new topics to the TEKS for positive character traits in Kindergarten-Grade 12.

In addition, §120.1, which contains implementation language for the subchapter, is proposed for repeal. Implementation language would be added as new subsection (a) for each course.

**FISCAL IMPACT:** The Texas Education Agency (TEA) has determined that there are no additional costs to state or local government required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand existing regulations by updating the standards for positive character traits to align with the requirements of SB 123, 87th Texas Legislature, Regular Session, 2021, and adding implementation language to each course. The proposed rulemaking would also repeal an existing regulation by removing separate implementation language in §120.1.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would update the standards for positive character traits to align with statute. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins February 25, 2022, and ends at 5:00 p.m. on April 1, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on February 25, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits

ATTACHMENT  
Text of Proposed Amendments to 19 TAC

**Chapter 120. Other Texas Essential Knowledge and Skills**

**Subchapter A. Character Traits**

**§120.1. Implementation of Texas Essential Knowledge and Skills for Positive Character Traits.**

- ~~(a) The provisions of this subchapter shall be implemented by school districts beginning with the 2021-2022 school year.~~
- ~~(b) School districts and open enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.~~
- ~~(c) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.~~

**§120.3. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Kindergarten-Grade 2, Adopted 2020.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.
  - (1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.
  - (2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.
- (b) ~~(a)~~ Introduction.
  - (1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.
  - (2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .
    - (A) Trustworthiness: honesty, ~~loyalty,~~ integrity, loyalty, punctuality, and reliability ~~[-and punctuality]~~ .
    - (B) Responsibility: accountability, diligence, perseverance, ~~[diligence, and]~~ self-control , and self-management .
    - (C) Caring: interpersonal skills, including ~~[kindness, empathy,]~~ charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience ~~[-consideration, and compassion]~~ .
    - (D) Good citizenship: ~~[Citizenship: respect, courtesy,]~~ concern for the common good and the community, courtesy, fairness, freedom from prejudice, gratitude, justice, patriotism,

respect for authority and law and for others, responsible decision making, and school pride ~~[, respect for authority and law, and gratitude]~~ .

- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.
- (4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12. However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) ~~(b)~~ Knowledge and skills.

- (1) Trustworthiness. The student understands how personal skills, choices, and actions relate to character building. The student is expected to:
  - (A) describe how personal choices lead to personal actions;
  - (B) explain what it means to be trustworthy; and
  - (C) identify personal actions that build trustworthiness, including being honest and punctual.
- (2) Responsibility. The student understands the concept of responsibility and how personal actions and self-management skills demonstrate responsibility. The student is expected to:
  - (A) describe and give examples of how feelings and beliefs influence personal actions;
  - (B) describe how to make personal choices before speaking and acting; ~~[and]~~
  - (C) define self-control and discuss effective self-management skills, including listening to others, managing one's emotions, and setting goals; and [identify instances in which self-control is important.]
  - (D) identify instances in which self-management skills are important.
- (3) Caring. The student understands how personal actions and interpersonal skills demonstrate characteristics of caring. The student is expected to:
  - (A) listen actively when sharing and cooperating with others;
  - (B) ~~[(A)]~~ define patience and identify actions that demonstrate patience; and
  - (C) ~~[(B)]~~ explain and identify examples of how actions can demonstrate kindness to others.
- (4) Good citizenship [Citizenship] . The student understands how personal actions and responsible decision making can demonstrate good citizenship. The student is expected to:
  - (A) define fairness and identify examples of fairness when making decisions in a variety of situations;
  - (B) define and identify examples of school pride and patriotism;
  - (C) explain what it means to demonstrate respect and courtesy and why it is important to demonstrate respect and courtesy to others; and
  - (D) describe ways in which individuals demonstrate respect for authority and law.
  - ~~[(D)]—define good citizenship.]~~



**§120.5. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Grades 3-5, Adopted 2020.**

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.

(1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.

(2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

(b) ~~(a)~~ Introduction.

(1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.

(2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .

(A) Trustworthiness: honesty, ~~loyalty,~~ integrity, loyalty, punctuality, and reliability ~~[and punctuality]~~ .

(B) Responsibility: accountability, diligence, perseverance, ~~[diligence, and]~~ self-control , and self-management .

(C) Caring: interpersonal skills, including ~~[kindness, empathy,]~~ charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience ~~[consideration, and compassion]~~ .

(D) Good citizenship: ~~[Citizenship: respect, courtesy,]~~ concern for the common good and the community, courtesy, fairness, freedom from prejudice, gratitude, justice, patriotism, respect for authority and law and for others, responsible decision making, and school pride ~~[respect for authority and law, and gratitude]~~ .

(3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.

(4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12. However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) ~~(b)~~ Knowledge and skills.

(1) Trustworthiness. The student understands how personal skills, choices, and actions build trustworthiness ~~[responsibility relates to being trustworthy]~~ . The student is expected to:

(A) identify and define traits of trustworthiness, including reliability and loyalty;

(B) identify and practice strategies for being honest and punctual; and

- (C) define and identify examples of unethical behavior.
- (2) Responsibility. The student understands how personal choices are associated with responsibility. The student is expected to:
  - (A) explain what it means to be responsible for personal decisions and actions;
  - (B) describe positive and negative consequences of personal decisions and actions;
  - (C) identify and demonstrate effective self-management skills, including acting on feedback constructively and setting and working toward goals ~~[ways to practice self control]~~; and
  - (D) describe the relationship between being responsible and being accountable.
- (3) Caring. The student understands how personal actions and interpersonal skills demonstrate characteristics of caring. The student is expected to:
  - (A) describe how feelings impact decision making and behaviors;
  - (B) identify and practice interpersonal skills, including showing consideration and compassion through listening, sharing, and cooperating with others; and
  - ~~[(B) — explain how one can show patience, consideration, and compassion; and]~~
  - (C) define empathy and discuss the connection between empathy and charity.
- (4) Good citizenship ~~[Citizenship]~~. The student understands that personal responsibility and responsible decision making are ~~[is]~~ associated with good citizenship. The student is expected to:
  - (A) describe the differences and similarities among gratitude, respect, and courtesy;
  - (B) compare fairness and justice; ~~[and]~~
  - ~~(C) demonstrate responsibility and courage when making decisions for the common good of the classroom and community; and~~
  - ~~(D) [(C)]~~ discuss the importance of obeying laws and rules.

**§120.7. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Grades 6-8, Adopted 2020.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.
  - (1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.
  - (2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.
- (b) ~~[(a)]~~ Introduction.
  - (1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.
  - (2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .

- (A) Trustworthiness: honesty, [loyalty,] integrity, loyalty, punctuality, and reliability [~~and punctuality~~] .
  - (B) Responsibility: accountability, diligence, perseverance, [~~diligence, and~~ self-control , and self-management .
  - (C) Caring: interpersonal skills, including [~~kindness, empathy,~~ charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience [~~, consideration, and compassion~~] .
  - (D) Good citizenship: [~~Citizenship: respect, courtesy,~~ concern for the common good and the community, courtesy, fairness, freedom from prejudice, gratitude, justice, patriotism, respect for authority and law and for others, responsible decision making, and school pride [~~, respect for authority and law, and gratitude~~] .
- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.
  - (4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12. However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.
  - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) [(b)] Knowledge and skills.

- (1) Trustworthiness. The student understands how personal skills, choices , and actions build trustworthiness. The student is expected to:
  - (A) describe what it means to be reliable and loyal;
  - (B) define and give examples of honesty and integrity;
  - (C) examine the benefits of being trustworthy; and
  - (D) describe personal actions that demonstrate trustworthiness at school, home, with peers, and within the community.
- (2) Responsibility. The student understands how personal beliefs and feelings and self-management skills influence one's [our] sense of responsibility. The student is expected to:
  - (A) examine how personal beliefs, thoughts, and feelings about self can build responsibility;
  - (B) identify and describe personal role models who demonstrate what it means to be accountable for words and actions;
  - (C) discuss the benefits of practicing self-management skills [~~self-control~~] ; and
  - (D) compare the benefits of responsible behavior with the consequences of irresponsible behavior.
- (3) Caring. The student understands how interpersonal skills and characteristics of caring impact personal relationships. The student is expected to:
  - (A) evaluate one's personal attitudes and mindsets about self and others;
  - (B) discuss how feelings, decision making, [and] personal behaviors , and interpersonal skills can influence relationships with others; and
  - (C) explain and identify examples of how a person can demonstrate empathy through kindness, charity, generosity, and courtesy.

- (4) Good citizenship [~~Citizenship~~] . The student understands how responsible decision making and good [~~the character trait of~~] citizenship impact [~~impacts~~] personal relationships. The student is expected to:
- (A) differentiate between personal responsibility and responsible decision making and give examples of each;
- ~~[(A) — discuss the roles and responsibilities of citizens;]~~
- (B) explain how one's personal actions can impact the perception of others; and
- ~~[(C) — describe how justice, fairness, and freedom are related; and]~~
- (C) [~~(D)~~] identify and practice a variety of conflict-resolution skills and strategies.

**§120.9. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Grades 9-12, Adopted 2020.**

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.

- (1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.
- (2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

(b) [~~(a)~~] Introduction.

- (1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.
- (2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .
- (A) Trustworthiness: honesty, [~~loyalty,~~] integrity, loyalty, punctuality, and reliability [~~, and punctuality~~] .
- (B) Responsibility: accountability, diligence, perseverance, [~~diligence, and~~] self-control , and self-management .
- (C) Caring: interpersonal skills, including [~~kindness, empathy,~~] charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience [~~, consideration, and compassion~~] .
- (D) Good citizenship: [~~Citizenship: respect, courtesy,~~] concern for the common good and the community, courtesy, fairness, freedom from prejudice, gratitude, justice, patriotism, respect for authority and law and for others, responsible decision making, and school pride [~~, respect for authority and law, and gratitude~~] .
- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.
- (4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.

However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.

- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) ~~(b)~~ Knowledge and skills.

- (1) Trustworthiness. The student understands how trustworthiness is viewed in society, politics, and the local and global community. The student is expected to:
- (A) examine how the power to make decisions relates to personal actions;
  - (B) analyze how the decisions and actions of leaders in society, government, ~~[politics,]~~ and the local and global community demonstrate loyalty and integrity; and
  - (C) examine the legal and social consequences of unethical behavior.
- (2) Responsibility. The student understands how leaders demonstrate responsibility in relationships, families, societies, politics, and the global community. The student is expected to:
- (A) identify and describe personal role models who demonstrate what it means to be accountable for words and actions;
  - (B) identify and discuss real-world examples of taking personal responsibility for one's words and actions;
  - (C) identify and evaluate strategies for practicing self-management skills ~~[self-control]~~ in a variety of situations; and
  - (D) differentiate between and give examples of diligence and ~~[define]~~ perseverance and identify strategies for demonstrating perseverance.
- (3) Caring. The student understands how interpersonal skills and characteristics of caring influence society and impact the global community. The student is expected to:
- (A) evaluate one's personal attitudes and mindsets about self and others;
  - (B) discuss how feelings, decision making, ~~[and]~~ personal behaviors, and interpersonal skills can impact professional and social relationships ~~[within society]~~; and
  - (C) identify strategies for how a person can show empathy through one's actions.
- (4) Good citizenship ~~[Citizenship]~~. The student understands how responsible decision making and good ~~[character traits of]~~ citizenship influence one's ~~[our]~~ personal view of society and the local and global community. The student is expected to:
- (A) explain the impact of personal actions and responsible decision making on the family, school, and local and global community;
  - (B) describe how justice, fairness, and freedom are related;
  - ~~[(B) — practice the roles and responsibilities of citizenship in a variety of settings;]~~
  - (C) apply conflict resolution ~~[resolutions]~~ skills; and
  - (D) participate in constructive dialogues with those of differing viewpoints.

## **Discussion of *Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials**

**January 26, 2022**

### **COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the State Board of Education (SBOE) to discuss the schedule of events and instructional materials to be included in *Proclamation 2024*. Instructional materials submitted in response to *Proclamation 2024* would be scheduled for adoption by the SBOE in November 2023.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §31.022.

TEC, §31.022 requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum and for each subject in the enrichment curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** *Proclamation 2010* was issued by the SBOE in November 2007. *Proclamation 2011* was issued by the SBOE in May 2008. In May 2010, the board voted to postpone *Proclamation 2012* indefinitely. In its place, the board issued a Request for Supplemental Science Materials for science, grades 5–8, Biology, Chemistry, Integrated Physics and Chemistry (IPC), and Physics. *Proclamation 2014* was issued by the SBOE in April 2012. *Proclamation 2015* was issued by the SBOE in April 2013. At the July 2014 meeting, the board took action to delay the effective date of *Proclamation 2016* for one calendar year and to combine the subject areas that were scheduled to be included in *Proclamation 2016* with those that were scheduled to be included in *Proclamation 2017*. *Proclamation 2017* was issued by the SBOE in April 2015. *Proclamation 2018* was issued by the SBOE in November 2016. *Proclamation 2019* was issued by the SBOE in April 2017. *Proclamation 2020* was issued by the SBOE in April 2018. *Proclamation 2021* was issued by the SBOE in June 2019. *Proclamation 2022* was issued by the SBOE in April 2020. At the January 2021 meeting, the board received an update on the progress of TEKS review work groups and the impact of TEKS review on timelines for instructional materials adoption. As a result, the board decided not to issue *Proclamation 2023*.

A revised adoption cycle for instructional materials was approved by the SBOE in January 2012. The cycle was adjusted in July 2017. The adoption cycle was revised again in September 2019. The SBOE most recently revised the adoption cycle in April 2021.

#### **Staff Members Responsible:**

Melissa Lautenschlager, Director, Instructional Materials, and Implementation  
Amie Williams, Director, Instructional Materials Review and Procurement

#### **Separate Exhibit:**

Draft of *Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials  
(To be provided at the January 2022 SBOE meeting)

## Update on Texas Essential Knowledge and Skills (TEKS) Review

January 28, 2022

### COMMITTEE OF THE FULL BOARD: ACTION STATE BOARD OF EDUCATION: ACTION

**SUMMARY:** This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS and ELPS review work groups.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), §§[7.102\(c\)\(4\)](#); [28.002\(a\)](#) and [\(c\)](#); and [28.025\(a\)](#).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.025(a), requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for all subjects effective September 1, 1998. The English language arts and reading TEKS were amended effective September 4, 2008. The Spanish language arts and reading TEKS were amended effective November 26, 2008. The TEKS for high school English elective courses were amended effective August 23, 2010. The English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 were amended effective September 25, 2017, and the English language arts and reading and English as a second language (ESL) TEKS for high school were amended effective November 12, 2017. The K-12 TEKS for English and Spanish language arts and reading were again amended effective August 1, 2019, to make technical adjustments to the standards. The mathematics TEKS were amended effective August 1, 2006. The secondary mathematics TEKS were amended effective February 22, 2009. The mathematics TEKS were again amended effective September 12, 2012. The science TEKS were amended effective August 4, 2009 and were amended again to streamline the science TEKS effective August 27, 2018. The social studies TEKS were amended effective August 23, 2010 and were amended again to streamline the social studies TEKS in 2018. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017. The fine arts TEKS were amended effective August 24, 2015. The TEKS for languages other than English (LOTE) were amended effective July 15, 2014, and December 31, 2014. The technology applications TEKS were amended effective September 26, 2011. At the November 2020 meeting, the board gave final approval to the health education TEKS and the physical education TEKS, which are scheduled to be effective August 1, 2022. The board also gave final approval in November 2020 to TEKS for four high school science courses to be implemented beginning with the 2023-2024 school year. At the June 2021 meeting, the SBOE gave final approval to TEKS for five additional high school science courses. At the December 2021 SBOE meeting, the board gave final approval to the TEKS for Kindergarten-Grade 8 science.

At the June 2019 SBOE meeting, the board held a work session to discuss updating the TEKS and instructional materials review and adoption schedule. At the September 2019 meeting, the board approved the schedule through the 2030-2031 school year. The board held another work session to discuss updates to the TEKS and instructional materials review and adoption schedule at the January 2021 meeting. The board approved updates to the TEKS and instructional materials review and adoption schedule at the April 2021 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The board received training from a standards writing advisor at the July 2014 meeting. The standards writing advisor provided additional training to Texas Education Agency (TEA) staff in October 2014 to support future facilitation of the TEKS review committees.

In 2017, the SBOE significantly revised the process for the review and revision of the TEKS. The 2017 TEKS review process was used for the streamlining of the social studies TEKS. At the November 2018 meeting, the SBOE approved updates to the 2017 TEKS review and revision process to better clarify the process. The updated process was used for the review of the physical education, health education, and science TEKS.

The SBOE began the review of the English Language Proficiency Standards (ELPS) in early 2019, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on ELPS review work groups were posted on the TEA website in December 2018. Also in December 2018, TEA distributed a survey to collect information from educators regarding the review and revision of the ELPS.

In preparation for the review of the science TEKS, SBOE members were asked at the September 2019 meeting to designate science content advisors. Applications to serve on the science TEKS review work groups were posted on the TEA website in November 2019, and in December 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the science TEKS. TEA staff provided applications for approval by SBOE members in January, February, March, May, July, October, and December 2020. At the November 2020 meeting, the board gave final approval to revised TEKS for four high school science courses: Biology, Chemistry, Integrated Physics and Chemistry, and Physics. At the June 2021 meeting, the board gave final approval to revised TEKS for additional high school courses, which include Aquatic Science, Astronomy, Earth Systems Science, Environmental Science, and Specialized Topics in Science. At the December 2021 meeting, the SBOE approved for second reading and final adoption new TEKS for Kindergarten-Grade 8 science.

At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification exams, adoption of instructional materials, and the completion of the Texas Resource Review. TEA provided an overview of career and technical education (CTE) programs of study and a skills gap analysis that is being completed to inform review and revision of the CTE TEKS. The board discussed potential adjustments to the TEKS and Instructional Materials Review and Adoption Schedule.

At the November 2021 meeting, the SBOE gave final approval of certain CTE courses that satisfy a science graduation requirement as well as certain courses in the health science, education and training, and science, technology, engineering, and mathematics (STEM) programs of study. TEKS for additional education and training and STEM courses will be considered by the SBOE for first reading and filing authorization as a separate item in this agenda.



In May 2021, the board nominated individuals to serve as content advisors for the review of the TEKS for technology applications. An application was posted on the TEA website in April 2021. TEA staff provided SBOE members applications for approval to serve on the technology applications work groups in May, June, and August 2021. Work groups were convened in July, September, October, November, and December 2021. Discussion of proposed new TEKS for Kindergarten-Grade 8 technology applications is included as a separate item in this agenda.

At the June and November 2021 SBOE meetings, the board discussed the review of the social studies TEKS. Board members designated content advisors for the social studies TEKS review in August 2021. An application to serve on work groups was posted on the TEA website in September 2021. Additionally, in September 2021, a survey was posted on the TEA website to ask for feedback on the current TEKS for social studies. TEA staff provided SBOE members applications for approval to serve on the social studies work groups in September, October, and November 2021 and January 2022. The content advisors convened to discuss consensus recommendations in December 2021 and January 2022.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Discussion of Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.62, Personal Financial Literacy and Economics**

**January 26, 2022**

**COMMITTEE OF THE FULL BOARD: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.62, Personal Financial Literacy and Economics. The proposed new rule would add Texas Essential Knowledge and Skills (TEKS) for a new social studies course to comply with the requirements of Senate Bill (SB) 1063, 87th Texas Legislature, Regular Session, 2021.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(b-1) and (b-22), as amended and added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, 28.025(b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires the SBOE to determine by rule specific courses for graduation under the foundation high school program.

TEC, 28.025(b-22), as added by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires that in adopting TEKS for a personal financial literacy and economics course, the SBOE must ensure that the required curriculum allocates two-thirds of instruction time to instruction in personal financial literacy one-third of instruction time to instruction in economics.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**FUTURE ACTION EXPECTED:** First reading and filing authorization of proposed new §113.62 will be presented at a future SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The 83rd Texas Legislature passed House Bill (HB) 2662, amending TEC, §28.0021, to require school districts and open-enrollment charter schools offering a high school program to provide a one-half credit elective course in personal financial literacy. In 2016, the SBOE adopted the proposed new personal financial literacy course. The course, 19 TAC §113.49, Personal Financial Literacy (One-Half Credit), Adopted 2016, was implemented beginning with the 2016-2017 school year.

In 2021, the 87th Texas Legislature passed SB 1063, amending TEC, §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 requires that the SBOE

adopt TEKS for the personal financial literacy and economics course and that the required curriculum for the course allocate two-thirds of the instructional time to personal financial literacy and one-third of instructional time to economics.

A personal financial literacy and economics TEKS review work group convened twice in January 2022 to draft recommendations for the proposed new course. The work group's charge includes developing recommendations for revisions to §113.49, Personal Financial Literacy (One-Half Credit), Adopted 2016; §113.31, Economics with Emphasis on the Free Enterprise System and Its Benefits, High School (One-Half Credit), Adopted 2018, and §113.31, Economics Advanced Studies (One-Half Credit), which will be presented to the SBOE for discussion at a future meeting.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Discussion of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.792-127.794**

**January 26, 2022**

**COMMITTEE OF THE FULL BOARD: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the committee to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022. The proposed new rules would update the Texas Essential Knowledge and Skills (TEKS) for the high school cybersecurity courses to ensure the standards remain current.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (c-3), and (f)(2); and 28.025(a), (c-1)(1), and (c-10).

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.002(c-3), requires the SBOE to adopt rules for technology applications in Kindergarten through Grade 8 that include coding, computer programming, computational thinking, and cybersecurity.

TEC, §28.002(f)(2), requires the SBOE to approve courses in cybersecurity for credit for high school graduation.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002, and to designate the specific courses in the foundation curriculum that are required under the foundation high school program.

TEC, §28.025(c-1)(1), establishes that an endorsement may be earned in science, technology, engineering, and mathematics (STEM), which includes courses related to science, including environmental science; technology, including computer science, cybersecurity, and computer coding; engineering; and advanced mathematics.

TEC, §28.025(c-10), requires the SBOE to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** The SBOE adopted the original TEKS for the Digital Forensics course effective September 1, 1998. In April 2011, the SBOE adopted revisions to Digital Forensics TEKS effective September 26, 2011. The SBOE adopted the TEKS for Foundations of Cybersecurity and Cybersecurity Capstone effective beginning with the 2019-2020 school year. In 2020, the SBOE approved the consolidation of the high school technology applications courses, which included these three courses, into the career and technical education (CTE) TEKS.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The 85th Texas Legislature, Regular Session, 2017, passed House Bill 3593, requiring that the SBOE approve courses in cybersecurity for credit for high school graduation. The legislation also added cybersecurity and computer coding to the courses to be included in a STEM endorsement and required that the SBOE adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

In August 2018, a committee of secondary and postsecondary educators and business and industry representatives was selected to develop recommended TEKS for new cybersecurity courses for the required pathway. In April 2019, the SBOE approved for second reading and final adoption TEKS for two new cybersecurity courses: Foundations of Cybersecurity and Cybersecurity Capstone. At the June 2019 meeting, the board approved revisions to the TEKS for the existing Digital Forensics course so that it would better align with the new pathway. In 2020, the SBOE approved the consolidation of the high school technology applications courses, which included these three courses, into the CTE TEKS.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Separate Exhibit:**

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022  
(to be provided at the January 2022 SBOE meeting)

## Ethics Training

January 26, 2022

### **COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the State Board of Education (SBOE) to discuss ethics statutes and rules that apply to SBOE members.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§43.0031](#) and 19 Texas Administrative Code (TAC), §33.5(s).

TEC, §43.0031 requires the SBOE to adopt an ethics policy.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Under the Permanent School Fund (PSF) Code of Ethics, the SBOE is required to participate in yearly ethics training.

#### **Staff Members Responsible:**

Von Byer, General Counsel, Legal Services

Christopher Maska, TEA Ethics Advisor, Legal Services

**Attachment I:** A Guide to Ethics Laws for State Officers and Employees

**Attachment II:** Can I Take It?

**Attachment III:** Can I Take This Trip?

**Attachment IV:** Revolving Door

# TEXAS ETHICS COMMISSION

## A GUIDE TO ETHICS LAWS FOR STATE OFFICERS AND EMPLOYEES



Revised September 15, 2015

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**A GUIDE TO ETHICS LAWS  
FOR STATE OFFICERS AND EMPLOYEES**

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## INTRODUCTION

As a public servant, you owe a responsibility to the people of Texas in the performance of your official duties. This guide sets out laws that govern your conduct as a public servant. As you read this guide, you should bear in mind that ethical conduct involves more than merely following these laws. As a public servant, you should act fairly and honestly and should avoid creating even the appearance of impropriety.

### **Laws Interpreted by the Texas Ethics Commission**

The Texas Ethics Commission interprets various laws governing the conduct of state officers and employees: the provisions in chapter 572 of the Government Code; the restrictions on benefits, gifts, and honoraria in chapter 36 of the Penal Code and in the lobby law, chapter 305 of the Government Code; and the restrictions on the use of government resources in chapter 39 of the Penal Code.

Some laws governing public servants, such as the nepotism law, are not under the jurisdiction of the Ethics Commission. Also, officers and employees of particular state agencies may be subject to statutes, rules, or personnel guidelines specifically applicable to that agency. Your general counsel or the Office of the Attorney General are the appropriate sources for advice about such laws.

### **Advisory Opinions**

If you are concerned about how any of the laws subject to interpretation by the Ethics Commission apply to you, you may request an advisory opinion. The request must be about the application of one or more of those laws to a specific factual situation, either existing or hypothetical. Gov't Code § 571.091. Unless you waive confidentiality in writing, the Ethics Commission must keep your name confidential.

The legal effect of an Ethics Commission advisory opinion is described in section 571.097 of the Government Code as follows:

It is a defense to prosecution or to imposition of a civil penalty that the person reasonably relied on a written advisory opinion of the commission relating to the provision of the law the person is alleged to have violated or relating to a fact situation that is substantially similar to the fact situation in which the person is involved.

Copies of Ethics Advisory Opinions are available from the Ethics Commission at (512) 463-5800 or at <http://www.ethics.state.tx.us> on the Internet.

## PART I. STANDARDS OF CONDUCT AND CONFLICT OF INTEREST

### The “Should Not’s”

The legislature has adopted the following standards of conduct for state employees:

A state officer or employee should not:

- (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer’s or employee’s official conduct;
- (2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
- (3) accept other employment or compensation that could reasonably be expected to impair the officer’s or employee’s independence of judgment in the performance of the officer’s or employee’s official duties;
- (4) make personal investments that could reasonably be expected to create a substantial conflict between the officer’s or employee’s private interest and the public interest; or
- (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer’s or employee’s official powers or performed the officer’s or employee’s official duties in favor of another.

Gov’t Code § 572.051. A state agency may not use appropriated funds to compensate a state employee who violates those standards. Gov’t Code § 2113.014. Also, in some cases failure to follow the standards of conduct will violate one of the criminal statutes discussed in this guide.

### Private Interest in Measure or Decision

If a board member has a private or personal interest in a measure, proposal, or decision pending before the board, the board member must disclose that fact to the rest of the board in an open meeting and must refrain from voting or otherwise participating in the matter. Gov’t Code § 572.058. The law specifies that a person does not have a “private or personal interest” in a matter if the person is engaged in a profession, trade, or occupation, and the person’s interest in the matter is the same as others similarly engaged.

**Note:** This guide addresses only the laws that the Ethics Commission interprets. Other laws may contain additional “conflict of interest” provisions. In particular, state agency counsels should be aware of the common-law rule restricting a contract between agencies and agency board members. *See* Attorney General Opinion JM-671 (1987).

## PART II. ACCEPTANCE OF BENEFITS

Chapter 36 of the Penal Code prohibits public servants from accepting certain gifts or benefits. Violations of the laws in this chapter carry criminal penalties, and complaints alleging such violations are handled by local prosecutors, not by the Texas Ethics Commission.

### Bribery

As a public servant, you commit the offense of bribery if you solicit, offer, or accept a “benefit” in exchange for your decision, opinion, recommendation, vote, or other exercise of official discretion. Penal Code § 36.02. Common sense should tell you if something is a bribe. If it is, don’t take it.

### Honoraria

You may not solicit, agree to accept, or accept an honorarium in consideration for services you would not have been asked to provide but for your official position. Penal Code § 36.07. Thus, for example, you may not take a speaker’s fee for speaking if your position with the state is one of the reasons you were asked to speak. The honorarium law does not, however, prohibit acceptance of food, transportation, and lodging in connection with a speech that is more than merely perfunctory. If a state officer or the executive head of an agency accepts food, transportation, or lodging under these circumstances, the officer must report it on Part XIII of the annual personal financial statement. (A travel regulation provides that a state employee may not accept money for a travel expense reimbursement from a person that the employee’s employing state agency intends to audit, examine, or investigate or is auditing, examining, or investigating. Gov’t Code § 660.016.)

### Prohibitions on Gifts

Most public servants are subject to one or more prohibitions on the acceptance of “benefits” from persons subject to their jurisdiction. Penal Code § 36.08. For example, a public servant in an agency performing regulatory functions or conducting inspections or investigations may not accept a benefit from a person the public servant “knows to be subject to regulation, inspection, or investigation by the public servant or his agency.” *Id.* § 36.08(a). Similarly, a public servant who “exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions” of the agency may not accept a benefit from a person the public servant knows is interested in or likely to become interested in such a transaction. *Id.* § 36.08(d). (The Appendix contains the full text of section 36.08.) *These prohibitions apply regardless of whether the donor is asking for something in return.*

The statutory definition of “benefit” is “anything reasonably regarded as pecuniary gain or pecuniary advantage.” Penal Code § 36.01(3). In advisory opinions, the Ethics Commission has stated that the following gifts are benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal. Ethics Advisory Opinion Nos. 97, 94, 90, 69, 60 (1992).

### Exceptions to Gift Prohibitions

There are exceptions to the prohibitions set out in Penal Code section 36.08. These exceptions are exceptions to criminal liability under that section. You should also make sure that the laws and rules specifically applicable to your agency permit you to accept a benefit permitted under the Penal Code. Even if the acceptance of a gift is legally permissible, you should consider whether the gift raises the appearance of impropriety.

The following exceptions are most likely to be relevant to state officers or employees. (The Appendix contains the full text of section 36.10, which sets out the exceptions to section 36.08.)

- You may accept non-cash items of less than \$50 in value. Penal Code § 36.10(a)(6). If a *lobbyist* provides you with food, beverages, entertainment, lodging, or transportation, however, the lobbyist must be present at the event.
- You may accept benefits in the form of food, lodging, transportation, or entertainment in any amount if you accept them as a “guest” and report them if there is an applicable reporting requirement. Penal Code § 36.10(b). In order for you to accept something as a “guest,” the donor must be present.

*Lobbyists may provide you with transportation and lodging only in connection with a fact-finding trip related to your official duties or in connection with an event, such as a conference, at which you will be providing “more than perfunctory” services in your official capacity.*

State officers and agency heads: You will be required to report on your personal financial statement the acceptance of gifts worth more than \$250, except for gifts from a member of your immediate family or from a lobbyist required to report the gift. You must also report on your personal financial statement your acceptance of meals, transportation, or lodging provided in connection with a speech or other services you provided in your official capacity. (See above discussion on “Honoraria.”)

- You may accept a benefit from a person such as a friend, relative, or business associate with whom you have a relationship independent of your official status *if the benefit is given on account of that relationship rather than your official status*. Penal Code § 36.10(a)(2).
- You may accept a payment for which you give legitimate consideration *in a capacity other than as a public servant*. Penal Code § 36.10(a)(1). The use of the term “legitimate consideration” means that the payment you receive must reflect the actual value of the services or goods you provide in exchange for the payment. Ethics Advisory Opinion No. 41 n.1 (1992).

- You may accept certain gifts, awards, and mementos from persons required to register as lobbyists. “Gift” in this context does not include food, entertainment, transportation, or lodging, which are discussed above. Penal Code § 36.10(a)(5). (See discussion of “Gifts Prohibited by the Lobby Statute” below.)

### **Gifts Prohibited by the Lobby Statute**

The lobby law, chapter 305 of the Government Code, contains restrictions on gifts from a person required to register under that chapter. For the most part, the lobby statute is stricter than the Penal Code. For instance, you may not accept transportation and lodging in connection with a pleasure trip from a lobbyist. There is, however, one exception to the general rule that the lobby law is stricter than the Penal Code: Under section 36.10(a)(5) of the Penal Code, there is an exception from the Penal Code prohibition on the acceptance of benefits for a gift, award, or memento that is required to be reported by a lobbyist. Because of this exception, there are circumstances in which it is permissible for you to accept a gift from a lobbyist that you could not accept from a non-lobbyist. If you are thinking about relying on this exception, you should ask the Ethics Commission for advice before you do so.

### **Gifts to State Agencies**

The Ethics Commission has issued several opinions in response to questions about the acceptance of gifts by a state agency. Ethics Advisory Opinion Nos. 118 (1993), 63, 62, 51, 31 (1992). Chapter 305 of the Government Code, which regulates lobbying, and chapter 36 of the Penal Code, which regulates gifts to public officers and employees, do not apply to gifts given to a state agency. Ethics Advisory Opinion Nos. 62, 31 (1992). The statutes applicable to a specific state agency determine whether the agency has authority to accept gifts. *Id.* Also, even if an agency has authority to accept gifts, it may do so only in accordance with the provisions of Government Code chapter 575.

Although questions about the specific authority of a state agency to accept gifts are outside the Ethics Commission’s advisory opinion authority, previous ethics advisory opinions have set out some general guidelines about the acceptance of gifts by a state agency. First, the commission has noted that even if a state agency has authority to accept gifts generally, the agency may accept gifts on behalf of the agency only if the gifts can be used in carrying out the agency’s powers and duties. A gift to a state agency becomes state property, and an officer or employee of the agency cannot be permitted to use it for private purposes. Consequently, acceptance of gifts by a state agency is not a permissible way of acquiring gifts for the personal enjoyment of individual state officers and employees.

Gifts to state agencies, even if legally permissible, may raise questions about impropriety. If the donor is subject to agency regulation or oversight, or engages in a business that can be affected by agency action, then it may be that the donor hopes or expects to gain favor with the agency. Even if that is not the case, it may appear to be so, especially to someone whose interests are different from those of the donor and who may feel at a disadvantage because of the donor’s generosity.

## Donation of Gifts to Charity

What should you do if someone sends you an unsolicited gift that you may not accept? Often public servants would prefer to donate such gifts to charity or to a governmental body, rather than returning them to the donor. A provision of the Penal Code allows such donations in specified circumstances:

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under [section 36.08] may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Penal Code § 36.08(i).

## PART III. ABUSE OF OFFICE

Chapter 39 of the Penal Code contains several provisions prohibiting a public servant from using his or her official position in various ways for non-governmental purposes.

### Misuse of Government Property

As a public servant, you commit an offense if, with intent to obtain a benefit or harm another, you *misapply any thing of value belonging to the government* that has come into your custody or possession by virtue of your public office or employment. Penal Code § 39.02(a)(2). Simply stated, this means that you are to use government property for governmental purposes, not for personal or private purposes.

***Frequent Flyer Miles:*** Penal Code section 39.02(d) specifically provides that travel discount awards such as “frequent flyer” miles, hotel or rental car discounts, or food coupons are not things of value belonging to the government for purposes of the criminal law prohibiting misapplication of a thing of value belonging to the government. This means that personal or private use of travel awards accrued on state business is not a crime. The law does not, however, prevent a particular agency from adopting a policy requiring that such travel awards be used for agency purposes.

***Political Campaigns:*** Do not use state time or state equipment to work on an individual’s political campaign. See Ethics Advisory Opinion No. 172 (1993). Also, chapter 556 of the Government Code prohibits a state agency from using appropriated funds in connection with a political campaign. Further, it prohibits a state officer or employee from using official authority to interfere with or attempt to influence the result of an election. Gov’t Code § 556.004. The Ethics Commission does not have authority to interpret chapter 556 of the Government Code.

### Misuse of Official Information

As a public servant, you may have access to information that has not been made public. Chapter 39 of the Penal Code restricts your use of such information in the following ways:

- You may not use the information to acquire or help another person to acquire a pecuniary interest in any property, transaction, or enterprise affected by the information. Penal Code § 39.06(a)(1).
- You may not speculate or aid another to speculate on the basis of the information. Penal Code § 39.06(a)(2).
- You may not disclose or use the information with the intent to obtain a benefit or to harm another. Penal Code § 39.06(b).

## PART IV. OTHER EMPLOYMENT

### Concurrent Employment

Some of the laws under the jurisdiction of the Ethics Commission are relevant to questions about other employment by a state officer or employee. For example, under the bribery law, you may not solicit or accept a “benefit” in exchange for your decision, opinion, recommendation, vote, or other exercise of discretion as a public servant. Penal Code § 36.02. A salary is a benefit. *See generally* Ethics Advisory Opinion No. 155 (1993). Therefore, the crime of bribery occurs if a state officer accepts other employment in exchange for official action or inaction. In addition, under the honorarium law a state officer may not accept an honorarium for performing services that he or she would not have been asked to provide but for his or her official status. Other laws outside the Ethics Commission’s jurisdiction may also restrict your employment. For information about such laws, consult your general counsel or the Office of the Attorney General.

### Future Employment

If you are about to leave your position with the state, you should be aware of laws that might restrict your future employment. Chapter 572 of the Government Code contains three “revolving door” provisions. Each provision applies to different groups of former officers and employees of state agencies.

**Note:** If other law restricts you from representing a person before an agency after you leave your position, that law prevails over the second and third Government Code provisions (in section 572.054) discussed below.

#### Revolving Door #1

The first revolving door provision will apply to you if you are a former state officer or employee of a state agency. For two years after you cease to be a state officer or employee of an agency, you may not accept employment from a person if you participated on behalf of the state agency in a procurement or contract negotiation involving that person.

**Note:** The first revolving door provision only applies to a state officer or employee whose service or employment with a state agency ceases on or after September 1, 2015.

## Revolving Door #2

The second revolving door provision will apply to you if you are a former board member or executive director of a regulatory agency. For two years after you cease to be a member of the board, you may not make any communication to or appearance before an officer or employee of the board on behalf of any person with the intent to influence agency action in connection with any matter on which that person seeks official action. The restriction applies even if the agency initiates the contact and even if you are communicating on your own behalf (subject to your due process rights). It does not, however, prevent you from merely providing information to the agency, as long as you are not doing so with the intent to influence agency action on behalf of a person.

## Revolving Door #3

The third revolving door provision applies to all former board members and executive directors of regulatory agencies. It also applies to former employees who, at the time of leaving the agency, were compensated at or above a certain salary level. The law applies to a former employee whose compensation at the time of leaving state employment was at or above the level prescribed by the general appropriations act for step 1, salary group A17, of the position classification salary schedule. (The 2015 General Appropriations Act prescribed the minimum annual salary for salary group A17 to be \$36,976 for fiscal years 2016 and 2017.)

A former board member or employee covered by the third provision may *never* represent a person or receive compensation for services rendered on behalf of any person regarding a “particular matter” in which he or she “participated” while serving with the agency. A “particular matter” is a *specific* matter before the agency, such as an investigation, application, contract, rulemaking proceeding, administrative proceeding, request for a ruling, etc. This revolving door provision prohibits you from representing a person, or getting paid to help a person, regarding a *specific* matter in which you were either personally involved or that was a matter within your official responsibility while a state officer or employee. It does not prohibit you from working on the *type of matters* you worked on at the agency. *This restriction lasts forever.*

**Note:** For purposes of the Government Code revolving door statutes, a “person” is an individual or business entity. Gov’t Code § 572.002(7). The statutes do not restrict former state officers or employees from representing or providing services on behalf of nonprofit or governmental entities. Ethics Advisory Opinion No. 232 (1994).

Violation of either of the second or third revolving door provisions is a Class A misdemeanor. The Texas Ethics Commission may assess a civil penalty for a violation of any of the three revolving door laws.

## PART V. PERSONAL FINANCIAL STATEMENTS

Board members and executive directors of most state agencies are required to file a personal financial statement with the commission on or before April 30 each year if they served at any time



beginning on January 1 and continuing through April 30 of that year. Gov't Code § 572.026(a). If your term as a board member is ending or if you plan to resign from a board, you should be aware of the "holdover" provision of the Texas Constitution. Under this provision, a state officer "holds over" in office until replaced. A person who no longer attends meetings may nonetheless "holdover" as a board member. Thus, if you resign or your term expires before January 1 of a given year, you will still be required to file a financial statement for that year if your successor was not appointed before January 1.

However, if you are an appointed officer, as defined by section 572.002 of the Government Code, you are not required to file a personal financial statement if the following criteria are met before January 1 of the year the statement is due: (1) your term expired, you resigned, your agency was abolished, or your agency functions were transferred to another agency; and (2) you ceased to participate in the state agency's functions. If your term expired or if you resigned, you are required to provide written notice of your intent to not participate in the agency's functions to the Office of the Governor and to the Texas Ethics Commission.

Anyone who asks for extra time to file by April 30 is entitled to a one-time, 60-day extension. Call the Ethics Commission legal staff at (512) 463-5800 if you have questions when completing the form.

**Note:** New state law requires a personal financial statement filed with the Ethics Commission to be filed electronically. Please visit the Ethics Commission website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us) for information regarding the filing application and instructions.

**Note:** The commission imposes a civil penalty of \$500 for late filings. The commission has the authority to raise this penalty. There are criminal penalties for failing to file at all.

## PART VI. LOBBYING BY STATE OFFICERS AND EMPLOYEES

The provisions of Government Code chapter 556 prohibit the use of appropriated funds to influence legislation. Those provisions are not under the Ethics Commission's jurisdiction. The lobby law, chapter 305 of the Government Code, is not applicable in this context. Note, however, that a *gift* from a state agency to a legislator may be prohibited under the Penal Code.

### SUMMARY

This guide is intended to make you familiar with the laws interpreted by the Texas Ethics Commission that govern your conduct as a state officer. For further guidance, you should consult your agency's ethics advisor or general counsel. Also, feel free to call the Ethics Commission at (512) 463-5800 for advice or visit our Internet site at <http://www.ethics.state.tx.us>.

## APPENDIX

### *Penal Code Provisions Regarding Gifts to a Public Servant*

#### **§ 36.08. Gift to Public Servant by Person Subject to His Jurisdiction**

- (a) A public servant in an agency performing regulatory functions or conducting inspections or investigations commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be subject to regulation, inspection, or investigation by the public servant or his agency.
- (b) A public servant in an agency having custody of prisoners commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be in his custody or the custody of his agency.
- (c) A public servant in an agency carrying on civil or criminal litigation on behalf of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person against whom the public servant knows litigation is pending or contemplated by the public servant or his agency.
- (d) A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.
- (e) A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any matter before the public servant or tribunal.
- (f) A member of the legislature, the governor, the lieutenant governor, or a person employed by a member of the legislature, the governor, the lieutenant governor, or an agency of the legislature commits an offense if he solicits, accepts, or agrees to accept any benefit from any person.
- (g) A public servant who is a hearing examiner employed by an agency performing regulatory functions and who conducts hearings in contested cases commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from any person who is appearing before the agency in a contested case, who is doing business with the agency, or who the public servant knows is interested in any matter before the public servant. The exception provided by Section 36.10(b) does not apply to a benefit under this subsection.
- (h) An offense under this section is a Class A misdemeanor.

- (i) A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

**§ 36.09. Offering Gift to Public Servant**

- (a) A person commits an offense if he offers, confers, or agrees to confer any benefit on a public servant that he knows the public servant is prohibited by law from accepting.
- (b) An offense under this section is a Class A misdemeanor.

**§ 36.10. Non-Applicable**

- (a) Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) do not apply to:
  - (1) a fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;
  - (2) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
  - (3) a benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
    - (A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and
    - (B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
  - (4) a political contribution as defined by Title 15, Election Code;
  - (5) a gift, award, or memento to a member of the legislative or executive branch that is required to be reported under Chapter 305, Government Code;
  - (6) an item with a value less than \$50, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
  - (7) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;

- (8) transportation, lodging, and meals described by Section 36.07(b); or
- (9) complimentary legal advice or legal services relating to a will, power of attorney, advance directive, or other estate planning document rendered:
  - (A) to a public servant who is a first responder; and
  - (B) through a program or clinic that is:
    - (i) operated by a local bar association or the State Bar of Texas; and
    - (ii) approved by the head of the agency employing the public servant, if the public servant is employed by an agency.
- (b) Section 36.08 (Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.
- (c) Section 36.09 (Offering Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donor is required by law to report those items, reported by the donor in accordance with that law.
- (d) Section 36.08 (Gift to Public Servant) does not apply to a gratuity accepted and reported in accordance with Section 11.0262, Parks and Wildlife Code. Section 36.09 (Offering Gift to Public Servant) does not apply to a gratuity that is offered in accordance with Section 11.0262, Parks and Wildlife Code.
- (e) In this section, “first responder” means:
  - (1) a peace officer whose duties include responding rapidly to an emergency;
  - (2) fire protection personnel, as that term is defined by Section 419.021, Government Code;
  - (3) a volunteer firefighter who performs firefighting duties on behalf of a political subdivision and who is not serving as a member of the Texas Legislature or holding a statewide elected office;
  - (4) an ambulance driver; or
  - (5) an individual certified as emergency medical services personnel by the Department of State Health Services.

✓ **FEES FOR SERVICES:** You may accept a payment to which you are lawfully entitled in a capacity other than your official status. In this case you may accept the offer without restriction. Remember, you may not take an honorarium for a service that you would not have been asked to provide but for your official status.

✓ **POLITICAL CONTRIBUTIONS:** You may accept a political contribution as a candidate or officeholder.

✓ **GOVERNMENT PROPERTY:** You may accept an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the entity.

✓ **FOOD, ENTERTAINMENT, TRANSPORTATION, & LODGING:** Benefits in the form of food, lodging, transportation, or entertainment are permissible if accepted as a "guest" and reported in accordance with any applicable reporting requirement. To accept something as a guest, the donor must be present. As to reporting requirements, certain elected officeholders, state agency board members, and state agency heads are required to file annual personal financial statements on which they must report certain gifts worth more than \$470. For most state *employees*, there is no applicable reporting requirement. Board members and agency heads may be required to report certain gifts on their annual personal financial statement.

#### **DONATIONS TO CHARITY**

**If you receive an unsolicited benefit that you are prohibited from accepting, you may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes.**

### **Texas Ethics Commission**

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# *Can I Take It?*



*A Guide for Officers and Employees in the Executive Branch of State Government.*

*Note: Employees of the Governor or Lieutenant Governor should refer to the "Can I Take It?" brochure specifically applicable to those offices.*

*Revised March 16, 2021*

# Can I Take It?

## RULE NO. 1

### YOU MAY NEVER TAKE ANYTHING AS CONSIDERATION FOR AN OFFICIAL ACT

The bribery law prohibits payments or gifts made in exchange for an official act. An official act includes a vote, a recommendation, and any other exercise of official discretion.

## RULE NO. 2

### YOU MAY NOT ACCEPT AN HONORARIUM FOR SERVICES YOU WOULD NOT HAVE BEEN ASKED TO PROVIDE BUT FOR YOUR OFFICIAL STATUS

This means, for example, that you may not accept a gift or payment for giving a speech if your official position was a reason for your being asked to give the speech. You may, however, accept meals, transportation, and lodging in connection with a speech as long as your speech is more than merely perfunctory. Also, you may accept a gift that is not a "benefit" such as a plaque or something of minimal value like a coffee cup, key chain, or "gimme" cap.

**THE OTHER RULES:** If acceptance of a gift or payment is permissible under Rule Nos. 1 and 2, the next step is to determine whether or not the person making the offer is a registered lobbyist.

## A. IF THE PERSON MAKING THE OFFER IS A REGISTERED LOBBYIST:

### 1. You may not accept:

- ✗ Loans, cash, or negotiable instruments other than political contributions.
- ✗ Travel or lodging for a pleasure trip. (Incidental transportation such as a short ride in a car or taxi is permissible.)

### 2. You may accept:

- ✓ Food and beverages if the lobbyist is with you. There is no annual limit on the value of food and beverages you may accept from a lobbyist.
- ✓ Entertainment worth up to \$500 in a calendar year. (Entertainment includes, for example, sports events and concerts.) The lobbyist providing the entertainment must be present for the event.
- ✓ Gifts, other than awards and mementos, that together do not exceed \$500 in value during a calendar year.
- ✓ Awards and mementos worth not more than \$500. This is not an annual cap, but a cap on the value of each individual award or memento.
- ✓ Travel and lodging in connection with a fact-finding trip or to a seminar or conference at which you are providing services, such as speaking, and the services are more than perfunctory. Any lobbyist who is providing travel or lodging must be present at the event.
- ✓ Tickets or other expenditures for attendance at a political fundraiser or charitable event if the lobbyist is present at the event.

Note: You can find out if someone is a registered lobbyist by calling the disclosure filings section of the Texas Ethics Commission at 512-463-5800 or by going to [www.ethics.state.tx.us/search/lobby.html](http://www.ethics.state.tx.us/search/lobby.html).

## PLEASE NOTE

Your name will appear on a lobbyist's activities report:

- if expenditures for your food, lodging, transportation, or entertainment in a day exceed \$132.60,\* which is 60 percent of the amount of the legislative per diem;
- if expenditures for a gift, award, or memento exceed \$90; or
- each time an expenditure is made for you to attend political fundraisers or charity events, regardless of the amount spent.

\* effective January 6, 2019

## B. IF THE PERSON MAKING THE OFFER IS NOT A REGISTERED LOBBYIST:

A state officer or employee may not take any benefit from a person subject to the regulation, inspection, or investigation by that person or that person's agency. (A "benefit" is anything reasonably regarded as pecuniary gain or advantage.) There are, however, many exceptions to this general rule. **You may accept a gift, payment, or contribution as long as the gift, payment, or contribution fits into *any one* of the following categories.**

- ✓ ITEMS WORTH LESS THAN \$50: You may accept an item with a value of less than \$50. This exception does not apply to cash, checks, or negotiable instruments.
- ✓ INDEPENDENT RELATIONSHIP: There is an exception from the general prohibition on the acceptance of benefits for a gift based on
  - kinship
  - a personal relationship independent of your official status
  - a professional relationship independent of your official status
  - a business relationship independent of your official status.

(over)

## HONORARIUM LAW

As a public servant, you may not accept an honorarium in consideration for services that you would not have been requested to provide but for your official position or duties. You may, however, accept food, transportation, and lodging in connection with services rendered at a conference or seminar.

## CAMPAIGN AND OFFICEHOLDER CONTRIBUTIONS

A candidate or elected officeholder must report all campaign or officeholder contributions, this includes contributions in the form of transportation or lodging.

**No corporate contributions.** A candidate may not accept a campaign contribution, nor may an officeholder accept an officeholder contribution, from a corporation or labor union.

## FINANCIAL STATEMENT

Some government officials are required to file an annual personal financial statement. A filer must report any gifts, including trips, that exceed \$250 in value, except gifts reportable as a political contribution, or a lobby expenditure, or a gift received from an individual related within the second degree by consanguinity or affinity. Also, a filer must report transportation, meals, or lodging provided by a third party in connection with a conference or similar event, unless a lobbyist reports the expenditures.

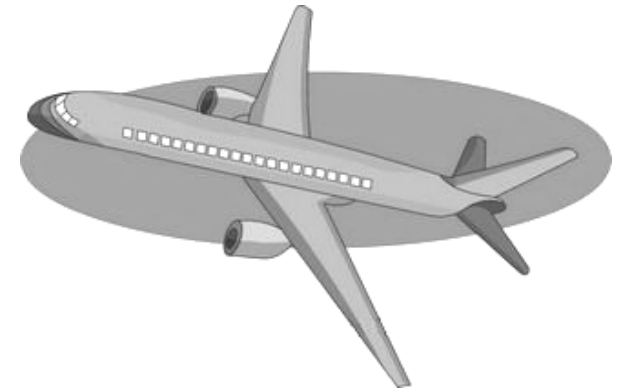
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# Can I Take This Trip?



A Texas Ethics Commission guide  
to the acceptance of trips by  
government officers and employees.

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*Revised February 24, 1997*

# Can I Take This Trip?

Officers and employees of governmental bodies often ask the Ethics Commission whether it is permissible to take a trip paid for by a third party. To answer such questions, it is first necessary to determine whether the third party is providing the trip to the governmental body or to the individual. If the trip is being provided to an individual government officer or employee, rather than to the governmental body itself, the individual must consider the restrictions and reporting requirements in *all* of the following laws:

- ◆ the lobby law in chapter 305, Government Code
- ◆ the gift laws in chapter 36, Penal Code
- ◆ the honorarium law in chapter 36, Penal Code
- ◆ the campaign finance law in title 15, Election Code
- ◆ the law requiring certain government officials to file an annual personal financial statement in chapter 572, Government Code.

It is important to review the restrictions in all of those laws because what is permissible under one law may not be permissible under another.

## GIFTS TO THE GOVERNMENT

Under the appropriate circumstances, a governmental body may accept an offer by a third party to pay travel expenses for a government officer or employee to conduct government business.

## ATTACHMENT III

Whether a governmental body may accept a gift depends on the laws specifically applicable to the governmental body, not on the laws under the jurisdiction of the Texas Ethics Commission. Individual employees may not make decisions about accepting gifts on behalf of a governmental body; only the governing board may make such decisions.

An individual government officer or employee who intends to accept a trip for himself or herself should first review the restrictions and reporting requirements in the laws discussed below.

## LOBBY LAW

Under the lobby law, an officer or employee in the legislative or executive branch of *state government* is subject to a general prohibition on the acceptance of transportation and lodging from a registered lobbyist. There are exceptions to this rule: one for transportation and lodging in connection with a fact-finding trip, one for transportation and lodging in connection with a conference or similar event, and one for incidental transportation.

**Fact-finding trips.** There is an exception to the prohibition on lobbyist-paid trips for necessary expenditures for transportation and lodging when the purpose of the travel is to explore matters directly related to the duties of a member of the legislative or executive branch, such as fact-finding trips, but not including attendance at merely ceremonial events or pleasure trips. A lobbyist who provides transportation or lodging in connection with a fact-finding trip must be present at the event.

**Conferences or similar events.** There is also an exception for necessary expenditures for transportation and lodging provided in connection with a conference or similar event in which the member renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory. A lobbyist who provides transportation or lodging in connection with a conference or similar event must be present at the event.

**Incidental transportation.** The prohibition on lobbyist-paid transportation does not apply to transportation of incidental value, such as a short ride in a car or taxi.

*Note: A lobbyist is required to report lobby expenditures, including expenditures for transportation and lodging.*

## GIFT LAWS

Under chapter 36 of the Penal Code, most public servants, at both the state and local level, are subject to a prohibition on the acceptance of a benefit from someone subject to their jurisdiction. (The Governor and the Governor's employees, the Lieutenant Governor and the Lieutenant Governor's employees, and members of the legislature and legislative employees are subject to a prohibition on the acceptance of a benefit from anyone.) There are, however, exceptions to those prohibitions, including an exception for something worth less than \$50 and an exception for something from a close friend or family member. There is also a specific exception for benefits in the form of transportation and lodging accepted as a "guest" and reported in accordance with any applicable reporting requirement. In order for something to be accepted as a guest, the donor must be present.



# Revolving Door

## A GUIDE TO THE REVOLVING DOOR PROVISIONS

*THIS GUIDE IS FOR former board members, officers, and employees of certain agencies in the executive branch of state government. Chapter 572 of the Government Code contains three revolving door provisions. Each provision applies to different groups of former members, officers, and employees.*

*The revolving door provisions do not apply to former officers or employees of the legislative or judicial branches of state government.*

**Caveat:** *Other law "that restricts the representation of a person before a particular state agency by a former state officer or employee of that agency" prevails over the second and third provisions in section 572.054. For example, a former employee of the Public Utility Commission is not subject to the second or third revolving door provisions because the Public Utilities Regulatory Act contains a specific revolving door provision that applies to former employees of the Public Utility Commission.*

### The First Revolving Door Rule

#### Two-year Prohibition Applicable to Former State Officers and Employees

The first revolving door rule applies to all former state officers and employees of a state agency.

With respect to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications between September 1, 2015, and August 31, 2017, if a state officer or employee has participated on behalf of the agency in a procurement or contract negotiation involving any person, then he or she may not accept employment from that person for two years after the date he or she leaves the agency.

With respect to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or qualifications on or after September 1, 2017, if a state officer or employee of a state agency participated on behalf of the agency in a procurement or contract negotiation involving any person, then he or she may not accept employment from that person for two years after the date the contract is signed or the procurement is terminated or withdrawn.

### The Second Revolving Door Rule

#### Two-year Prohibition Applicable to Former Board Members and Executive Directors

The second revolving door rule applies to all former board members and former executive heads of regulatory agencies. For two years after a board member or executive head leaves a regulatory agency, he or she *may not* appear before or communicate with officers or employees of the agency with the intent to influence the board on behalf of any person in connection with any matter on which the person seeks official action.

The law is not an absolute prohibition on communications to an agency by a former board member or former executive head of the agency. *The restriction applies only to communications and appearances intended to influence agency action.* If, for example, a current board member calls a former board member to get information about past board activities, the former board member is free to provide information -- as long as the former board member does not try to influence the actions of the current board. This restriction applies regardless of who initiated the contact and even if a former board member or executive head is communicating on their "own behalf" with the intent to influence agency action, subject to any constitutional due process right to be heard by the agency.

### The Third Revolving Door Rule

#### Continual Prohibition Applicable to Former Board Members and Upper-level Employees

The third revolving door rule deals with work on specific "matters" and applies to all former officers and certain former employees of regulatory agencies.

**Former Officers.** The provision applies to a former "officer" of a regulatory agency. Board members of state agencies are officers. An individual elected or appointed as the head of an agency that does not have a board is an officer.

For example, the Agriculture Commissioner and the Insurance Commissioner are state officers.

**Former Employees Paid at or Above Certain Level.** The provision applies to a former employee of a regulatory agency whose ending pay was at or above the amount prescribed for salary group A17, of the state position classification salary schedule. (The 2020-2021 General Appropriations Act prescribed the minimum annual salary for that salary group (A17) as \$36,976 for fiscal years 2020 and 2021.) A former employee who received that amount or more at the time of leaving state employment is subject to the third revolving door rule, regardless of whether the former employee held a classified position or a position exempt from the classification schedule.

An officer or employee subject to the third revolving door prohibition *may never* represent a person or receive compensation for services rendered on behalf of any person regarding a "particular matter" in which he or she "participated" while serving with the agency, either through personal involvement or because the matter was within his or her official responsibility. In this context, "participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.

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The most common question raised about the third revolving door rule is whether proposed future employment would involve work on a "particular matter" that a person participated in as a state officer or employee. A "particular matter" is defined narrowly to mean something quite specific, such as an investigation, application, contract, rulemaking, or other administrative proceeding.

This means a person subject to the third revolving door prohibition may work on matters similar to matters he or she worked on as a state employee, but not on exactly the same matters. For example, a former employee of a regulatory agency who worked on Permit Application X at the agency could not leave the agency and work on Permit Application X on behalf of the applicant. The former employee could, however, work on Permit Application Z, even if Permit Application Z involved issues similar to the issues raised in connection with Permit Application X.

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**Representation of  
Nonprofit Organizations or  
Governmental Bodies**

All of the revolving door laws apply to activity on behalf of a "person." Under the revolving door laws, a "person" is an individual or business entity. It does not include a nonprofit organization or governmental body.

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**Penalties**

A violation of the second or third revolving door provisions is a Class A misdemeanor.

The Texas Ethics Commission may assess a civil penalty for a violation of any of the three revolving door laws.

## Texas Ethics Commission

P.O. Box 12070

Austin, Texas 78711

(512) 463-5800

TDD: (512) 735-2989

<http://www.ethics.state.tx.us>



If you have questions, please contact the Ethics Commission at (512) 463-5800.

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*Revised October 3, 2019*

# REVOLVING DOOR



## *LEAVING A STATE AGENCY?*

*A Texas Ethics Commission Guide to the  
Revolving Door Provisions in Chapter 572  
of the Texas Government Code*

## Discussion of Pending Litigation

January 26, 2022

### **COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** The State Board of Education (SBOE) may enter into executive session in accordance with the Texas Government Code, §551.071(1)(A), to discuss pending and contemplated litigation with the general counsel, legal staff, and, if necessary, attorney(s) from the Attorney General's Office. The Committee of the Full Board will meet in Room 1-103 to discuss this item.

Cases to be discussed may include:

*Tribune Company*, No. 08-13141; *The Official Committee of Unsecured Creditors of Tribune Company v. Fitzsimmons*, Adv. Pro. No. 10-54010 (Bankr. D. Del);

*Deutsche Bank v Bank of America*, No. 3:11-CV-01175-F (N. D. Tex., Dallas Div.) and *Deutsche Bank v. Employees Retirement Fund of the City of Dallas*, No. 3:11-CV-1167-F; (N. D. Tex. Dallas Div. ) *CONSOLIDATED in: In re: Tribune Company Fraudulent Conveyance Litigation*; No. 11-MD-2296 *Consolidated Multidistrict Action (S.D.N.Y.)*;

*Student v. Conroe ISD, Texas Education Agency and State Board of Education*, Civil Cause No. 1:21-CV-01048-LY (U.S. District Court – Western District of Texas (Austin)); and

any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.

**BOARD RESPONSE:** Board may advise and comment.

**BACKGROUND INFORMATION AND JUSTIFICATION:** At every regularly scheduled meeting, the SBOE has the opportunity to be apprised of pending litigation as the need arises. The SBOE may also receive continued briefing on procedural developments.

**Staff Member Responsible:**

Von Byer, General Counsel, Legal Services

# **COMMITTEE ON INSTRUCTION**

**Proposed Repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005**  
**(Second Reading and Final Adoption)**

**January 28, 2022**

**COMMITTEE ON INSTRUCTION: ACTION**  
**STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005. The proposed repeals would remove high school graduation requirements that are outdated and no longer necessary. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §7.102(c)(4) and §28.025.

TEC, §7.102(c)(4), requires the State Board of Education (SBOE) to establish curriculum and graduation requirements.

TEC, §28.025, requires the SBOE to determine by rule the curriculum requirements that are consistent with the required curriculum under the TEC, §28.002.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposed repeals is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will remove obsolete rules as soon as possible.

**PREVIOUS BOARD ACTION:** The SBOE adopted rules in Chapter 74, Subchapter D, effective September 1, 2001, and last amended the rules in 2006. The SBOE adopted rules in Chapter 74, Subchapter E, effective December 7, 2003, and last amended the rules in 2010. At the November 2021 SBOE meeting, the board approved for first reading and filing authorization the proposed repeal of 19 TAC Chapter 74, Subchapters D and E.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The rules in Chapter 74, Subchapter D, outline the graduation requirements for students who entered Grade 9 in the 2001-2002, 2002-2003, or 2003-2004 school years. Graduation requirements outlined in Chapter 74, Subchapter E, apply to students who entered Grade 9 in the 2004-2005, 2005-2006, or 2006-2007 school years. This item provides the opportunity for the board to repeal these rules as they are no longer needed.

The text of the proposed repeal of Chapter 74, Subchapters D and E, is not included as an attachment to this item due to the volume of rules; however, the rules are viewable on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-74>.

At the November 2021 SBOE meeting, the board approved the proposed repeals for first reading and filing authorization.

No changes are recommended since approved for first reading.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed.

TEA has determined that there are no additional costs to state or local government required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing graduation requirements by removing Chapter 74, Subchapters D and E, since the rules are out of date and no longer necessary.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed.

The proposal would remove rules that are out of date and no longer necessary. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed.

The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed.

TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** Following the November 2021 SBOE, notice of proposed repeal of 19 TAC Chapter 74, Subchapters D and E, was filed with the Texas Register, initiating the public comment period. The public comment period began December 17, 2021, and ended at 5:00 p.m. on January 21, 2022. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the January 2022 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2022 in accordance with the SBOE board operating policies and procedures.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for second reading and final adoption the proposed repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005; and

Make an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 74, Subchapters D and E, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. (*Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.*)

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

## Approval of Updates and Substitutions to Adopted Instructional Materials

January 28, 2022

**COMMITTEE ON INSTRUCTION: ACTION**  
**STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides the opportunity for the committee to approve update and/or substitution requests received since the last board meeting. The updated content has been reviewed by subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §31.003 and §31.022.

TEC, §31.003, permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEC, §31.022(b), requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum and for each subject in the enrichment curriculum.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** In February 2015, the SBOE approved a substitution request for three science products, kindergarten–grade 2, from Discovery Education. In April 2016, the SBOE approved an update request for two math products, grades 6–8, from Texas State University. In April 2019, the Committee on Instruction (COI) postponed a vote on an update request for three English language arts and reading products, grades 6–8, from ThinkCERCA. The board approved the update request from ThinkCERCA at the June 2019 meeting. At the September 2019 meeting, the SBOE postponed a vote on an update request from EDUSPARK, Inc. for four Spanish language arts and reading products, kindergarten, and grades 1, 4, and 5. The request from EDUSPARK, Inc. was approved by the SBOE at the November 2019 meeting. In January 2020, a substitution request from Origo Education for English and Spanish math, kindergarten–grade 5, was submitted to the COI but no action was taken. In April 2020, the SBOE approved the substitution request from Origo Education for English and Spanish math, kindergarten–grade 5. In September 2020, the SBOE approved an update request from Learning A–Z for six English language arts and reading products, kindergarten–grade 2. In November 2020, the SBOE approved an update request from Learning A–Z for three English language arts and reading products, grades 2–4. In January 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grade 5 and a substitution request from QuaverEd for their prekindergarten product. In April 2021, the SBOE approved an update request from EDUSPARK, Inc. for English and Spanish prekindergarten products and a substitution request from Cheng & Tsui Co. Inc. for their Chinese Level I languages other than English product. In June 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grades 2–4. In September 2021, the SBOE approved update requests from The Children’s Learning Institute at the University of Texas Health Science Center at Houston for prekindergarten English and Spanish. In November 2021, the SBOE approved a substitution request from Cheng & Tsui and an update request from Learning A–Z.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Rules in 19 TAC §66.75 permit a publisher to submit a request for approval to substitute an updated edition of state-adopted instructional



materials. The rule also requires that all requests for updates involving content in state-adopted instructional materials be approved by the SBOE prior to their introduction into state-adopted instructional materials.

Rules in 19 TAC §66.76 permit a publisher to submit a request for approval to substitute a new edition of state-adopted instructional materials. The rule also requires that all requests for updates involving content used in determining the product's eligibility for adoption must be approved by the SBOE prior to their introduction into state-adopted instructional materials.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve instructional materials update and/or substitution requests as presented in the Separate Exhibit.

**Staff Members Responsible:**

Melissa Lautenschlager, Director, Instructional Materials and Implementation  
Amie Williams, Director, Instructional Materials Review and Procurement

**Attachment I:**

[Learning A–Z English language arts and reading, grade 2](#)

**Attachment II:**

[Learning A–Z English language arts and reading, grade 3](#)

**Separate Exhibit:**

Additional Updates and/or Substitutions Submitted for Approval  
(To be provided at the January 2022 SBOE meeting)

## Recommendations Regarding Renewal of Instructional Materials Contracts

January 28, 2022

**COMMITTEE ON INSTRUCTION: ACTION**  
**STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item recommends renewal of instructional materials contracts that expire on August 31, 2022. This action is recommended to ensure that these materials remain available for distribution to school districts until replacements become available.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§31.026](#).

TEC, §31.026, requires the State Board of Education (SBOE) to execute contracts with publishers of adopted materials that coincide with the board's review cycle and that specify a price fixed for the term of the contract that does not exceed the lowest price paid by any other state or any school or school district.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Instructional materials included in *Proclamation 2014* (mathematics, grades K–8; science, grades K–12; and technology applications) were adopted in November 2013.

The Texas Administrative Code, §66.72(g), requires publishers awarded instructional materials contracts to be prepared to extend the contract period for not more than four years.

A list of instructional materials recommended for 2022–2026 renewal is provided in Separate Exhibit I. Current contracts for these materials will expire on August 31, 2022, and new instructional materials for the subject areas will not yet be adopted at that time.

**PUBLIC BENEFIT AND COST TO PERSONS:** Renewal will ensure that the instructional materials continue to be available to school districts and open-enrollment charter schools to replace lost or worn-out materials and to accommodate increases in enrollment.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Renew contracts for instructional materials adopted under *Proclamation 2014* in the subject areas and for the periods indicated in the separate exhibit.

**Staff Members Responsible:**

Melissa Lautenschlager, Director, Instructional Materials and Implementation  
Amie Williams, Director, Instructional Materials Review and Procurement

**Separate Exhibit:**

Instructional Materials Recommended for 2022–2026 Renewal  
(to be provided at the January 2022 SBOE meeting)

## Proposed Approval of Innovative Courses

January 28, 2022

**COMMITTEE ON INSTRUCTION: ACTION**  
**STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§28.002\(f\)](#).

TEC, §28.002(f), authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education (SBOE) to be flexible in approving a course for credit for high school graduation.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** The SBOE adopted 19 TAC §74.27, Innovative Courses and Programs, to be effective September 1, 1996, with amendments to be effective September 1, 1998, and December 25, 2007. In November 2019, the SBOE adopted additional amendments to 19 TAC §74.27 to be effective December 25, 2019.

From May 1998 through July 2003, the SBOE approved a total of 45 new innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum through the annual approval process. In May 2004, July 2007, July 2009, January 2011, January 2012, January 2013, and July 2014 the SBOE approved the renewal of innovative courses in addition to approving new courses. In April 2005, April 2006, May 2008, May 2010, and April 2014 the SBOE approved renewal of innovative courses. In July 2010, the SBOE approved one new course. In April 2015, the SBOE approved for a period of five years three expiring course series submitted for renewal. In April 2016, the SBOE approved one new course for a period of three years and one new course for a one-year period. The SBOE approved for a period of five years each the renewal of three expiring innovative courses in November 2016. At the January-February 2017 meeting, the SBOE approved for renewal two expiring innovative courses for a period of five years, and at the April 2017 SBOE meeting, the SBOE approved for renewal three additional courses for a period of five years each. At the June 2017 SBOE meeting, the SBOE approved two new courses for a period of five years each. At the April 2018 SBOE meeting, the SBOE approved one new course for a period of five years. At the January-February 2019 SBOE meeting, the SBOE renewed one course for a period of three years and granted one course a one-year extension. At the April 2019 SBOE meeting, the board approved for renewal two courses for a period of three years and one course for a period of five years. At the June 2019 SBOE meeting, the board approved renewal of one course for a period of three years and one new course for a period of two years. The board approved renewal of eight innovative courses for a period of five years at the January 2020 SBOE meeting. At the June-July 2020 SBOE meeting, the SBOE renewed ten courses for a period of five years and granted one new course a two-year approval. In January 2021, the SBOE renewed one course for a period of five years.

**BACKGROUND INFORMATION AND JUSTIFICATION:** After the board adopted new rules concerning graduation requirements, the experimental courses previously approved were phased out as of

August 31, 1998. As a result of the adoption of the Texas Essential Knowledge and Skills (TEKS), districts now submit new requests for innovative course approval for courses that do not have TEKS.

The process outlined in 19 TAC §74.27 provides authority for the commissioner of education to approve discipline-based courses but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

A brief description of the courses submitted for SBOE review and consideration will be provided to SBOE members at the January 2022 meeting. If approved, the recommended effective date for the courses would be August 1, 2022. With the approval of the local board of trustees, the courses would be available for school districts' use beginning with the 2022-2023 school year.

**PUBLIC BENEFIT AND COST TO PERSONS:** Students would have access to courses that meet local district needs.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve the innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum as shown in the separate exhibit.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of 19 TAC §74.27, [Innovative Courses and Programs](#)

**Separate Exhibit:**

Innovative Courses Recommended for Approval  
(to be provided at the January 2022 SBOE meeting)

## ATTACHMENT

### Text of 19 TAC

#### Chapter 74. Curriculum Requirements

##### Subchapter C. Other Provisions

###### §74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.
  - (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
  - (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
  - (3) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.
  - (4) To request approval from the SBOE or the commissioner of education, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:
    - (A) a description of the course and its essential knowledge and skills;
    - (B) the rationale and justification for the request in terms of student need;
    - (C) data that demonstrates successful implementation or piloting of the course;
    - (D) a description of activities, major resources, and materials to be used;
    - (E) the methods of evaluating student outcomes;
    - (F) the qualifications of the teacher;
    - (G) any training required in order to teach the course and any associated costs; and
    - (H) the amount of credit requested.
  - (5) To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
  - (6) With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.
- (b) An ethnic studies course that has been approved by the commissioner as an innovative course shall be presented to the SBOE for discussion and consideration for inclusion in the TEKS.
  - (1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be presented to the SBOE for consideration.
  - (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b) shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

## **Rule Review of 19 TAC Chapter 89, Adaptations for Special Populations**

**January 27, 2022**

### **COMMITTEE ON INSTRUCTION: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** Texas Government Code (TGC), §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 SBOE rules in 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, Subchapter C, Texas Certificate of High School Equivalency, and Subchapter D, Special Education Services and Settings. The rules being reviewed relate to gifted/talented education, Texas certificate of high school equivalency, and special education services and settings.

**STATUTORY AUTHORITY:** The statutory authority for the rule review is the [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 89, is Subchapter A, Texas Education Code (TEC), [§29.122](#) and [§48.109\(b\)](#); for Subchapter C is the Texas Education Code ([TEC](#)), [§7.111](#); and for Subchapter D is [TEC, §30.003\(d\) and \(g\)](#) and [§30.004](#).

The TGC, §2001.039, requires all state agencies to review their rules at least once every four years.

TEC, §7.111, authorizes the SBOE to adopt rules for the development and delivery of high school equivalency examinations and the provision for the administration of the examinations online, including a procedure for verifying the identity of the person taking the examination and the establishment and required payment of fees.

TEC, §29.122, authorizes the SBOE to establish criteria each school district shall use to adopt a process for identifying and serving gifted and talented students in the district and to establish a program for those students in each grade level.

TEC, §30.003(d) and (g), authorizes the SBOE to set a date by rule on which school districts and state institutions shall provide to the commissioner the necessary information to determine the district's share of cost for a student's education at the Texas School for the Blind and Visually Impaired or Texas School for the Deaf and adopt rules as necessary to implement this section of the TEC.

TEC, §30.004, authorizes the SBOE to adopt rules prescribing the information that school districts shall provide to parents or other persons having lawful control of a student about programs and services available at the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf. This information is to include the availability of programs offered by state institutions for which the student may be eligible; the eligibility requirements and admission conditions imposed by each of those state institutions; and the rights of students regarding admission to those state institutions and the appeal of admission decisions.

TEC, §48.109(b), authorizes the SBOE to adopt rules districts must use to account for the expenditure of state funds for the gifted and talented student allotment.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**FUTURE ACTION EXPECTED:** The review of 19 TAC Chapter 89, Subchapters A, C, and D, is scheduled to be presented to the SBOE for adoption at the April 8, 2022 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE rules in 19 TAC Chapter 89 are organized as follows: Subchapter A, Gifted/Talented Education; Subchapter C, Texas Certificate of High School Equivalency; and Subchapter D, Special Education Services and Settings. Following is a summary of each subchapter.

*Subchapter A. Gifted/Talented Education*

The rules in this subchapter provide for assessment and services for students; professional development for teachers, counselors, and administrators; and program accountability. The rules have been used as the foundation of the *Texas State Plan for the Education of Gifted/Talented Students* since November 1996.

*Subchapter C. Texas Certificate of High School Equivalency*

The rules in this subchapter provide for high school equivalency testing in the state, including the establishment of testing centers; eligibility requirements for the Texas Certificate of High School Equivalency; and requirements for examinee identification, retesting, testing accommodations for examinees with documented disabilities, and issuance of the certificate.

*Subchapter D. Special Education Services and Settings*

The rules in this subchapter establish procedures for contracting for residential educational placements for students with disabilities, support of students enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf, and instructional arrangements and settings.

**ANTICIPATED REVISIONS TO RULES:** No changes to rules in 19 TAC Chapter 89, Subchapters A, C, and D are anticipated at this time.

**PUBLIC COMMENTS:** TEA will file the notice of proposed review of 19 TAC Chapter 89, Subchapters A, C, and D, with the Texas Register following the January 2022 SBOE meeting. TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 89, Subchapters A, C, and D, continue to exist. The public comment period on the proposed rule review begins February 25, 2022, and ends at 5:00 p.m. on April 1, 2022. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in April 2022 in accordance with the SBOE operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reason for adoption continues to exist would not preclude any amendments that may be proposed at the same time or at different dates through a separate rulemaking process.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Monica Brewer, Statewide Coordinator, Gifted/Talented Education

Cindee Tonnesen, Assistant Director, Texas Certificate of High School Equivalency, College,  
Career, and Military Preparation  
Tebbi Bowman, Policy Manager, Special Education Programs

**Attachment:**

Text of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, Subchapter C, Texas Certificate of High School Equivalency, and Subchapter D, Special Education Services and Settings



**ATTACHMENT  
Text of 19 TAC**

**Chapter 89. Adaptations for Special Populations**

**Subchapter A. Gifted/Talented Education**

*Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §29.122 and §42.156(b), unless otherwise noted.*

**§89.1. Student Assessment.**

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/talented program;
- (4) provide for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students; and
- (5) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

*Source: The provisions of this §89.1 adopted to be effective September 1, 1996, 21 TexReg 5690.*

**§89.2. Professional Development.**

School districts shall ensure that:

- (1) prior to assignment in the program, teachers who provide instruction and services that are a part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
- (2) teachers without training required in paragraph (1) of this section who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester;
- (3) teachers who provide instruction and services that are a part of the program for gifted students receive a minimum of six hours annually of professional development in gifted education; and
- (4) administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

*Source: The provisions of this §89.2 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective February 13, 2000, 25 TexReg 776.*

**§89.3. Student Services.**

School districts shall provide an array of learning opportunities for gifted/talented students in kindergarten through Grade 12 and shall inform parents of the opportunities. Options must include:

- (1) instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
- (2) a continuum of learning experiences that leads to the development of advanced-level products and performances;
- (3) in-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
- (4) opportunities to accelerate in areas of strength.

*Source: The provisions of this §89.3 adopted to be effective September 1, 1996, 21 TexReg 5690.*

**§89.5. Program Accountability.**

School districts shall ensure that student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented.

*Source: The provisions of this §89.5 adopted to be effective September 1, 1996, 21 TexReg 5690.*

## **Subchapter C. Texas Certificate of High School Equivalency**

**§89.41. Policy.**

The Texas Education Agency shall be the only agency in Texas authorized to issue a certificate of high school equivalency. Tests shall be administered by authorized contracted testing centers under applicable state law and rules of the State Board of Education.

*Statutory Authority: The provisions of this §89.41 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.41 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective December 11, 2011, 36 TexReg 8373.*

**§89.42. Official Testing Centers.**

- (a) Entities eligible to serve as official computer-based testing centers include:
  - (1) an accredited school district;
  - (2) an institution of higher education;
  - (3) an education service center;
  - (4) a local workforce development board;
  - (5) a United States Department of Labor One-Stop Career Center;
  - (6) a United States Department of Labor Job Corps Center;
  - (7) a public or private correctional institution;
  - (8) a public or private technical institution or career preparation school;
  - (9) any other public or private postsecondary institution offering academic or technical education or vocational training under a certificate program or an associate degree program; and
  - (10) an independent, stand-alone testing center.
- (b) Entities eligible to serve as official paper-based testing centers include:
  - (1) an accredited school district;
  - (2) an institution of higher education;

- (3) an education service center;
  - (4) an entity approved to provide services under the Adult Education and Family Literacy Act; and
  - (5) a local workforce development board.
- (c) In order for a testing center to administer a paper-based test, the testing center must certify in its application that it will make the following documentation available upon request by the Texas Education Agency (TEA):
- (1) a written description of the testing center management structure and how any instruction provided by the center will be separate from testing, including a certification that tests will be administered and/or proctored by an individual that has not provided direct instruction to the test taker in the previous 12 months;
  - (2) a written narrative and photographs that describe and show:
    - (A) the building;
    - (B) distraction-free testing rooms;
    - (C) a separate but attached registration and admission room;
    - (D) sufficient separation of testing space from classrooms used for instruction; and
    - (E) desk layout that includes partitions or sufficient spacing to separate test takers by at least five feet;
  - (3) a written plan detailing how the testing center will ensure test security, including:
    - (A) a secure area for staff to inventory test material and prepare documents for testing sessions;
    - (B) restricted access to administrator workstations, monitors, and printers;
    - (C) a dedicated locked storage unit for secure test material in a locked room with access only to test administrators; and
    - (D) a secure area for the shipping and receiving of all test materials, answer sheets, and related materials;
  - (4) written procedures for administering the test; and
  - (5) a written detailed emergency plan.
- (d) A testing center that administers a paper-based test must provide to the test vendor for review written procedures for administering the test. In addition, the testing center must notify both the TEA and the test vendor in writing of testing center changes such as testing personnel, testing rooms, storage of secure documentation, the emergency plan, or any other change impacting operations.
- (e) The appropriate official of an eligible entity desiring to provide the testing service to residents in the community must request approval from the TEA to apply for authorization from the authorized testing organization. If the need for a testing center in the location exists, the appropriate entity official, in writing, shall inform the state administrator appointed by the commissioner of education that the establishment of an official testing center is requested at that particular entity. The contract to operate a center shall be between the applicant entity and the authorized testing organization and its partners.
- (f) The authorization to function as an official testing center may be withdrawn by the TEA if the testing center is in violation of State Board of Education rules. Potential violations include neglecting to follow test, vendor, or jurisdictional policies and procedures; unauthorized use or sale of test candidate information; or misrepresentation of the testing center's authority to issue transcripts or credentials on behalf of the TEA.

- (g) A testing center may administer the test by paper, computer, or both, as approved by the TEA, to eligible candidates.

*Statutory Authority: The provisions of this §89.42 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.42 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373; amended to be effective October 10, 2013, 38 TexReg 6914; amended to be effective August 21, 2016, 41 TexReg 6015; amended to be effective December 25, 2016, 41 TexReg 9929.*

**§89.43. Eligibility for a Texas Certificate of High School Equivalency.**

- (a) An applicant for a certificate of high school equivalency shall meet the following requirements.
- (1) **Residence.** The applicant must be a resident of Texas or a member of the United States armed forces stationed at a Texas installation.
  - (2) **Age.**
    - (A) The applicant must be at least 18 years old.
    - (B) An applicant who is 17 years of age is eligible with parental or guardian consent. An applicant who is 17 years of age must submit permission of the applicant's parent or guardian according to procedures established by the Texas Education Agency (TEA). An applicant who is 17 years of age and married, who has entered military service, who has been declared an adult by the court, or who has otherwise legally severed the child/parent relationship is not required to present parent or guardian permission to be tested.
    - (C) An applicant who is at least 16 years of age may test if recommended by a public agency having supervision or custody under a court order. Recommendations must include the applicant's name and date of birth and must be submitted according to procedures established by the TEA by an official of the public agency having supervision or custody of the person under a court order. An applicant who is at least 16 years old may also test if:
      - (i) required to take the examination under a court order issued under the Texas Family Code, §65.103(a)(3);
      - (ii) enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 United States Code, §§2801 et seq.) and its subsequent amendments; or
      - (iii) enrolled in the Texas Military Department's Texas ChalleNGe Academy program.
  - (3) **Educational status.** The applicant must not have received a high school diploma from an accredited high school in the United States. The applicant must not be enrolled in school, unless the applicant is enrolled in a High School Equivalency Program (HSEP) approved by the TEA. A student who is 17 years of age is eligible to test if the student is enrolled in an HSEP approved by the TEA. The student must comply with the provisions of the HSEP.
  - (4) **Minimum test scores.** An applicant must achieve the appropriate minimum standard scores in effect at the time the applicant tested as established by the TEA or the designated test organization, as appropriate.
- (b) Verification that any person being tested meets the eligibility requirements in this section will be provided according to procedures established by the TEA.

*Statutory Authority: The provisions of this §89.43 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.43 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 1999, 24 TexReg 386; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36*

*TexReg 8373; amended to be effective October 10, 2013, 38 TexReg 6914; amended to be effective August 21, 2016, 41 TexReg 6015.*

**§89.44. Identification.**

Test centers shall require each examinee to present a driver's license or Texas Department of Public Safety identification card, or a government issued identification card (both national and foreign), provided that the identification includes date of birth, photograph, address, and signature. The examinee must also meet the age, residency, and other requirements of this subchapter.

*Statutory Authority: The provisions of this §89.44 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.44 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective December 11, 2011, 36 TexReg 8373.*

**§89.45. Retesting.**

An examinee may retest in accordance with retest policies of the examination provider.

*Statutory Authority: The provisions of this §89.45 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.45 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective December 11, 2011, 36 TexReg 8373; amended to be effective August 20, 2014, 39 TexReg 6225.*

**§89.46. Accommodations.**

- (a) Reasonable and appropriate accommodations shall be provided to applicants with documented disabilities that prevent fair access to the high school equivalency examinations.
- (b) Requests for accommodations must:
  - (1) be submitted in writing for approval from the examination provider; and
  - (2) include appropriate documentation of disability and rationale for each modification requested.
- (c) No fees or prepayments may be charged to the applicant to evaluate an accommodation request.
- (d) No additional fees may be charged to the applicant for the administration of the examinations with approved accommodations.

*Statutory Authority: The provisions of this §89.46 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.46 adopted to be effective August 20, 2014, 39 TexReg 6225; amended to be effective August 21, 2016, 41 TexReg 6015.*

**§89.47. Issuance of the Certificate.**

- (a) A nonrefundable state administrative fee, calculated by dividing \$25 by the number of tests in the battery, will be assessed for each individual test upon registration. A permanent file shall be maintained for all certificates issued.
- (b) Duplicate certificates will be issued upon request from the client. The client is required to pay a nonrefundable fee of \$5.00 for each request for a duplicate certificate. An additional convenience fee of no more than \$2.00 per transaction shall be charged to cover the cost of printing certificates online.
- (c) The certificate of high school equivalency shall indicate the language, format, and provider of each test taken by the applicant.
- (d) The state administrator appointed by the commissioner of education may disapprove issuance of a certificate or may cancel a certificate under the following conditions:

- (1) an applicant does not meet eligibility requirements under §89.43 of this title (relating to Eligibility for a Texas Certificate of High School Equivalency);
  - (2) the applicant in any way violates security of the restricted test material;
  - (3) the applicant presents fraudulent identification or is not who he or she purports to be;
  - (4) the applicant uses another person's certificate or test scores in an attempt to defraud; or
  - (5) the applicant willingly allows another person to use his or her certificate or test scores in an attempt to defraud.
- (e) In the case of nonissuance or cancellation of a certificate, the applicant shall be notified in writing by the state administrator that the certificate will not be issued or may be canceled. A decision by the state administrator appointed by the commissioner is final and may not be appealed.

*Statutory Authority: The provisions of this §89.47 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.47 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 1999, 24 TexReg 386; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective June 6, 2004, 29 TexReg 5343; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373; amended to be effective October 10, 2013, 38 TexReg 6914; amended to be effective August 21, 2016, 41 TexReg 6015.*

## **Subchapter D. Special Education Services and Settings**

### **§89.62. Support of Students Enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf.**

- (a) For each student enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf, the school district responsible for providing appropriate special education and related services to the student shall share the cost of the student's education (excluding the summer programs) as provided under the Texas Education Code, §30.003.
  - (1) The information required in accordance with the Texas Education Code, §30.003(d), must be submitted in a form prescribed by the commissioner of education within 30 calendar days after the student enrolls in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.
  - (2) School districts required to remit their shares to the Texas Education Agency in accordance with the Texas Education Code, §30.003(d), shall do so within 60 days of notification by the commissioner of education.
- (b) School districts shall provide, annually, in writing to each parent or legal guardian of an eligible student with visual or auditory impairments, the information specified in the Texas Education Code, §30.004(a)(1-3), before considering the student's placement for special education services.

*Statutory Authority: The provisions of this §89.62 issued under the Texas Education Code, §§30.003, 30.004, and 42.151.*

*Source: The provisions of this §89.62 adopted to be effective September 1, 1996, 21 TexReg 5690.*

**COMMITTEE ON SCHOOL FINANCE/  
PERMANENT SCHOOL FUND**

**Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide**

**January 27, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG).

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(32), 44.007(a)-(d), and 44.008(b).

TEC, §7.102(c)(32), requires the State Board of Education (SBOE) to adopt rules concerning school district budgets and audits of school district fiscal accounts as required under TEC, Chapter 44, Subchapter A.

TEC, §44.007(a), requires the board of trustees of each school district to adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. TEC, §44.007(b), requires the accounting system to meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor. TEC, §44.007(c), requires a record to be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year is required to be filed with the agency on or before the date set by the SBOE. TEC, §44.007(d), requires each district, as part of the report required by TEC, §44.007, to include management, cost accounting, and financial information in a format prescribed by the SBOE in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.

TEC, §44.008(b), requires the independent audit to meet at least the minimum requirements and be in the format prescribed by the SBOE, subject to review and comment by the state auditor. The audit must include an audit of the accuracy of the fiscal information provided by the district through the Texas Student Data System Public Education Information Management System (TSDS PEIMS).

**FUTURE ACTION EXPECTED:** The proposed amendment to §109.41 will be presented for first reading and filing authorization at the April 2022 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The FASRG describes the rules of financial accounting for school districts, charter schools, and education service centers and is adopted by reference under §109.41. Revisions to the FASRG would align the content with current governmental accounting and auditing standards, remove obsolete requirements, and remove descriptions and discussions of best practices and other non-mandatory elements.

Requirements for financial accounting and reporting are derived from generally accepted accounting principles (GAAP). School districts and charter schools are required to adhere to GAAP. Legal and contractual considerations typical of the government environment are reflected in the fund structure basis of accounting.



An important function of governmental accounting systems is to enable administrators to assure and report on compliance with finance-related legal provisions. This assurance and reporting means that the accounting system and its terminology, fund structure, and procedures must be adapted to satisfy finance-related legal requirements. However, the basic financial statements of school districts and charter schools should be prepared in conformity with GAAP.

School district and charter school accounting systems shall use the accounting code structure presented in the Account Code section of the FASRG (Module 1). Funds shall be classified and identified on required financial statements by the same code number and terminology provided in the Account Code section of the FASRG (Module 1).

The following changes would be made to FASRG Modules 1-6.

#### Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Module 1 would align with current governmental accounting standards. Proposed Module 1 would include the following significant changes. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. In addition, school districts would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).

#### Module 2, Special Supplement - Charter Schools

Module 2 would align with current financial and accounting reporting standards. Proposed Module 2 would include the following significant changes. The proposed module would establish financial and accounting requirements for Texas public charter schools to ensure uniformity in accounting in conformity with GAAP. The proposed module would also include current guidance that complements the American Institute of Certified Public Accountants (AICPA) *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States Government Accountability Office (GAO). These requirements facilitate preparation of financial statements that conform to GAAP established by the FASB.

#### Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts

Module 3 would align with current governmental accounting standards. Proposed Module 3 would include the following significant changes. Charter schools would be required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards (TEDS) in the TSDSPEIMS. In addition, charter schools would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the FASB. The proposed module would also include current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the FASB.

#### Module 4, Auditing

Module 4 would align with current governmental auditing standards. Proposed Module 4 would include the following significant changes. The proposed module would establish auditing requirements for Texas public school districts and charter schools and include current requirements from TEC, §44.008, as well

as Title 2, Code of Federal Regulations, Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The proposed module would also include current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the GASB.

#### Module 5, Purchasing

Module 5 would align with current purchasing laws and standards. Proposed Module 5 would include the following significant changes. School districts and charter schools would be required to establish procurement policies and procedures that align with their unique operating environment and ensure compliance with relevant statutes and policies.

#### Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System

Module 6 would align with current governmental accounting standards. Proposed Module 6 would include the following significant changes. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. The module would provide current information to assist local school officials' understanding of the numerous options for use of the state compensatory education allotment and provide current guidance for compliance.

#### **Staff Members Responsible:**

Leo Lopez, Associate Commissioner, School Finance

David Marx, Senior Director, Financial Compliance

#### **Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

**ATTACHMENT**  
**Text of Proposed Amendment to 19 TAC**

**Chapter 109. Budgeting, Accounting, and Auditing**

**Subchapter C. Adoptions By Reference**

**§109.41. Financial Accountability System Resource Guide.**

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication Financial Accountability System Resource Guide, dated September 2022 [~~June 2021~~], which is adopted by this reference as the agency's official rule. A copy is available on the TEA website with information related to financial compliance.

## **Review of Permanent School Fund Securities Transactions and the Investment Portfolio**

**January 27, 2022**

### **COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** Investment staff will report on the transactions executed during the months of October and November 2021 in the investment portfolio of the Texas Permanent School Fund.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Specific actions that the committee must accomplish are found in 19 TAC Chapter 33, [Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund](#).

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund  
for the Months of October and November 2021**

**January 28, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION  
STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund (PSF) for the months of October and November 2021.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** At the November 2021 meeting, the board approved purchases in the amount of \$1,884,442,726 and sales in the amount of \$1,859,436,888 conducted in the investment portfolio of the PSF for the months of July, August, and September 2021.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The purchases and sales of the investment portfolio are reviewed by the staff to ensure compliance with the Investment Guidelines, Policies, and Objectives of the PSF. The specific amounts of the purchases and sales for the reporting period will be recommended to the board for ratification upon approval by the Committee on School Finance/Permanent School Fund.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of October and November 2021**

**January 28, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION  
STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides an opportunity for the committee and board to receive a status update report on the liquid account and consider approval of the purchases and sales of investments executed in the liquid account for the months of October and November 2021.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Natural Resources Code ([NRC](#)), [§51.414](#), as repealed by SB 1232, 87th Legislature, Regular Session, 2021; and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

NRC, §51.414, created the Liquid Account within the Permanent School Fund to be managed by the SBOE.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** At the November 2021 meeting, the board approved purchases in the amount of \$1,182,720,285 and sales in the amount of \$224,038,689 for the Permanent School Fund Liquid Account for the period July 1, 2021, through September 30, 2021.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Annual Reporting Requirement of the Internally-Managed Permanent School Fund  
Investment Portfolio**

**January 27, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMNET SCHOOL FUND: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the executive administrator and chief investment officer of the Permanent School Fund to report on various items required by 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Specific actions that the committee must accomplish are outlined in 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund. This chapter also outlines specific reporting requirements and representations that must be made to the committee.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Attachment:**

Memorandum: Compliance of Internally-Managed Portfolio with 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund

**ATTACHMENT**

**MEMORANDUM**

**TO: Committee on School Finance/Permanent School Fund**

**FROM: Holland Timmins, Executive Administrator and Chief Investment Officer**

**DATE: January 2022**

**RE: Compliance of Internally Managed Portfolio with 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund**

19 TAC §33.60(4) states that, "Annually, the SBOE Committee on School Finance/Permanent School Fund shall confirm that the PSF and each of its managed portfolios have complied with the provisions of this chapter concerning exclusions imposed by the SBOE, proxy voting, and trading and brokerage selection."

The following is the certification of the Executive Administrator and Chief Investment Officer of the Permanent School Fund regarding the compliance with 19 TAC Chapter 33 of internally managed investment portfolios.

**§33.25, Permissible and Restricted Investments and General Guidelines for Investment Managers.**

To the best of my knowledge, all investment transactions and holdings of the internally managed portfolios are in compliance with the requirements of 19 TAC §33.25.

**§33.40, Trading and Brokerage Policy.**

To the best of my knowledge, all securities transactions for the Fund were conducted in accordance with the requirements of §33.40. All brokers utilized by the Fund's internal portfolio managers meet the criteria set forth in §33.40(c)(2).

In addition, the Permanent School Fund internal portfolio managers utilize the following Electronic Communication Networks (ECN) which are exempted from having comprehensive, proprietary, in-house research capabilities as set forth in paragraph (2)(B):

Instinet  
Virtu Americas, LLC

**§33.45, Proxy Voting Policy.**

To the best of my knowledge, all proxy votes were voted in compliance with 19 TAC §33.45.



## Third Quarter 2021 Permanent School Fund Performance Report

January 27, 2022

### COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

**SUMMARY:** The performance measurement consultant to the Permanent School Fund (PSF), BNY Mellon Asset Servicing, will report on the investment performance during the third calendar quarter 2021 and the cumulative investment performance of various portfolios of the Fund. This item provides the opportunity for the committee to discuss in depth, various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** An in-depth performance review at the committee level is intended to allow committee members to review not only total return information for each managed portfolio, but to gain a more thorough understanding of the risk characteristics, portfolio attributes, and portfolio structures of each portfolio that all contribute to return.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

## Review of the Bond Guarantee Program Capacity

January 27, 2022

### COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

**SUMMARY:** This item provides an opportunity for the committee to receive a presentation on the bond guarantee program's capacity.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Education Code (TEC) [§45.0532](#); and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

TEC §45.0532 provides limitations on charter district bonds that may be guaranteed under the bond guarantee program.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** At the September 2017 meeting, the Board increased the charter guarantee capacity, and began the process to move management of the reserve fund to the SBOE. The SBOE established for fiscal year 2018 the capacity of the bond guarantee program for charter district bonds at the full twenty percent (20%) allowed by law. At the June 2018, June 2019, July 2020, and June 2021 meetings, the SBOE affirmed the annual implementation schedule as referenced in 19 TAC 33.67(d)(2) and took no additional action.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation**  
**(Second Reading and Final Adoption)**

**January 28, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION**  
**STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation. The proposed new section would address the term length of State Board of Education (SBOE) members on the board of directors of the Texas Permanent School Fund (PSF) Corporation as required by Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §5\(a\) and \(f\)](#); Texas Education Code (TEC), [§43.001](#) and [§43.053](#), as added by SB 1232, 87th Texas Legislature, Regular Session, 2021.

Texas Constitution, Article VII, §5(a), authorizes the SBOE to make distributions from the PSF to the available school fund with certain limits.

Texas Constitution, Article VII, §5(f), authorizes the SBOE to manage and invest the PSF according to the prudent investor standard and make investments it deems appropriate.

TEC, §43.001, describes the PSF as a perpetual endowment.

TEC, §43.053, as added by SB 1232, 87th Texas Legislature, Regular Session, 2021, establishes the composition of the board of directors of the Texas PSF Corporation and requires the SBOE to establish by rule the terms of SBOE members of the board of directors. SB 1232 allows the SBOE to create the Texas PSF Corporation and delegate its authority to manage the PSF and the charter district bond guarantee reserve fund to the corporation.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposed new section is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date would allow the rule to align with statute as soon as possible.

**PREVIOUS BOARD ACTION:** The SBOE initially adopted rules in Chapter 33 effective September 1, 1996. At the September 2021 SBOE meeting, the Committee on School Finance/Permanent School Fund discussed SB 1232, 87th Texas Legislature, Regular Session, 2021, and the possible need to update rules in 19 TAC Chapter 33. The SBOE approved for first reading and filing authorization proposed new §33.21 at the November 2021 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statute, the rules in 19 TAC Chapter 33 establish investment objectives, policies, and guidelines for the Texas PSF.

SB 1232, 87th Texas Legislature, Regular Session, 2021, allows the SBOE to create the Texas PSF Corporation and delegate its authority to manage the PSF to the corporation. Specifically, SB 1232 added new TEC, §43.053, which establishes the composition of the board of directors of the Texas PSF Corporation and requires the SBOE to establish by rule the terms of SBOE members of the board of directors.

Proposed new §33.21 would specify that the term of office for an SBOE member who serves on the Texas PSF Corporation board of directors will end when that member no longer serves on the SBOE Committee on School Finance/Permanent School Fund.

The attachment to this item reflects the text of proposed new §33.21 for consideration by the SBOE for second reading and final adoption. No changes are recommended since approved for first reading.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed.

TEA has determined that there are no additional costs to state or local government required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed.

The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed.

The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed.

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed.

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed.

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation

by adding provisions in alignment with recent statutory changes. The new provisions address the SBOE's responsibilities in relation to the PSF.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed.

The proposal would align with statute and clarify provisions supporting the management and investment of the PSF. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed.

The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed.

The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** Following the November 2021 SBOE meeting, notice of proposed new §33.21 was filed with the Texas Register, initiating the public comment period. The public comment period began December 17, 2021, and ended at 5:00 p.m. on January 21, 2022. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE during the January 2022 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2022 in accordance with the SBOE board operating policies and procedures.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for second reading and final adoption proposed new 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Attachment:**

Text of Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation

**ATTACHMENT**  
**Text of Proposed New 19 TAC**

**Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas  
Permanent School Fund**

**Subchapter A. State Board of Education Rules**

**§33.21. Texas Permanent School Fund Corporation.**

Terms of directors. Any State Board of Education (SBOE) member who is appointed to the Texas Permanent School Fund (PSF) Corporation board of directors pursuant to SBOE policy under Texas Education Code, §43.053(a)(1), shall cease to be a Texas PSF Corporation director upon the expiration of his or her term of service on or upon other separation from the SBOE Committee on School Finance/Permanent School Fund in accordance with the SBOE's rules and policies.

## **Review of the Private Equity Asset Class for the Permanent School Fund**

**January 27, 2022**

### **COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the committee to review the private equity asset class.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §§2 and 5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** At the June 2020 meeting, the board approved the Permanent School Fund Long-Term Strategic Asset Allocation Plan with an allocation of 15% to the private equity asset class. At the September 2019 meeting, the board approved the contract with Neuberger Berman LLC.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund



## **Review of the Real Return Asset Class for the Permanent School Fund**

**January 27, 2022**

### **COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the committee to receive an overview of the real return asset class.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** At the January 2021 meeting, the board terminated Credit Suisse and PIMCO and allocated the remaining funds to the Permanent School Fund (PSF) internally-managed commodities portfolio to align the allocation with the asset allocation approved by the SBOE in June 2020. At the June 2020 meeting, the board approved the PSF Long-Term Strategic Asset Allocation Plan with an allocation of 4% to the real return asset class.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

**Report of the Permanent School Fund Executive Administrator and  
Chief Investment Officer**

**January 27, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** The Permanent School Fund (PSF) executive administrator will report to the committee on matters relating to the management of the PSF and the Charter District Reserve Fund. The report may present information on historical and current status of fund holdings, current and proposed investment policies and procedures, and historical and current fund performance and compliance. The administrator may update the board on the bond guarantee program, the status of requests for proposal, or for qualifications and current contracts for services and other administrative activities undertaken on behalf of the board. The administrator may provide an update on the PSF distribution or on the effect of legislation impacting the PSF. The administrator may provide an analysis of current and future investment market conditions, focusing upon the impact on the holdings of the PSF.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#), and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**Staff Member Responsible:**

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

# **COMMITTEE ON SCHOOL INITIATIVES**

**Approval of Special Purpose School District Advisory Board Member for  
University of Texas at Austin High School**

**January 28, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides an opportunity for the board to consider a nominee from The University of Texas (UT) at Austin High School to serve as a member of the district advisory board for UT Austin High School.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§11.351](#).

TEC, §11.351 permits the State Board of Education (SBOE) on the recommendation of the commissioner and after consulting with the school districts involved and obtaining the approval of a majority of those districts in each affected county in which a proposed school district is located, to establish a special-purpose school district for the education of students in special situations whose educational needs are not adequately met by regular school districts. The SBOE is permitted to impose duties or limitations on the school district as necessary for the special purpose of the district.

The SBOE is required to grant to the districts the right to share in the available school fund apportionment and other privileges as are granted to independent and common school districts.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In September 2020, the SBOE adopted 19 TAC §61.101 to outline applicability of state law for special purpose school districts. Section 61.101(d) requires each university to submit nominees for approval by the SBOE to serve as special purpose school district advisory board members. The superintendent may not participate in the nomination process for the advisory board. The advisory board is required to hold public meetings that comply with appropriate notice requirements for governmental bodies. The superintendent and advisory board are required to ensure information required to be made available to the public is made available on the special purpose school district's website. Each university must also develop an advisory board training program that provides the relevant board training required under Texas Education Code (TEC), §11.159, and submit to the SBOE the training requirements by September 1 of each odd-numbered year.

UT Austin has submitted the following nominee to serve as special purpose school district advisory board member:

- Michael Griffith, Executive Director of Breakthrough Central Texas

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve the appointment of the nominee submitted by UT Austin High School to serve a two-year term of office from January 28, 2022, to January 28, 2024, on the UT Austin High School advisory board.

**Staff Member Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services

**Recommendation for One Appointment to the Boys Ranch  
Independent School District Board of Trustees**

**January 28, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides an opportunity for the board to consider one appointment to the board of trustees of Boys Ranch Independent School District (ISD). The appointment is necessary due to the resignation of one board member.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is statutorily authorized to appoint board members for ISDs created under its authority to establish school districts. Trustees so appointed hold office until their successors are appointed and qualified. When a vacancy occurs, the chief executive officer (CEO) of Cal Farley’s Boys Ranch notifies the commissioner of education of the vacancy in compliance with TEC, §11.352. The CEO submits resumes and other documents verifying that the individuals are qualified to hold the position as well as a statement that the individual would accept the position if appointed. The CEO is required by 19 TAC §61.2 to provide one nomination to the SBOE. The nominee must be qualified under the general school laws of Texas.

Mr. Mark Strother, interim president and CEO of Cal Farley’s Boys Ranch, has notified the commissioner of one vacancy on the board of trustees of Boys Ranch ISD. The vacancy is due to the resignation of Mr. Robert Marshall. The president and CEO has requested that Mr. Joshua Sprock be appointed for a two-year term. Supporting documentation for the recommended candidate is attached.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Based on Mr. Mark Strother’s recommendation, approve the appointment of Mr. Joshua Sprock to serve a two-year term of office, from January 28, 2022, to January 28, 2024, on the Boys Ranch ISD Board of Trustees.

**Staff Members Responsible:**

Jeffrey Cottrill, Deputy Commissioner, Governance and Accountability  
Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

**Attachment:**

Correspondence from Mr. Mark Strother, interim president and CEO of Cal Farley’s Boys Ranch ISD that includes supporting material for the nominee



## BOYS RANCH

FOUNDED BY CAL FARLEY

November 8, 2021

Mr. Mike Morath  
Commissioner  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

Dear Mr. Morath:

In my current capacity as President and Chief Executive Officer (interim) of Cal Farley's Boys Ranch, I request that the State Board of Education, at its January 2022 meeting, reappoint **George Owen** and **Mark Strother**; and appoint **Joshua Sprock** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Owen, Mr. Strother, and Mr. Sprock are qualified under Texas law and meet all requirements. Mr. Sprock will replace **Robert Marshall** who resigned as Trustee on November 30, 2021.

The following documents are attached for Mr. Owen, Mr. Strother, and Mr. Sprock: resume, signed statement expressing willingness to accept the appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct, and background check information.

I understand that the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power (as President and Chief Officer interim) of Cal Farley's Boys Ranch is limited to duty as defined by statutes relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with the provisions of the Texas Education Code, section 11.352. I further certify that the role of BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-683-5479 or via email at [markstrother@calfarley.org](mailto:markstrother@calfarley.org).

I appreciate your consideration and look forward to confirmation of these appointments.

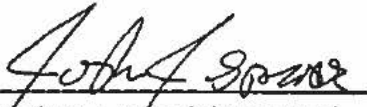
Sincerely,

Mark Strother  
President and Chief Executive Officer interim

Enclosures

STATEMENT TO ACCOMPANY  
BOYS RANCH INDEPENDENT SCHOOL DISTRICT  
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST  
FOR  
**JOSHUA J. SPROCK**

I, **Joshua J. Sprock**, verify that I am qualified under the general school laws of Texas to be a BRISD School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the appointment as BRISD School Board Trustee and serve in such capacity with full adherence to the state-established standards for the duties and responsibilities of school board members.

  
Joshua J. Sprock (signature)

11-2-21  
Date

**Joshua J. Sprock**  
**6404 Oakhurst**  
**Amarillo, TX 79109**  
**(806) 570-3260**  
**JoshuaSprock@calfarley.org**

**EDUCATION:**

**Masters in Community/School Counseling Chadron State College- In progress (6 hrs)**  
**Bachelors of Science in Secondary Education, Chadron State College. Graduation date: May 7, 2005**

**Certification: Secondary Education Social Science (7-12)**  
**High School Diploma, Natrona County High School, May 1997.**

**WORK EXPERIENCE:**

**Cal Farley's Boys Ranch (August 2005-Present) (866) 302-2789**

**Staff Development Coordinator October 2015-Present**

Responsible for the coordination of New Employee Orientation/Pre-Service Training, Childcare  
**Campus Life Supervisor January 2008-2015**

Supervision of three homes in charge of 30 children and eleven adults. I am responsible for training house parents, crisis intervention, managing budgets, scheduling, performance appraisals, and other jobs as assigned.

**House Parent August 2005-January 2008**

Serve as role model and work to meet the physical, emotional, social and spiritual needs of the youth.

**Student Teaching – 9<sup>th</sup> and 10<sup>th</sup> Grades World History& 11<sup>th</sup>-12<sup>th</sup> Grades American History 11<sup>th</sup> &12<sup>th</sup> Grade Psychology.**

January 4 – April 29, 2005 Sioux County High School, Cooperating Teacher – Mr. Jim Jones.  Developed Group Activities that utilized students' unique strengths.

Lessons involved Socratic discussion, cooperative learning, hands-on experiences, and interdisciplinary teaching.

Developed thematic units in American/World History around major instructional goals.

Applied Nebraska State Standards to lesson plans.

Assisted with History Day and Physical Education.

**Practicum (100 hours)**

Observed in the classroom and worked with students one-on-one, in small groups, and with the class as a whole.

**Wal-Mart Supercenter (June 2002—August 2005) (308) 432-6999**

Inventory Control Specialist/Risk Control Team Leader

various clerical responsibilities such as typing and filing, taking inventory, restocking/organizing product, assisting customers, creating store displays

**McDonalds – Swing Manager (March 1995--June 2002).**

Responsible for supervising and maintaining control of shifts and training employees on a regular basis.

**ADDITIONAL QUALIFICATIONS:**

Licensed Childcare Administrator (2014)

TBRI Educator (2015)

Certified Satori Alternatives in Managing Aggression Master Facilitator (2011)

LSCI certified (2016)

Neruo-sequential Model of Therapeutics Trainer (2017)





# TEXAS

## Health and Human Services

### Child-Care Licensing Account Background Check Request Confirmation

#### Request Background Check Confirmation

Currently logged in as: [boysranch](#) [Logout](#)

Please verify that the information you have entered is accurate by reviewing the person's identification documents. If you are sure the information is correct to the best of your knowledge, review the authorization statement below and submit the request. **You may wish to print this page for your records.** For additional information regarding background checks, see <https://hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing/child-care-licensing-background-checks/background-check-faqs>

Operation Name: **Cal Farley's Boys Ranch**  
Operation Number: **1639**  
Operation Type: **General Residential Operation**      E-mail Address: **dianaevans@calfarley.org**  
Program Provided: **Multiple Services**

Type of check: **Renewal**

#### Person Details

Name: **Joshua J Sprock**  
Alternate Names:

#### Identification Details

Does this person have a Social Security Number? **Yes**  
SSN: **[REDACTED]**  
Does this person have a Driver's License or State Issued Identification Number? **Yes**  
ID Type: **Driver's License**

ID #: [REDACTED]  
 ID State: **Texas**

**Demographic Details**

Date of Birth: **10/13/1978**  
 Gender: **Male**  
 Ethnicity: **Not Hispanic**  
 Race: **White**

**Address Details**

Address Line 1: **6404 OAKHURST DR**  
 Address Line 2:  
 City: **AMARILLO**  
 State: **Texas**  
 County: **RANDALL**  
 Zip Code: **79109 - 5112**  
 Address Validation Status: **Validated**  
 Reason Address Not Validated:  
 Other Cities of Residence in Texas:  
 Out-of-State Residence in the US in the Last 5 Years: **No**  
 Other States:

**Contact Information**

Person's Contact Method for Fingerprint Scheduling: **Email**  
 Phone #: **(806) 533-2046**  
 Email: **joshuasprock@calfarley.org**

**Role Details**

Person's Role at the Operation: **Staff/Employee**  
 Job Duties/Title: **Staff Dev. Coordinator: Responsible for the coordination of New Employee**

Orientation/Pre-Service Training, Childcare Training. Facilitates the creation and maintenance of lesson plans, instructional aids and related documentation. Assists the Training Director in implementing the corporate Training Plan. Assists the Training Director in providing liaison and consultant services to campus supervisory staff.

Will this person be supervised by a caregiver who is counted in the child-caregiver ratio?

No

What age(s) of children will this person be caring for?

14 - 17 Years, Over 17 Years

**Authorization**

By checking the preceding box, I verify that:

- I am authorized to submit this background check request for the operation identified on this form and that I have confirmed that the information I am submitting is correct to the best of my knowledge. I have viewed the person's identification documents and confirmed that the documents match the information that I am submitting to the HHSC for this background check. I understand the HHSC may contact others and, at any time, seek proof of any information contained here. I understand that any omission of required information or willful misrepresentation may disqualify the person from being present at this operation and/or result in the HHSC taking an enforcement action against this operation; and

- The person identified on this form must have a background check at the operation identified on this form. I understand the HHSC may contact others and, at any time, seek proof of this person's affiliation with my operation. I understand any unauthorized background check submission may result in the HHSC taking enforcement action against this operation and/or reporting the submission to law enforcement for further investigation.

[← Edit Request](#)

[Submit Request →](#)



**TEXAS**  
Health and Human Services

12/01/2021

Michelle Maikoetter  
PO BOX 5  
BOYS RANCH, Texas 79010-0005

Operation # 1639  
Cal Farley's Boys Ranch

Dear Michelle Maikoetter:

Your operation requested a background check for **Joshua J Sprock**, born in 1978. The following alternate names for this person were also checked: John J Sprock, John Sprock, John J Sprock, John Sprock, Joshua John Sprock. The results of the check are based on the identification information that your operation submitted for this individual. It is your responsibility to ensure the accuracy of the identifying data by reviewing supporting documents.

Based on a review of the background check results, the Centralized Background Check Unit (CBCU) determined that this person is **ELIGIBLE** to be present at your operation in the role of **Staff/Employee**.

All background check types required for this role have been completed, and no further action is required at this time. The CBCU will notify you if this person's background check determination changes.

The CBCU has conducted this background check in compliance with, and as required by Child Care Licensing minimum standards, rules, and other Texas and federal law.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or otherwise associated with your operation, you must inactivate this person on the Background Check History webpage of your online provider account. If you do not have an online provider account or are unable to access it, notify your CBCU representative of the change in status.

If this person continues to be associated with your operation, you must submit a renewal background check for this person on or before **12/01/2026**.

If you have questions, please contact your CBCU representative or visit the CBCU webpage at [http://www.dfps.state.tx.us/Background\\_Checks](http://www.dfps.state.tx.us/Background_Checks). If you are unsure who your CBCU representative is, you may find this information on the CBCU webpage or contact the CBCU Support Line at: 1-800-645-7549.

For your information, our records indicate that the following child care operations have submitted a background check request on this person:

- Cal Farley's Boys Ranch on 12/01/2021
- Licensed Child Care Administrators on 05/18/2020
- Licensed Child Care Administrators on 03/01/2018
- Cal Farley's Boys Ranch on 01/11/2018
- Licensed Child Care Administrators on 03/28/2016
- Cal Farley's Boys Ranch on 01/14/2016
- Cal Farley's Boys Ranch on 01/17/2014
- Licensed Child Care Administrators on 08/27/2013
- Cal Farley's Boys Ranch on 08/21/2013
- Cal Farley's Boys Ranch on 08/25/2011
- Cal Farley's Boys Ranch on 08/28/2009
- Cal Farley's Boys Ranch on 08/28/2007
- Cal Farley's Boys Ranch on 08/30/2005

Thank you,

The Centralized Background Check Unit

**Recommendation for Reappointments to the Randolph Field  
Independent School District Board of Trustees**

**January 28, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expiration of the terms of office of two board members.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board; however, a majority must be civilians, and all may be civilians. When a vacancy occurs, the base commander notifies the commissioner of education of the vacancy in compliance with TEC, §11.352. Vacancies are widely advertised through base newspapers, email, and other electronic methods. Interested individuals submit resumes and other documents verifying that they are qualified to hold the position and would accept it if appointed.

The commanding officer appoints a nomination panel of at least three members who review the application packages, interview the candidates, and evaluate the candidates. The panel's recommendations are forwarded to the commanding officer for consideration. The commanding officer is required by 19 TAC §61.2 to provide at least one nomination to the SBOE for each vacancy. All nominees must be qualified under the general school laws of Texas and live or be employed on the military reservation.

Colonel, United States Air Force, James H. Masoner, Commander of the 502d Security Forces Group, has notified the commissioner that the terms of two current trustees of the Randolph Field ISD are expiring. Colonel Masoner recommends the reappointments of Mr. Jimmy Cornelius and Mrs. Vanessa Bowden to the Randolph Field ISD Board of Trustees.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Based on Colonel James H. Masoner's recommendation, approve the reappointments of Mr. Jimmy Cornelius and Mrs. Vanessa Bowden to serve terms of office from January 28, 2022, to January 28, 2024, on the Randolph Field ISD Board of Trustees.

**Staff Members Responsible:**

Jeffrey Cottrill, Deputy Commissioner, Governance and Accountability

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

**Attachment:**

Correspondence from Colonel James H. Masoner that includes biographical information and supporting materials for each nominee



**DEPARTMENT OF THE AIR FORCE  
502D AIR BASE WING  
JOINT BASE SAN ANTONIO**



9 Nov 21

MEMORANDUM FOR MR. MIKE MORATH  
COMMISSIONER, TEXAS EDUCATION AGENCY  
1701 NORTH CONGRESS AVENUE  
AUSTIN, TX 78701

FROM: 502 SFG/CC  
1 Washington Circle, Suite 2  
JBSA-Randolph, TX 78150-4560

SUBJECT: Reappointment of Mr. Jimmy Cornelius and Mrs. Vanessa Bowden to the Randolph Field Independent School District (RFISD) Board of Trustees

1. I respectfully request the reappointment of Mr. Jimmy Cornelius and Mrs. Vanessa Bowden to the RFISD Board of Trustees. Attached are their resumes, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. Each nominee is qualified under the general school laws of Texas and either live or work on JBSA-Randolph. Each nominee is well qualified and the reappointment of both of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
3. I recognize the power of the Board of Trustees to govern and manage the operations of the RFISD and recognize that my role as the commanding officer of JBSA-Randolph is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
4. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Angela Green at (210) 652-3081.

JAMES H. MASONER, Colonel, USAF  
Commander, 502d Security Forces Group

3 Attachments:

1. Mr. Jimmy Cornelius - Application
2. Mrs. Vanessa Bowden - Application
3. Mr. Johnmark Goodman - Application

*Mission ~ Wingman ~ Partners*





## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: VANESSA RM Bowden

Residential Address:

16203 CANYON SHADOW  
SAN ANTONIO, TX 78232

Physical Address of Employer:

1 F Street  
JBSA, TX 78105

Board of Trustees Location Applying For: RFISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

  
\_\_\_\_\_  
Signature of Applicant

Nov 1, 2021

\_\_\_\_\_  
Date

**Vanessa RM Bowden**

\_\_\_\_\_  
Printed Name of Applicant

***Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly.  
Form must be completed prior to setting up your interview with the selection board.***

**Vanessa RM Bowden**

16203 Canyon Shadow  
San Antonio, TX 78232 United States  
Evening Phone: 210-387-8905 - Ext:  
Day Phone: 210-387-8905 - Ext:  
Email: vic3000@prodigy.net

**Work Experience:**

**Department of Air Force**  
Randolph AFB, TX  
Randolph AFB, TX 78150 United States

**08/2019 - Present**

**Salary:** 0.00 USD Bi-weekly

**Hours per week:** 40

**Series:** 0343 **Pay Plan:** GS **Grade:** 13

**Education and Accession Program Analyst** (This is a federal job)

**Duties, Accomplishments and Related Skills:**

Conducts data call activities associated with the advanced academic degree (AAD) program—identifies quota requirements from career field managers (CFMs), Air University (AU), Air Force Institute Technology (AFIT), US Air Force Academy (USAFA), and professional continuing education (PCE) course owners. Prioritizes predetermined resources against the field's stated requirements, distributes the notional to the field for review, and suspenses changes as required. Notes changes based on validation of current and anticipated AAD and PCE inventory, Unit Manning Document requirements, and proof of hiring shortfalls. Develops strategic plans considering operational and support personnel requirements. Programs out-year AAD and PCE budget and quota allocations. Works closely with AETC stakeholders; conducts analysis to assess utilization of AAD and PCE users. Generates and sends the Program Guidance Letter (PGL) for approval to the Force Development commander. Ensures AAD and PCE quota requirements are documented in system of record. Develops or recommends modification to system or programs around doctrine and concepts of operation. Provides advice and assistance to other organizations, to MAJCOMs, and agencies in assigned areas of responsibility. Participates in strategic planning to improve organizational direction. Analyzes problems discovered in prior studies or actual operations and negotiates with and/or advises higher levels of management on the feasibility of different approaches which provide a basis for better planning of operations and better use of resources.

**Supervisor:** Richard Ecks (2106525106)

**Okay to contact this Supervisor:** Yes

**Department of Air Force**  
1 F Street Suite 2  
Randolph AFB, TX 78150 United States

**02/2014 - 08/2019**

**Salary:** 0.00 USD Per Year

**Hours per week:** 40

**Series:** 1750 **Pay Plan:** GS **Grade:** 12

**Instructional Systems Specialist** (This is a federal job)

**Duties, Accomplishments and Related Skills:**

Served as the command focal point administering, analyzing and evaluating sister service ITRO and consolidated (Army, Navy, DINFOS, METC, and DEOMI) and DoD program quota requirements. Managed enlisted, officer, and supplemental out-year AF requirements in sister service and DoD training. Responsible for programming long range strategic training requirements and total support for all assigned programming and instructional programs for enlisted initial skills (EIS) and officer initial skills (OIS). AF representative for procuring training requirements at Army's Training Requirements Arbitration Panels (TRAPs) and annual Structure Manning Decision Reviews (SMDRs) and Navy's Student Input Planning (SIP) process. Coordinated and advocated AF TRAPs request with Army Training and Doctrine Command (TRADOC), as well as attended SMDRs to codify the Air Force requirements for sister service training. Ensured AF-required training allocations were properly allocated to meet warfighter requirements. Planned total support for initial skills and supplemental sister service training requirements. Requirement management authority ensuring sustainment in Air Force Specialty Codes. Determined the support requirements for time and resources available, projected schedules, and relationship to the objectives of the sister service training program in accordance with Air Force priorities. Reviewed enlisted, officer, and advanced and supplemental programmed technical training (PTT) documents to ensure user requirements and quotas fell within the programmed guidance letter( PGL) baselines. Provided oversight of procedures for the AF to capture additional training requirements and informs users. Coordinated with each user to ensure accurate accountability and tracking of AF seats in sister service courses. Reviewed, advised and presented statistics for future Air Force training needs and develop plans that satisfy Officer initial skills outyear training requirements. Oversaw all actions relating to training seat quota management for all individual institutional training seats and the identification and prioritization of manpower and force structure requirements to meet training mission. Determined the requirements for specific courses and their relative priority in light of time and resources available, projected schedule, and relationship to the objectives of a total training program. Professional knowledge of education and training administration, policies and procedures. Determines when current policies, practices and procedures are inadequate and

Bowden, Vanessa

proposes effective solutions. Coordinated with HAF, MAJCOMs, HQ Army and HQ Navy POCs, 2AF, TRADOC, and TRGs to establish and implement programming and related instructional services activities associated with sister service training requirements, officer initial skills training, enlisted, and mission readiness training programs.

**Supervisor:** Jennifer Lloyd (210-652-5106)

**Okay to contact this Supervisor:** Yes

**US Air Force Reserves**

375 W Street Suite 1

Randolph AFB, TX 78150 United States

**05/1997 - 12/2016**

**Salary:** 550.00 USD Per Month

**Hours per week:** 16

**Base Education and Training Manager (BETM)**

**Duties, Accomplishments and Related Skills:**

As base education training manager (BETM), reviewed, approved/disapproved, and coordinated enlisted formal training course training plans. Documented training using Air Force training record (AFTR) and Training Business Area (TBA). Organized education and training programs to achieve educational goals and mission requirements. Implemented policies. Presented recommendations and follow up on unresolved or questionable training/upgrade concerns. Managed Career Field Education and Training Plans (CFETPs) for 23 different Air Force specialty codes (AFSCs). Served as an Advisor for Community College of the Air Force (CCAF). Maintained contact with CCAF to resolve issues. Knowledge of accreditation requirements. Ensured enrollees were actively pursuing CCAF degree. Maintained records of course attendance, withdrawals, completions and costs. Advised on individual education and training progress. Provided statistical reports on programs and operations. Administered comprehensive and timely surveys to obtain meaningful feedback from students, graduates, their supervisors, and instructors. Performed training needs analysis. Motivated peers and team members to improve methods with customer needs in mind. Developed training materials and testing procedures. Conducted training classes. Monitored progress, identified problem areas, determined causes, recommended corrective action, and provided counsel. Implemented policies relative to mission assignment. Provided educational service support to wing, base, and units. Provided assistance in program areas. Managed tuition assistance for wing. Managed and trained 21 training managers in areas of upgrade training, school dates requirements, new course requirements, AFOCD/AFECD changes. Implemented training policies and procedures. Facilitated for Non Commission Officer Leadership Development Course.

Bowden, Vanessa

**Supervisor:** Steven Badowski (210-9458199)  
**Okay to contact this Supervisor:** Yes

**Department of Air Force**  
151 J Street  
Randolph AFB, TX 78150 United States

**04/2011 - 02/2014**

**Salary:** 73,300.00 USD Per Year

**Hours per week:** 40

**Series:** 1750 **Pay Plan:** GS **Grade:** 12

**Chief, Training Analysis Flight** (This is a federal job)

**Duties, Accomplishments and Related Skills:**

Served as Chief and primary Training System Requirements Analysis functional advisor to the squadron commander and director on training requirements and resources. Ensured AETC and using commands were appraised of training program progress, issues, and concerns, while minimizing impact to the acquisition schedule. Knowledge of training administration, policies, and procedures. Planned and executed support activities related to current missions within constraints of budget and customer requirements. Analyzed interrelated issues of effectiveness, efficiency, and productivity. Developed recommendations to solve problems and applied program management principles to guide program accomplishment through the various phases of the acquisition cycle. Served as member of the assigned System Program Office (SPO) Training Integrated Product Team (IPT) and monitored the progress on training systems and coordinated MAJCOM training requirements for meeting training system program objectives. Consulted with curriculum designers, course writers, instructors and subject-matter specialists to develop training system suited for computer assisted instruction, special training devices and equipment such as simulators, test equipment and mockups. Assisted in formulation of policies and procedures to implement the latest instructional systems development concepts and integrated emerging technologies into the process. Supervised seven personnel.

**Supervisor:** LTC Maurice Azar (210-652-5229)

**Okay to contact this Supervisor:** Yes

**Department of Army**  
Ft Sam  
San Antonio, TX 78230 United States

**10/2008 - 04/2011**

**Salary:** 0.00 USD Per Year

**Hours per week:** 40

Bowden, Vanessa

**Series: 1750 Pay Plan: GS Grade: 11**

**Instructional Systems Specialist (This is a federal job)**

**Duties, Accomplishments and Related Skills:**

As training manager (TM) for Army Medical Department (AMEDD), developed curriculum using the Systems Approach to Training (SAT) process, managed training, resources, and instructors for five courses. Conducted needs analysis studies to identify and verify training problems or needs. Managed course development, working closely with SMEs, course directors and instructors. Examined the current threat, doctrine, leader development, organization, geographical location of units, resource constraints, personnel turbulence, type of unit, new systems, and associated factors. Designed, developed, and administered needs survey instruments in conjunction with subject matter experts. Managed training and non-training solutions, and advantages and disadvantages of each using extensive planning and organization of information for Inter-service Training Review Organization (ITRO) Programs and Medical Education Training Command (METC). Briefed leaders on program policies and budget, and advised them of program issues. Researched issues, requirements and policy for all Services, US Coast Guard, and Health care. Reviewed ITRO and METC policies and made appropriate recommendations on both internal/external feedback to leaders for DoD implementation. Reviewed and coordinated medical enlisted training course training plans. Continuously monitored the technical training programs for efficiency and cost effectiveness of DoD processes. Presented findings, recommendations, and proposals to supervisor by conducting briefings or writing decision papers. Produced self-contained training products using technical training, instructional methods, and training technologies. Tested validated statistics, comparative studies of student progress and observation of instructional methods including the use of training devices, equipment and facilities to accurately and effectively evaluate educational and training programs. Evaluate all aspects of education and training programs to include administration, policies, procedures, curricula, instructional materials and techniques, and made recommendations to improve quality of instruction and training products/materials. Advised and assisted staff in planning, creating, evaluating, validating, and updating educational material in support of training programs/system initiatives.

**Supervisor: Sergeant Major Stevens (210-808-1250)**

**Okay to contact this Supervisor: Yes**

**Department of Air Force**

1 F Street

Randolph AFB, TX 78150 United States

**09/2005 - 10/2008**

Bowden, Vanessa

**Salary:** 0.00 USD Per Year

**Hours per week:** 40

**Series:** 1750 **Pay Plan:** GS **Grade:** 11

**Instructional Systems Developer** (This is a federal job)

**Duties, Accomplishments and Related Skills:**

Developed, reviewed, and revised instructional materials including content, style, and format. Researched, planned, developed, and reviewed education and training programs for total support including personnel, equipment, facilities, and budget. Performed editing, proofreading, and rewriting for clear and concise written messages. Reviewed, analyzed, and summarized critiques and developed after action reports with recommendations for corrective actions. Developed and evaluated instructional effectiveness and educational materials for consistency with course objectives, teaching soundness, and conformity to policy and requirements. Reviewed, edited, and corrected forms and test documentation for conformance with recognized test and measurement principles. Developed objective tests and other instruments to measure student achievement and the adequacy of education and training programs. Used a systems approach to plan, develop, and coordinate components of instruction. Instructed Air Force courses. Served as instructor and curriculum developer. Provided subject matter expertise during planning, development, preparation, and validation of electronic and paper-based courseware. Designed, developed, conducted, and evaluated training courses used to support the training of members of the faculty including civilian and military members. Conducted workshops and other training sessions or special courses for a variety of personnel. Recommended and reviewed appropriate professional and technical books, manuals, journals, regulations, videotapes and other multimedia materials. Performed appropriate reviews and effective evaluations of recommended test items. Prepared and conducted instruction in educational topics to include, but not limited to, teaching techniques, methods of instruction, lesson plan preparation, instructional objectives, test construction, student counseling, classroom management and control, instructional technology, course design, and systems approach to training development, audiovisual support. Knowledge of a wide array of media and methods to deliver training. Programmed daily using OTA and ADSS systems. Served as a training instructor for technical training squadron.

**Supervisor:** Bonnie Molina ((210)652-4475)

**Okay to contact this Supervisor:** Yes

**San Antonio ISD**

Foster Road

San Antonio, TX 78236 United States

**01/2000 - 09/2005**

Bowden, Vanessa

**Salary:** 40,000.00 USD Per Year

**Hours per week:** 40

**Educator**

**Duties, Accomplishments and Related Skills:**

Provided guidance which promotes educational development and achievement of obtainable goals. Maintained accurate records in compliance with local and state policies. Prepared appropriate lesson plans using curriculum guides. Administered and managed the classroom activities so that acceptable behavior and effective involvement was encouraged. Initiated and implement training for child development. Used a variety of programs, approaches and materials to meet individual goals. Demonstrated explicit instruction in skills, strategies, tasks, procedures, and thinking. Evaluated testing materials and methods. Complied with state, district and school regulations, and policies. Used informal and formal assessment to continually monitor each child's progress. Revised plans to reflect changes in goals. Worked with others on staff to plan and evaluate programs. Developed instructional plans. Interpreted and explained new and existing policies and programs. Communicated effectively with students, parents, and administrators. Followed Individual Educational Plans for students with Special Needs. Provided proper care and security of equipment and property. Used spreadsheets, Windows 98 and Internet.

**Supervisor:** Stacey Lewis (210-333-1771)

**Okay to contact this Supervisor:** Yes

**Education:**

**Community College of the Air Force** Maxwell AFB, AL United States

Associate's degree 4 /2005

**Credits Earned:** 64 Semester Hours

**Major:** Education and Training

**U TX San Antonio** San Antonio, TX United States

Master's degree 11/2005

**GPA:** 3.50 of a maximum 4.00

**Credits Earned:** 37 Semester Hours

**Major:** Education

**U TX San Antonio** San Antonio, TX United States

Bachelor's degree 12/1999

**GPA:** 3.17 of a maximum 4.0

**Credits Earned:** 156 Semester Hours

**Major:** Education

Bowden, Vanessa



**Relevant Coursework, Licenses and Certifications:**  
TX Certified Teacher



## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Jimmy Cornelius

Residential Address: 61 Main Circle, Suite 1

JBSA Randolph Texas 78105

Physical Address of Employer:

61 Main Circle, Suite 1

JBSA Randolph Texas 78105

Board of Trustees Location Applying For: Randolph Field ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

CORNELIUS.JIMMY.D. Digitally signed by  
1135590440 CORNELIUS.JIMMY.D.1135590440  
Date: 2021.10.15 09:19:22 -05'00'

Signature of Applicant

**Jimmy Cornelius**

Printed Name of Applicant

15 October 2021

Date

***Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.***



# BIOGRAPHY

**UNITED STATES AIR FORCE**

## MR. JIMMY D. CORNELIUS

Mr. Jimmy Cornelius serves as the Operations and International Law Legal Assistant in the Office of the Staff Judge Advocate, Headquarters Air Education and Training Command (AETC), Joint Base San Antonio-Randolph, Texas. He manages and oversees administrative matters for all Air and Ground Accident Investigation Boards for AETC. Mr. Cornelius is involved with legal support of a myriad of issues to include training of international students, political asylum requests, and support of operational infrastructure and assets related to flying and technical training.

Mr. Cornelius joined the Air Force in 1979 as a Security Police Law Enforcement specialist. He was the distinguished honor graduate at the Law Enforcement Academy. Mr. Cornelius served as a gate guard, installation patrolman, Flight Chief, NCOIC of Resources Protection, Crime Prevention, Anti-Terrorism, Supplies and Equipment, and NCOIC of Pass and ID. He was the first Airman in Military Airlift Command certified as a desk sergeant. Mr. Cornelius was in charge of the personal security details for Vice President George H. W. Bush, President Jimmy Carter, and Secretary of State Henry Kissinger. He was also a member of the security detail for President Ronald Reagan.



Mr. Cornelius cross-trained into the legal career field in 1993. He held the positions of NCOIC of Claims, Military Justice, Preventive Law-Legal Assistance, Civil Law, and Law Center Superintendent. He deployed to Saudi Arabia in support of Operation SOUTHERN WATCH. He worked with the Senior Paralegal Manager to TJAG to create a program for hiring non-prior enlistees (basic trainees) into the paralegal career field. Mr. Cornelius retired from active duty in July 2006 as a Senior Master Sergeant. He joined the AETC legal team in May 2009.

## EDUCATION

- 1979 Security Police Law Enforcement Technical Training, (Distinguished Graduate)
- 1984 Secret Service Dignitary Protection
- 1986 NCO Leadership School, (Commandant's Award)
- 1992 CCAF, Associate of Applied Science-Police Science
- 1992 Bachelor of Science in Criminal Justice, Wayland Baptist University
- 1994 Paralegal Apprentice Course
- 1994 NCO Academy
- 1998 CCAF, Associate of Applied Science-Paralegal Studies
- 1998 Paralegal Craftsman Course
- 1998 SNCO Academy (Correspondence)
- 2003 SNCO Academy, Gunter Annex
- 2009 Aircraft Accident Investigations Course
- 2010 Legal and Administrative Investigations Course
- 2018 Military Justice Administrative Course

## **ASSIGNMENTS**

1. October 1979 – November 1982, Security Police gate guard, patrolman, desk sergeant, Reports and Analysis Clerk, 314th Security Police Squadron, Little Rock AFB, AR
2. November 1982 – December 1986, Security Police patrolman, assistant flight chief, flight chief, and NCOIC Resources Protection/Crime Prevention, Headquarters USAF Academy, CO
3. January 1987 – January 1989, NCOIC Resources Protection/Crime Prevention, Anti-terrorism, NCOIC, Security Police Supply and Equipment, Ankara Air Station, Turkey
4. January 1989 – April 1993, Security Police assistant flight chief, flight chief, NCOIC Resources Protection/Crime Prevention, NCOIC Pass and Registration Randolph AFB, TX
5. April 1993 – January 1996, NCOIC Military Justice and Claims, Randolph AFB, TX
6. January 1996 – January 2000, NCOIC General Law, Military Justice, Preventive Law/Legal Assistance, Civil Law, and Law Office Manager, Dyess AFB, TX, (July 1999 – October 1999, Deployed Law Office Manager 320th Air Expedition Wing)
7. January 2000 – June 2002, Law Office Manager, Mountain Home AFB, ID
8. June 2002 – July 2006, Law Center Superintendent, Lackland AFB, TX
9. May 2009 – March 2016, Military Justice, Operations and International Law Legal Assistant HQ AETC, JBSA-Randolph, TX
10. March 2016 – April 2016, Unit Program Coordinator, 342d Training Squadron, JBSA-Lackland, TX
11. April 2016 – July 2019, Military Justice Legal Assistant, HQ AETC, JBSA-Randolph, TX
12. July 2019 – present, Operations and International Law Legal Assistant, HQ AETC, JBSA-Randolph, TX

## **MAJOR AWARDS AND DECORATIONS**

Meritorious Service Medal with four oak leaf clusters  
Air Force Commendation Medal with two oak leaf clusters  
Air Force Achievement Medal with one oak leaf cluster  
Air Force Outstanding Unit Award with four oak leaf clusters  
1979 Distinguished Honor Graduate, Security Police Technical Training School  
1981 Senior Airman Below the Zone, Little Rock, AFB, AR  
1986 Commandants Award NCO Leadership School, Lowry AFB, CO  
1988 TUSLOG, Turkey Outstanding Law Enforcement Specialist of the Year  
1992 Randolph NCO of the Year  
2000 366th Wing Staff SNCO of the Year, Mountain Home AFB, ID  
2000 Yates-Popwell Outstanding Senior NCO Paralegal, 12th Air Force  
2003 37th Training Wing Staff SNCO of the 1st Quarter, Lackland AFB, TX  
2004 37th Training Wing Staff SNCO of the 3d and 4th Quarter, Lackland AFB, TX  
2004 Yates-Popwell Outstanding Senior NCO Paralegal, 2nd Air Force  
2013 HQ AETC Staff Civilian Non-Supervisory Category 1 of the 1st Quarter  
2015 HQ AETC Staff Civilian Non-Supervisory Category 1 of the 3d Quarter  
2016 HQ AETC Staff Civilian Non-Supervisory Category 1 of the 3d Quarter  
2016 Air Force Exemplary Civilian Service Award  
2017 Command Civilian Award for Valor

(Current as of November 2021)



## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: JohnMark Gerald Goodman

Residential Address: 6A Northwest Dr

Universal City

Texas

78148

Physical Address of Employer:

6A Northwest Dr

Universal City

Texas

78148

Board of Trustees Location Applying For: Randolph Field ISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

Signature of Applicant

1 November 2021

Date

**JohnMark G. Goodman**

Printed Name of Applicant

***Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly.  
Form must be completed prior to setting up your interview with the selection board.***

## **TECHNICAL SERGEANT JOHNMARK G. GOODMAN**

TSgt JohnMark Goodman serves as an Equal Opportunity Specialist, 502d Air Base Wing, Joint Base San Antonio-Randolph, Texas. He advises Wing, Group and Squadron leadership on Equal Opportunity policy, manages Defense Equal Opportunity Climate Survey data collection and interpretation and leads the base Human Relations Education training. TSgt Goodman also facilitates Military and Civilian Equal Opportunity complaints in accordance with Title VII and Equal Employment Opportunity Commission policy.



TSgt Goodman joined the Air Force in 2006 as a Public Health Technician. He was a distinguished honor graduate and Professional Military Image Award recipient at USAF School of Aerospace Medicine. TSgt Goodman served seven and a half years at Lackland AFB where he served as a Deployment Health Specialist, Communicable Disease Specialist, Lead Food Inspector, and NCOIC of Occupational Health. In 2014, TSgt Goodman relocated to the USAF Academy, CO where he served as the NCOIC, Communicable Disease, Section Chief, Community Health and Section Chief, Occupational Health.

TSgt Goodman cross-trained into the Equal Opportunity career field in 2019. He was a Dean's List Honor Graduate. He currently serves Joint Base San Antonio-Randolph as an Equal Opportunity Specialist.

TSgt Goodman deployed to Sidi Ahmed Air Base, Tunisia as the sole Public Health NCO in the region in support of USAFRICOMs Global War on Terrorism in 2017 and to Al Udeid Air Base, Qatar as NCOIC, Force Protection in support of Operations INHERENT RESOLVE AND FREEDOM'S SENTINEL in 2019.

## **EDUCATION**

Apr 2006	USAF Basic Military Training (Honor Graduate and Academic Excellence Award recipient)
Jun 2006	USAF School of Aerospace, Public Health Technical School (Honor Graduate)
Mar 2009	Airman Leadership School (Honor Graduate)
Apr 2014	CCAF, Associate of Applied Science-Public Health
Jan 2019	Defense Equal Opportunity Management Institute EO Course (Dean's List Honor Graduate)
Oct 2019	Robert D. Gaylor NCO Academy

## **ASSIGNMENTS**

1. October 2006-February 2014, Public Health Technician, Deployment Health Technician, Communicable Disease Specialist, Lead Food Inspector, NCOIC, Occupational Health, 559 Aerospace Medicine Squadron, Lackland AFB, TX
2. February 2014-January 2019, NCOIC, Communicable Disease, Section Chief, Community Health, Section Chief, Force Health Management, 10th Aerospace Medicine Squadron, USAF Academy, Colorado
3. June 2019-Present, Equal Opportunity Specialist, 502d Air Base Wing, Joint Base San Antonio-Randolph

## **MAJOR AWARDS AND DECORATIONS**

Air Force Commendation Medal with one oak leaf clusters  
Air Force Outstanding Unit Award with six oak leaf clusters  
2006 Honor Graduate, USAF Basic Military Training, Lackland AFB San Antonio, TX  
2006 Distinguished Graduate and Professional Image Award, USAF School of Aerospace Medicine, Brooks Air Force Base, San Antonio, TX  
2009 Distinguished Graduate Airman Leadership School, Lackland AFB, TX  
2009 59th Medical Wing Airman of the 1st Quarter, Lackland AFB, TX  
2014 10th Aerospace Medicine Squadron NCO of the 3rd Quarter, USAFA, CO  
2018 10th Aerospace Medicine Squadron NCO of the 2nd Quarter, USAFA, CO  
2019 Dean's List Honor Graduate, Defense Equal Opportunity Management Institute, Patrick AFB, FL  
2021 379th Air Expeditionary Wing Force Protection NCO of the month of April, Al Udeid AB, Qatar

(Current as of November 2021)

## RFISD SCHOOL BOARD TRUSTEE APPLICATION

### 1. Personal Data:

a. Name/rank: **JohnMark G. Goodman/TSgt**

b. Address: **6A Northwest Dr Universal City TX 78148**

c. Phone: **Work (210) 652-3749; Cell (210) 378-6424**

d. If military, date assigned to Randolph AFB: **June 2019-Present**  
TAFMSD: **25 April 2006**

e. Qualification: **Active Duty Military TSgt, Equal Opportunity Specialist,**  
**June 2019-Current 502 ABW/EO.**

f. Children in RFISD: **We have three children in Randolph Field ISD. Our oldest, JohnMark Jr., is a 7th grade student athlete. He is on the football team, percussionist in the band and will be playing basketball this winter. Our middle son, Zachariah, is a 6th grade student athlete who played on the first ever Thunderhawk football team and plays on the 6th grade band. Our youngest, Cameron, is a 4th grader in Ms. Tabeb's class and was the youngest member of the Thunderhawk football team.**

### 2. Status

a. Education: **Associate Degree in Applied Science in Public Health; Honor Graduate of the USAF School of Aerospace Medicine; Dean's List Honor Graduate of the Defense Equal Opportunity Management Institute (DEOMI)**

b. Professional or personal experience that would be an asset to you as a school board trustee: **For twelve and half years I was a Public Health Noncommissioned Officer with an expertise in community and occupational health and a concentration in communicable diseases. This experience makes me especially qualified to provide insight to current and future health policy and a level-head when addressing health and safety concerns. In this capacity, I assisted US Air Force BMT investigate and contract trace during the H1N1 influenza epidemic and developed isolation policy for US Air Force Academy during the Ebola epidemic.**

**Since graduating DEOMI in the spring of 2019, I have operated as a Human Relations and Equal Opportunity expert. This knowledge will assist RFISD in ensuring a fair and equitable playing field is provided to all students and staff of the district, focusing on merit, capability, diversity and inclusion.**

**In 2016, I was elected as the PTO Vice President for Douglas Valley Elementary (DVE), the elementary school located on the USAF Academy in Colorado Springs, Colorado. During**



**this time, I was able to facilitate three fundraisers, two community relations events and cultivate an interactive environment between the parents of DVE and the administration, where every voice mattered. I was also one of three parents selected by the school district to sit on the DVE Principal hiring board, where we interviewed ten applicants and selected the most qualified candidate for Board hiring consideration.**

**Lastly, in 2018 I had the privilege of serving as President a Pop Warner Football and Cheer organization in Monument, Colorado. In this role, I oversaw a seven member board, managed sixteen coaches spread across five football and cheer teams, oversaw the health and well-being of 110 student athletes and directly enabled the organizations first ever military scholarship program and first budget surplus in five years, ensuring the organization's lasting success when we PCS'd in 2019.**

**Our boys have been blessed with amazing school experiences in two outstanding school districts and I know that does not happen without strong, compassionate, competent school board members. Although this would be my first experience as a Board of Trustee member, I believe I can make a huge difference in the continued success of RFISD if selected.**

3. Supervisor/reference:

a. Name/rank: **Ebone Walker, Master Sergeant**

b. Address: **502 ABW/EO, 355 B Street West Suite 4,  
Joint Base San Antonio Randolph TX 78150**

c. Phone: **(210) 652-3749**

4. Why do you want to serve as a school board member? **To make a difference in the education of RFISD students. I believe it takes the entire community to raise children and if there is even a possibility in making a difference in the lives of military kids, I want to assist. As an Active Duty Air Force member, I know the struggles of military kids and the many challenges they face navigating life in a unfamiliar environment. I know that RFISD is already a great school district but if that is to continue, there has to be a group of ready, willing and able community leaders to build on the foundation that has been solidly established, to take RFISD to new, unimaginable heights. I want to dive in head first and learn everything that has made RFISD successful, be an important part of keeping our district a top educational environment in the San Antonio metro area and serve the Randolph community for decades to come.**

5. **My Biography is attached for the 502d Security and Readiness Group Commander.**

**Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship,  
§61.3, School Safety Training for School Board Members  
(First Reading and Filing Authorization)**

**January 28, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members. The proposed new rule would reflect changes made by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), [§11.159\(b-1\)](#), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

TEC, [§11.159\(b-1\)](#), as added by HB 690, 87th Texas Legislature, Regular Session, 2021, obligates the SBOE to require trustees to complete training on school safety. The SBOE, in coordination with the Texas School Safety Center, was required to develop the curriculum and materials for the training by January 1, 2022.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**EFFECTIVE DATE:** The proposed effective date of the proposed new section is 20 days after filing as adopted with the Texas Register. Under TEC, [§7.102\(f\)](#), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date is necessary to allow school districts to begin preparing for implementation of the new section.

**PREVIOUS BOARD ACTION:** The SBOE approved the school safety training curriculum and materials developed by the Texas School Safety Center at its November 2021 meeting. A discussion item regarding a new rule related to the school safety training was presented to the Committee on School Initiatives at its November 2021 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** TEC, [§11.159](#), Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Chapter 61, Subchapter A, addresses this statutory requirement. School board trustee training under current SBOE rule includes a local school district orientation session, a basic orientation to the TEC, an annual team-building session with the local school board and the superintendent, specified hours of continuing education based on identified needs, training on evaluating student academic performance, and training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

HB 690, 87th Texas Legislature, Regular Session, 2021, added new TEC, [§11.159\(b-1\)](#), which obligates the SBOE to require trustees to complete training on school safety. Proposed new §61.3 would codify the school safety training requirement in rule.

New TEC, §11.159(b-1), also required that the SBOE, in coordination with the Texas School Safety Center, develop the curriculum and materials for the training by January 1, 2022. At the September 2021 SBOE meeting, the board discussed an outline of the school safety training curriculum proposed by the Texas School Safety Center and provided feedback on the outline. The SBOE approved the school safety training curriculum and materials developed by the Texas School Safety Center at its November 2021 meeting.

**FISCAL IMPACT:** The Texas Education Agency (TEA) has determined that there are no additional costs to state or local government required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by adding training on school safety to the existing required trustee training. The school safety training is required by TEC, §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would implement legislation by describing the requirements for a new school safety training for school district trustees established by TEC, §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins February 25, 2022, and ends at 5:00 p.m. on April 1, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 in accordance with the SBOE board

operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on February 25, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization proposed new 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members.

**Staff Members Responsible:**

Jeffrey Cottrill, Deputy Commissioner, Governance and Accountability

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

**Attachment:**

Text of Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members

**ATTACHMENT**  
**Text of Proposed New 19 TAC**

**Chapter 61. School Districts**

**Subchapter A. Board of Trustees Relationship**

**§61.3. School Safety Training for School Board Members.**

- (a) The continuing education required under Texas Education Code, §11.159(b-1), applies to each member of an independent school district board of trustees.
- (b) Each member of an independent school district board of trustees shall complete the training on school safety adopted by the State Board of Education (SBOE).
  - (1) The purpose of the training is to provide research-based information to trustees on ensuring a safe learning environment conducive to improving student outcomes.
  - (2) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed trustee who did not complete the training under this section in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
  - (3) The training requirement shall be fulfilled by completing the online course adopted by the SBOE and made available by the commissioner of education.
  - (4) The training shall be completed every two years.
  - (5) Each school district shall maintain verification of completion for each trustee.

## Open-Enrollment Charter School Generation 27 Application Updates

January 27, 2022

### **COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** The director of the Division of Charter School Authorizing and Administration will provide updates regarding the Generation 27 Open-Enrollment Charter Application cycle.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§12.101](#).

TEC, §12.101 requires the commissioner to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting, vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and prepare to address areas that are within its jurisdiction. To that end, this item is for discussion of updates pertaining to the Generation 27 application.

Public information concerning open-enrollment charter schools is available at the division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/charterapp.aspx>). The Generation 27 application and required attachments are accessible on that page.

#### **Staff Members Responsible:**

Kelvey Oeser, Deputy Commissioner, Educator Support

Marian Schutte, Director, Charter School Authorizing and Administration

**Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements**

**January 28, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose an amendment to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements. The proposed amendment would update the list of countries that permit individuals who have obtained the equivalent of a United States bachelor's or master's degree to be exempt from the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) to demonstrate English language proficiency; would clarify that individuals who have already demonstrated English language proficiency to receive an SBEC-issued Texas certificate would not have to demonstrate English language proficiency again for purposes of admission into an educator preparation program (EPP) to obtain an additional Texas educator certificate; and would provide technical and grammatical edits.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 230, Subchapter B, §230.11, is the Texas Education Code (TEC), §§21.003(a); 21.031; and 21.041(b)(1), (4), and (5).

TEC, §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), requires the SBEC to propose rules that specify the requirements for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to TEC, §21.052.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** None.

**BACKGROUND INFORMATION AND JUSTIFICATION:** At the August 2017 SBEC meeting, the SBEC adopted changes to 19 TAC Chapter 230 to remove the provision that required candidates to

demonstrate English language proficiency by providing evidence that the primary language of instruction at an institution of higher education that the candidate attended outside of the United States was English. The SBEC adopted a list of countries in which English is the official language and allowed candidates from these countries to be exempt from the requirement to take the TOEFL iBT. The SBEC derived its list of English-speaking countries from the lists the colleges and universities of the University of Texas and Texas A&M University systems use to determine exemptions from English language proficiency requirements for student admissions.

At the July 2021 SBEC meeting, the SBEC directed Texas Education Agency (TEA) staff to draft amendments to 19 TAC Chapter 230 to update the list of qualifying countries to include any new additions to the lists used by the colleges and universities of the University of Texas and Texas A&M University systems.

Following is a description of the proposed amendment that would add the additional countries to the approved list as outlined in Attachment II.

#### §230.11. General Provisions.

The proposed amendment would update Figure: 19 TAC §230.11(b)(5)(C) to add, "Federated States of Micronesia," "India," "Ireland," "New Zealand," and "Singapore" to the list of qualifying countries where English is the primary or predominant language. These are countries that the colleges and universities of the University of Texas and Texas A&M University systems have identified as English-speaking for the purposes of determining exemptions to English language proficiency requirements. This proposed amendment would permit individuals who have obtained the equivalent of a United States bachelor's or master's degree from colleges or universities in the Federated States of Micronesia, India, Ireland, New Zealand, and Singapore to be exempt from the English language proficiency requirement for educator certification. The proposed amendment to Figure: 19 TAC §230.11(b)(5)(C) would also provide grammatical and technical edits to the list of countries to properly place "Canada" and the "Cayman Islands" alphabetically and to add "Islands" to Turks and Caicos.

Proposed new 19 TAC §230.11(c) would clarify that individuals who have previously demonstrated English language proficiency to receive an SBEC-issued certificate would not be required to demonstrate English language proficiency again if they seek admission into an approved Texas EPP at a later time to pursue an additional area of certification. This would prevent redundant, inefficient, and unnecessary paperwork for both educators and TEA staff.

#### SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state or local governments and there are no additional costs to entities required to comply with the proposal. The state and entities deemed as local government do not pay for or receive any funds from administration of the English language proficiency examination requirement (i.e., TOEFL iBT) in rule for issuance of Texas certification.

The TEA staff has determined, however, that the proposal would create an anticipated economic benefit for individuals. The TEA estimates that the proposal will cause a cost savings of \$2,350 per fiscal year for



each of the next five fiscal years (FYs), FYs 2022-2027, for individuals who will not be required to take the TOEFL iBT test to demonstrate English language proficiency. TOEFL iBT test fees vary in cost, but TEA staff is using \$235 (the fee to test in several Texas cities as that is often the location where these candidates for certification will test) to calculate the anticipated savings to individuals. TEA staff estimates that approximately five individuals per year will apply from the five new countries that the proposal would add to the SBEC-approved list of English-speaking countries, and that when multiplied by the \$235 test fee, the result is a cost savings of \$1,175 per fiscal year. Additionally, TEA staff anticipates a minimum of five individuals who have already demonstrated English language proficiency would return to a Texas-approved EPP to seek an additional certification per fiscal year. For these five returning candidates, the cost savings would be \$1,175 per fiscal year when multiplied by the \$235 test fee. In total, the estimated cost savings per fiscal year would be \$2,350.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would limit an existing regulation by adding countries to the list that individuals from those countries would no longer be required to take and pass an English language proficiency examination for Texas certification and by allowing individuals who have previously proven their English proficiency to attain a Texas certification to be exempt from having to prove it again when they seek another Texas certification.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be ensuring that educator certification applicants demonstrate the level of English language proficiency needed to instruct and to support all learners and to communicate effectively with parents, colleagues, and other stakeholders upon certification, while avoiding unnecessarily burdensome testing and paperwork for applicants who are from English-speaking countries or have already proven their English proficiency to

attain a prior Texas educator certificate. There is no anticipated cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement  
Marilyn Cook, Director, Educator Certification

**Attachment I:**

Text of Proposed Amendment to 19 TAC Chapter 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements

**Attachment II:**

Text of Proposed Figure: 19 TAC §230.11(b)(5)(C)

**ATTACHMENT I**  
**Text of Proposed Amendment to 19 TAC**

**Chapter 230. Professional Educator Preparation and Certification**

**Subchapter B. General Certification Requirements**

**§230.11. General Requirements.**

- (a) The only credits and degrees acceptable for certification of educators are those earned from and conferred by accredited institutions of higher education. All credit hour requirements for certification are semester credit hours or their equivalent.
- (b) An applicant for a Texas educator certificate must:
  - (1) be at least 18 years of age;
  - (2) submit to the criminal history review required by the Texas Education Code (TEC), §22.0831, not be disqualified by the TEC, §21.058, §21.060, or other Texas statute, and not be subject to administrative denial pursuant to §249.12 of this title (relating to Administrative Denial; Appeal) or a pending proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
  - (3) not be disqualified by federal law;
  - (4) be willing to support and defend the constitutions of the United States and Texas;
  - (5) be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication and teaching. English language proficiency shall be evidenced by one of the following:
    - (A) completion of an undergraduate or graduate degree at an accredited institution of higher education in the United States; or
    - (B) verification of minimum scaled scores on the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) of 24 for speaking, 22 for listening, 22 for reading, and 21 for writing; or
    - (C) ~~if~~ an undergraduate or graduate degree that was earned at an institution of higher education in a country outside of the United States listed in the figure provided in this subparagraph.  
Figure: 19 TAC §230.11(b)(5)(C) ~~[Figure: 19 TAC §230.11(b)(5)(C)]~~
  - (6) successfully complete appropriate examinations prescribed in §230.21 of this title (relating to Educator Assessment) for the educator certificate sought; and
  - (7) satisfy one or more of the following requirements:
    - (A) complete the requirements for certification specified in this chapter, Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), Chapter 239 of this title (relating to Student Services Certificates), Chapter 241 of this title (relating to Certification as Principal [Certificate]), or Chapter 242 of this title (relating to Superintendent Certificate), and be recommended for certification by an approved educator preparation program (EPP);
    - (B) qualify under Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States);
    - (C) qualify under §230.105 of this title (relating to Issuance of Additional Certificates Based on Examination);

- (D) qualify for a career and technical education certificate based on skill and experience specified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)); or
- (E) qualify under Chapter 245 of this title (relating to Certification of Educators from Other Countries).

(c) An educator who has received a State Board for Educator Certification (SBEC)-issued standard certificate shall not be required to demonstrate English language proficiency as prescribed in subsection (b)(5)(B) and (C) of this section for purposes of admission into an EPP to obtain additional SBEC-issued certifications.

**ATTACHMENT II**  
**Text of Proposed Amendment to**

**Figure: 19 TAC §230.11(b)(5)(C)**

**Figure: 19 TAC §230.11(b)(5)(C)**

**Countries in which English is the Official Language**

The countries listed below have been approved by the State Board for Educator Certification (SBEC) to satisfy the English language proficiency requirement specified in 19 TAC §230.11(b)(5)(C). To be exempted from the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) testing requirement specified in 19 TAC §230.11(b)(5)(B), a certification candidate must have earned an undergraduate or graduate degree from an institution of higher education on the SBEC-approved list of countries.

<b>American Samoa</b>	<b>Grand Cayman</b>
<b>Anguilla</b>	<b>Grenada</b>
<b>Antigua and Barbuda</b>	<b>Guyana</b>
<b>Australia</b>	<b><u>India</u></b>
<b>Bahamas</b>	<b><u>Ireland</u></b>
<b>Barbados</b>	<b>Jamaica</b>
<b>Belize</b>	<b>Liberia</b>
<b>Bermuda</b>	<b><u>New Zealand</u></b>
<b>British Virgin Islands</b>	<b>Nigeria</b>
<b><u>Canada (except Quebec) [Cayman Islands]</u></b>	<b>Saint Kitts and Nevis</b>
<b><u>Cayman Islands [Canada (except Quebec)]</u></b>	<b>Saint Lucia</b>
<b>Dominica</b>	<b><u>Singapore</u></b>
<b><u>Federated States of Micronesia</u></b>	<b>Trinidad/Tobago</b>
<b>Gambia</b>	<b>Turks and Caicos <u>Islands</u></b>
<b>Ghana</b>	<b>United Kingdom</b>
<b>Gibraltar</b>	<b>U.S. Pacific Trust</b>

**Review of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

**January 28, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendments would implement House Bill (HB) 139, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would add the space force to the list of branches of the United States Armed Forces and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 234, §234.3 and §234.5, is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; and 21.052(b-1), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, (c), (d-1), (f), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, and (i), as added by HB 139, 87th Texas Legislature, Regular Session, 2021; and Texas Occupations Code (TOC), §§55.001, as amended by HB 139, 87th Texas Legislature, Regular Session, 2021; 55.002; 55.003; 55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021, 55.0041, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021; 55.005; 55.006; 55.007; 55.008; 55.009; and 55.010.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.044(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program.

TEC, §21.052(b-1), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to establish procedures to accurately identify military spouses and expedite processing of certification applications that they submit.

TEC, §21.052(c), specifies the SBEC can specify the term of a temporary certificate issued under this subsection.

TEC, §21.052(d-1), requires the SBEC to issue a three-year temporary certificate to eligible military spouses of active-duty service members.

TEC, §21.052(f), as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, provides definitions for terms used in the rest of TEC, §21.052.

TEC, §21.052(i), as added by HB 139, 87th Texas Legislature, Regular Session, 2021, defines active-duty service, lists the branches of the United States Armed Forces, and confirms the members of the military community eligible for processes established to certify educators from outside the state.

TOC, §55.001, as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, defines key terms and identifies the individuals relevant to the processing and support of members of the military community.

TOC, §55.002, provides clarification and guidelines for implementing fee exemptions for members of the military community.

TOC, §55.003, states military service members are eligible to receive a two-year extension of time to complete requirements for license renewal.

TOC, §55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021, requires state agencies to adopt rules for issuance of licensure to members of the military community and provides alternatives to become eligible for licensure.

TOC, §55.0041, as amended by HB 139, 87th Texas Legislature, Regular Session, 2021, requires state agencies to adopt rules to allow military spouses licensed in other states and in good standing to practice in their occupation of expertise with the license issued in another state.

TOC, §55.005, requires state agencies to establish a process to expedite applications for licensure submitted by members of the military community.

TOC, §55.006, requires state agencies to determine renewal requirements for expedited licenses issued to members of the military community.

TOC, §55.007, provides state agencies authority to credit verified military service, training, or education toward licensing requirements.

TOC, §55.008, authorizes state agencies to credit verified relevant military service, training, or education relevant to the occupation toward the apprenticeship requirements for licensure.

TOC, §55.009, confirms state agencies that issue licensure shall waive license application and examination fees paid to the state for applicable members of the military community.

TOC, §55.010, requires state agencies to prominently post notification of licensure provisions for military service members, military veterans, and military spouses on the home page of the agency's website.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** None.

**BACKGROUND INFORMATION AND JUSTIFICATION:** All military-related provisions for educator certification have been consolidated into 19 TAC Chapter 234. The proposed amendments to 19 TAC Chapter 234 would implement HB 139, 87th Texas Legislature, Regular Session, 2021. Following is a description of the proposed amendments.

§234.3. Definitions.

The proposed amendment to §234.3(5) would implement HB 139, 87th Texas Legislature, Regular Session, 2021, by adding "space force" to update the list of branches of the United States Armed Forces.

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

The proposed amendment to §234.5(f) would implement HB 139, 87th Texas Legislature, Regular Session, 2021, by adding "clinical and professional experience" training to the list of appropriate credit toward certification requirements. HB 139 allows state licensing agencies to give military service members, spouses, and veterans credit toward certification requirements for clinical and professional experience.

The proposed amendment would also include a technical edit to further define a cross reference to 19 TAC §152.1001 in §234.5(h).

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would increase the number of individuals subject to the rule's applicability because it adds individuals in the space force branch of the United States Armed Forces as military community members and adds military service members, veterans, and spouses who have clinical and professional experience to those persons eligible for credit toward certification requirements.



The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposed amendments would be continued support to members of the military community who seek to become educators in Texas. There is no anticipated cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Take no action on proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement  
Marilyn Cook, Director, Educator Certification

**Attachment:**

Text of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

**ATTACHMENT I**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 234. Military Service Members, Military Spouses, and Military Veterans**

**§234.3. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Military service member--A person who is on active duty.
- (2) Military spouse--A person who is married to a military service member.
- (3) Military veteran--A person who has served on active duty and who was discharged or released from active duty.
- (4) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by the Texas Government Code, §437.001, or similar military service of another state.
- (5) Armed forces of the United States--The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

**§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.**

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed as soon as practicable.
- (b) As soon as practicable after the issuance of a one-year certificate, Texas Education Agency (TEA) staff shall notify, in writing or by email, a military spouse of the requirements for obtaining a standard Texas certificate.
- (c) A military spouse who has been issued a one-year certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.
- (d) Effective September 1, 2017, a military spouse shall be issued a three-year temporary certificate upon completion of the review of credentials.
- (e) Effective December 1, 2019, prior to beginning employment, a military spouse must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military spouse to teach in Texas a maximum of three years with credentials issued by another state.
- (f) A military service member or a military veteran shall be entitled to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification. TEA staff and educator preparation programs (EPPs) shall use information from the U.S. Department of Veterans Affairs or other reliable sources to assist in crediting applicable military service, training, or education to certification requirements.
- (g) A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.

- (h) A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7, or qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (i) Military service members and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (j) Military service members and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, one-year certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) Military spouses are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, three-year temporary certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.

**Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters**

**January 28, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: ACTION**

**SUMMARY:** This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters. The proposed amendments would implement House Bill (HB) 2519, 87th Texas Legislature, Regular Session, 2021, by amending the SBEC's rules to allow the SBEC to put conditions on a certificate without any additional sanction; to reduce the minimum sanction for contract abandonment that occurs 30–44 days in advance of the first day of instruction for the next school year; to clarify that sanctions for contract abandonment are subject to all mitigating factors and that mitigating factors can reduce a sanction to the point that the SBEC takes no disciplinary action against an educator; and to clarify the notice that the Texas Education Agency (TEA) sends sanctioned educators regarding the necessity of filing a motion for rehearing if the respondent wants to appeal the decision. The proposed amendments also reflect the results of the SBEC's July work session on contract abandonment and October and December meetings by expanding the definition of good cause for contract abandonment to include instances when an educator resigns after receiving written permission from school administration and by adding new mitigating factors that allow lower sanctions for contract abandonment when an educator gets a promotion, has their salary reduced, faces a threat of immediate physical harm, or for any other relevant circumstances or facts.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 249, Subchapter B, §249.15 and §249.17, is Texas Education Code (TEC), §§21.006(a)–(c-2), (f)–(g-1), and (i); 21.007; 21.009(e); 21.031(a); 21.035; 21.041; 21.058; 21.0581; 21.060; 21.065, as added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.105(c), (e), and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.160(c), (e), and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 21.210(c), (e) and (f), as amended and added by HB 2519, 87th Texas Legislature, Regular Session, 2021; 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093(a)–(f); Texas Government Code (TGC), §§411.090, 2001.058(e), and 2001.142(a); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b); Texas Occupations Code (TOC), §§53.021(a), 53.022; 53.023; 53.024; 53.025, 53.051, 53.052, and 56.003; and the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7926. The statutory authority for 19 TAC Chapter 249, Subchapter E, §249.42, is TEC, §§21.031(a); 21.035; 21.040(4); and 21.041(a) and (b)(1), (4), and (7); and TOC, §§53.021(a), 53.022; 53.023; 53.024; 53.025, and 53.051.

TEC, §21.006(a)–(c-2), (f)–(g-1), and (i), require the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center or shared services arrangement to report to the SBEC within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct, unless the superintendent or director completes an investigation before the educator resigns or is terminated and determines that the educator did not commit the alleged misconduct. It also requires principals to report to superintendents

within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and when there is evidence that the educator has engaged in certain misconduct. It further authorizes the SBEC to impose sanctions on educators who fail to report as required by the statute, including authority to impose monetary administrative penalties, gives the SBEC rulemaking authority as necessary to implement the statute, requires the SBEC to create an internet portal to facilitate confidential and secure reporting, and gives the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006.

TEC, §21.007, gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC to give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision.

TEC, §21.009(e), states that the SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a student or minor.

TEC, §21.031(a), charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators.

TEC, §21.035, states that TEA staff provide administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification.

TEC, §21.040(4), requires the SBEC to develop policies that delineate the respective responsibilities of the SBEC and TEA staff.

TEC, §21.041, authorizes the SBEC to adopt rules as necessary for its own procedures, to regulate educators, specify the requirements for issuance or renewal of educator certificates, administer statutory requirements, provide for educator disciplinary proceedings, and for enforcement of the Educator's Code of Ethics.

TEC, §21.058, requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses.

TEC, §21.0581, allows the SBEC to suspend, revoke or sanction an educator's certificate, or refuse to issue a certificate, if the person has assisted another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files when the person knew the other person had engaged in sexual misconduct with a student or minor in violation of the law.

TEC, §21.060, sets out crimes that relate to the education profession and authorizes the SBEC to sanction or to refuse to issue a certificate to any person who has been convicted of one of these offenses.

TEC, §21.065, as added by HB 2519, 87th Texas Legislature, Regular Session, 2021, sets requirements for the notice SBEC must send when it suspends an educator's certificate.

TEC, §21.105(c), as amended by HB 2519, 87th Texas Legislature, Regular Session, 2021, allows the

SBEC to impose sanctions against an educator who abandons a probationary contract.

TEC, §21.105(e), as added by HB 2519, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training.

TEC, §21.105(f) as added by HB 2519, 87th Texas Legislature, Regular Session, 2021, forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year.

TEC, §21.160(c), as amended by HB 2519, 87th Texas Legislature, Regular Session, 2021, allows the SBEC to impose sanctions against an educator who abandons a continuing contract.

TEC, §21.160(e), as added by HB 2519, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training.

TEC, §21.160(f), as added by HB 2519, 87th Texas Legislature, Regular Session, 2021, forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year.

TEC, §21.210(c), as amended by HB 2519, 87th Texas Legislature, Regular Session, 2021, allows the SBEC to impose sanctions against an educator who abandons a term contract.

TEC, §21.210(e), as added by HB 2519, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training.

TEC, §21.210(f), as added by HB 2519, 87th Texas Legislature, Regular Session, 2021, forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year.

TEC, §22.082, requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file.

TEC, §22.0831, requires the SBEC to review the criminal history of certified educators and applicants for certification.

TEC, §22.085, requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and to refuse to hire those who have certain criminal history.

TEC, §22.087, requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse.

TEC, §22.092, requires school districts, charter schools, districts of innovation, regional education service centers, and shared services arrangements to discharge or to refuse to hire any person listed on the registry of persons not eligible for employment in Texas public schools.

TEC, §22.093(a)–(f), requires superintendents or directors of school districts, districts of innovation,

charter schools, regional education service centers, or shared services arrangements to notify the commissioner of education if an employee resigned or was terminated and there is evidence that the employee abused or otherwise committed an unlawful act with a student or minor, or was involved in a romantic relationship with a student or minor.

TGC, §411.090, allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator.

TGC, §2001.058(e), sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge.

TGC, §2001.142(a), requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means, if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case.

TFC, §261.308(d) and (e), requires the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC.

TFC, §261.406(a) and (b), requires the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA.

TOC, §53.021(a), 53.022-53.025, 53.051, and 53.052, allow the SBEC to suspend or revoke an educator's certificate or refuse to issue a certificate if a person is convicted of certain offenses; set out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; set out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; set out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; state that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, Chapter 2001, Texas Government Code; give the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; require that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; and allow a person who has been denied an educator certification or had an educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies.

TOC, §56.003, prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default.

ESSA, 20 USC, §7926, requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the job-seeker has committed sexual misconduct with a student or minor in violation of the law.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** None.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Chapter 249 covers educator discipline, including investigations, sanction guidelines, and procedures for contested cases. TEC, §§21.105, 21.160, and 21.210, give educators the right to resign without penalty at the end of a school year, up to 45 days

before the first day of instruction for the following school year. Contract abandonment occurs when an educator resigns from a teaching contract less than 45 days before the first day of instruction for the following school year. The SBEC engaged in discussions during the July 22, 2021 work session and July 23, 2021 SBEC meeting regarding contract abandonment rules and procedures. Proposed rule changes to implement the results of those discussions and recent legislation regarding contract abandonment as well as SBEC actions taken at the October and December meetings are presented in the attached.

### ***House Bill 2519***

HB 2519, 87th Texas Legislature, Regular Session, 2021, created new requirements and limitations for the SBEC in educator discipline cases involving either contract abandonment or a suspension sanction.

HB 2519 amended TEC, §§21.105(e), 21.160(e), and 21.210(e), to state that the SBEC in considering contract abandonment cases "may consider alternatives to sanctions, including additional continuing education or training." The SBEC has historically interpreted "additional" in 19 TAC §249.15(a)(5) to mean that the SBEC had to impose another sanction, such as a non-inscribed reprimand, before it could put other conditions or restrictions on a certificate, such as requiring continuing education. To allow the SBEC to require training without having to issue any other sanction in accordance with the intent of HB 2519, the proposed amendment would remove the word "additional" from 19 TAC §249.15(a)(5).

Through changes to TEC, §§21.105, 21.160, and 21.210, HB 2519 forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts 30 days or more before the first day of instruction for the next school year. The proposed amendment would therefore change the sanction guidance for contract abandonment in 19 TAC §249.17(d)(3) to make an inscribed reprimand the standard sanction when an educator abandons a contract 30–44 days prior to the first day of instruction and no mitigating factors apply. HB 2519 made no changes to the deadline for educator resignations; an educator can still resign without penalty 45 days prior to the first day of instruction. Thus, under the proposed rule, an educator who resigns 45 days prior to the first day of instruction is not subject to sanction by the SBEC, an educator who resigns 44–30 days prior to the first day of instruction is subject to an inscribed reprimand if no mitigating factors apply, and an educator who resigns fewer than 30 days before the first day of instruction or at any point during the school year is subject to at least a one-year suspension if no mitigating factors apply. In a case where the educator resigned 44–30 days prior to the first day of instruction and mitigating factors applied, under the proposed rule, the educator would receive a sanction of less than an inscribed reprimand—a non-inscribed reprimand, a requirement to complete continuing education with no reprimand, or no reprimand at all—depending on the strength of the mitigating factors and at the SBEC's discretion. Similarly, in a case where the educator resigns fewer than 30 days prior to the first day of instruction or during the school year and mitigating factors apply, under the proposed rule, the educator would receive a sanction of less than a one-year suspension—a shorter suspension, an inscribed reprimand, a non-inscribed reprimand, a requirement to complete continuing education with no reprimand, or no reprimand at all—depending on the strength of the mitigating factors and at the SBEC's discretion. In any case where the educator had good cause for contract abandonment as defined in 19 TAC §249.17(d)(1), the educator would not be subject to sanction by the SBEC regardless of when the educator resigned.

At adoption, the SBEC modified the amendment to §249.17(d)(3)(A) in response to public comment to remove the reference to §249.17(d)(2)(A) so as to prevent the mitigating factor for 30 days of notice from interfering with the applicability of the default sanction for educators who resign at least 30 days prior to the first day of instruction. Under the wording for §249.17(d)(3)(A) as proposed, the default sanction



could be interpreted to not ever actually apply since every educator who resigns 30 days prior to the first day of instruction will have given 30 days of notice.

HB 2519 amended TEC, §§21.105(e), 21.160(e), and 21.210(e) to require that the SBEC consider "any mitigating factors relevant to the teacher's conduct" prior to imposing a sanction for contract abandonment. The proposed amendment to 19 TAC §249.17(d)(2) would change "may" to "shall" to reflect this new statutory requirement by removing the SBEC's discretion on whether to review mitigating factors in contract abandonment cases. The proposed amendment to 19 TAC §249.17(d)(2) would also include technical edits that would add "the educator" as a lead in and would make corresponding technical edits to subparagraphs (A)–(F). The proposed amendment to 19 TAC §249.17(d)(3) would add new §249.17(d)(3)(A) and (B) to include specific cross-references to the factors the SBEC considers under 19 TAC §249.17(c), among which would include a broad catch-all factor, "any other relevant circumstances or facts," to make it clear that the SBEC will consider all mitigating factors in contract abandonment cases. At adoption and in response to public comment, the SBEC changed the amended language of 19 TAC §249.17(d)(2) to include new subparagraph (J) that explicitly states that the mitigating factors the SBEC must consider in all contract abandonment cases include "any other relevant circumstances or facts," to clarify that the SBEC can consider any mitigating factor in accordance with HB 2519.

The proposed amendment to 19 TAC §249.17(d)(3)(B) would also provide a technical edit to reorganize subparagraphs (A)–(C) to clauses (i)–(iii).

The proposed amendment would also include new 19 TAC §249.17(d)(3)(C), which would clarify that mitigating factors can reduce an educator's sanction to such an extent that the SBEC takes no disciplinary action against the educator. This change is proposed to reduce confusion among SBEC members and stakeholders regarding the limits of the SBEC's discretion in considering mitigating factors. The SBEC cannot be arbitrary or capricious in determining the value of a mitigating factor or a sanction, but the SBEC can decide that the unique mitigating facts in a specific case are so extreme and compelling that they necessitate reducing the educator's sanction to the point that an educator subject to discipline receives no sanction.

In TEC, §21.065(b), HB 2519 imposes requirements on the SBEC to give notice to an educator whose certificate has been suspended of "the basis for the suspension" and "information regarding the method in which the teacher may respond to the suspension." The SBEC already sends sanctioned educators such notices with the final order, informing the educators that they must file a Motion for Rehearing with the SBEC if they do not agree with the SBEC's decision and if they want to appeal in keeping with TGC, §2001.145. The proposed amendment would add language to 19 TAC §249.42(a) that would reflect and clarify this procedure and the language used in the letters to educators.

This proposal would include technical edits to further define a cross reference to 19 TAC Chapter 101 in §249.15(b)(8).

### ***SBEC Work Session and Board Meeting***

On July 22, 2021, the SBEC conducted a work session to examine ways to improve its contract abandonment sanctioning guidelines. The results of the work session and July 23 and October 1, 2021 SBEC meetings are reflected in the proposed amendment to 19 TAC §249.17(d)(1) and (2), which adds to the definition of good cause for contract abandonment and to the mitigating factors that apply specifically to contract abandonment cases. These provisions offer guidance and predictability to educators, TEA staff, State Office of Administrative Hearings judges, and the SBEC regarding in what situations the

SBEC will take no action against an educator due to good cause and in what situations the SBEC will issue reduced sanctions against an educator for contract abandonment based on applicable mitigating factors.

The proposed amendment to 19 TAC §249.17(d)(1) would expand the definition of good cause for contract abandonment. Proposed new §249.17(d)(1)(D) would make written permission from school district administration good cause for contract abandonment. The proposed amendment would cause the SBEC to take no disciplinary action against an educator who abandoned a contract under those specific conditions because an educator should be able to resign without penalty when the educator reasonably understands that he or she has received written permission from the school administration to resign.

The proposed amendment to 19 TAC §249.17(d)(2) would add mitigating factors that reduce an educator's sanction for contract abandonment. Proposed new §249.17(d)(2)(G) would reduce an educator's sanction if the educator had resigned in order to take a position that amounted to a career change from one certification class to another or to a more advanced position within the principal certificate class. For example, the proposed amendment would reduce the sanction for an educator who resigned in order to become a librarian, a counselor, an assistant principal, a principal, or a superintendent. The proposed amendment also would reduce the sanction for an assistant principal who resigned to become a principal, a superintendent, or another more senior administration position that requires a principal or superintendent certificate. This proposed amendment would give teachers more flexibility to advance their careers within education without fear of long suspension sanctions from SBEC due to contract abandonment. At adoption and in response to public comment, the SBEC added new clause (iii) to §249.17(d)(2)(G), which allows mitigation for educators who take jobs at charter schools or districts of innovation that are equivalent to the positions described by educator certification class in §249.17(d)(2)(G)(i) and (ii). This new provision will allow educators the same mitigating impact for taking new jobs in charter schools and districts of innovation as in traditional public schools, even though charter schools and districts of innovation may not require educators to be certified.

Proposed new 19 TAC §249.17(d)(2)(H) would allow a reduced sanction when an educator resigns due to a decrease in the educator's base pay, excluding stipends, as compared to the prior year at the same school district. Due to school district board meeting schedules, some educators do not learn what their salary will be for the school year until after the 45th day before the first day of instruction, when educators can no longer resign without penalty. The commissioner of education has held that an educator's contract remains valid even if the educator's salary is set at a later school district board meeting, so long as the educator's final salary is within the salary range that the educator was offered when the educator signed the contract. An educator can thus find themselves in a year-long contract for a salary that is less than the educator had earned the year before and be unable to resign without penalty. Under proposed new 19 TAC §249.17(d)(2)(H), an educator who resigned in such circumstances would still be subject to discipline for contract abandonment but would receive a lesser sanction than the default one-year suspension.

The SBEC proposed a new mitigating factor that would have allowed a reduced contract abandonment sanction when an educator resigns following a change in the educator's campus assignment that causes a significant adverse impact on the educator's family needs or health condition. After receiving public comment opposed to the new mitigating factor because it would make it easier for educators to abandon contracts when their assignments required long commutes or working with difficult students, the SBEC voted at adoption to remove this language from the amendment and to reletter the remaining subparagraphs accordingly.

Proposed new 19 TAC §249.17(d)(2)(I) would allow lower sanctions for contract abandonment when an educator resigns a contract due to working conditions that reasonably posed an immediate threat of physical harm to the educator. This proposed change would allow the SBEC to reduce the penalty in a contract abandonment case to reflect the severity of the risk of physical harm an educator faced before resigning. It would give educators some comfort and predictability that they would not face a long suspension for contract abandonment if they resign due to physically dangerous working conditions. This provision was proposed as 19 TAC §249.17(d)(2)(J) but was relettered at adoption to 19 TAC §249.17(d)(2)(I). It is otherwise unchanged from how it was published as proposed.

While TEA staff may make sanction recommendations, the SBEC would retain discretion to determine the final sanction and the amount of reduction in penalty allowed for each mitigating factor prescribed in 19 TAC §249.17(d)(2).

#### SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would limit an existing regulation by reducing the minimum sanction for contract abandonment 30 days prior to the first day of instruction when no mitigating factors apply from a one-year suspension to an inscribed reprimand. It would further limit an existing regulation by creating more mitigating factors and ways that a respondent can meet the definition of good cause, reducing the number of respondents who will be subject to sanction.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be predictability and transparency in contract abandonment sanctioning by the SBEC. There is no anticipated cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Take no action on proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement  
Laura Moriaty, Director, SBEC Enforcement

**Attachment:**

Text of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters

**ATTACHMENT I**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases**

**Subchapter B. Enforcement Actions and Guidelines**

**§249.15. Disciplinary Action by State Board for Educator Certification.**

- (a) Pursuant to this chapter, the State Board for Educator Certification (SBEC) may take any of the following actions:
- (1) place restrictions on the issuance, renewal, or holding of a certificate, either indefinitely or for a set term;
  - (2) issue an inscribed or non-inscribed reprimand;
  - (3) suspend a certificate for a set term or issue a probated suspension for a set term;
  - (4) revoke or cancel, which includes accepting the surrender of, a certificate without opportunity for reapplication for a set term or permanently;
  - (5) impose any ~~additional~~ conditions or restrictions upon a certificate that the SBEC deems necessary to facilitate the rehabilitation and professional development of the educator or to protect students, parents of students, school personnel, or school officials; or
  - (6) impose an administrative penalty of \$500-\$10,000 on a superintendent or director who fails to file timely a report required under §249.14(d) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition) or on a principal who fails to timely notify a superintendent or director as required under §249.14(e) of this title under the circumstances and in the manner required by the Texas Education Code (TEC), §21.006.
- (b) The SBEC may take any of the actions listed in subsection (a) of this section based on satisfactory evidence that:
- (1) the person has conducted school or education activities in violation of law;
  - (2) the person is unworthy to instruct or to supervise the youth of this state;
  - (3) the person has violated a provision of the Educators' Code of Ethics;
  - (4) the person has failed to report or has hindered the reporting of child abuse pursuant to the Texas Family Code, §261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by the TEC, §21.006, §21.0062, §22.093, and §249.14(d)-(f) of this title;
  - (5) the person has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c);
  - (6) the person has failed to cooperate with the Texas Education Agency (TEA) in an investigation;
  - (7) the person has failed to provide information required to be provided by §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data);
  - (8) the person has violated the security or integrity of any assessment required by the TEC, Chapter 39, Subchapter B, as described in subsection (g) of this section or has committed an act that is a departure from the test administration procedures established by the commissioner of education in Chapter 101 of Part 2 of this title (relating to Assessment);
  - (9) the person has committed an act described in §249.14(k)(1) of this title, which constitutes sanctionable Priority 1 conduct, as follows:
    - (A) any conduct constituting a felony criminal offense;
    - (B) indecent exposure;

- (C) public lewdness;
  - (D) child abuse and/or neglect;
  - (E) possession of a weapon on school property;
  - (F) drug offenses occurring on school property;
  - (G) sale to or making alcohol or other drugs available to a student or minor;
  - (H) sale, distribution, or display of harmful material to a student or minor;
  - (I) certificate fraud;
  - (J) state assessment testing violations;
  - (K) deadly conduct; or
  - (L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries as described in §247.2(3)(H) of this title, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor;
- (10) the person has committed an act that would constitute an offense (without regard to whether there has been a criminal conviction) that is considered to relate directly to the duties and responsibilities of the education profession, as described in §249.16(c) of this title (relating to Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21). Such offenses indicate a threat to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague; interfere with the orderly, efficient, or safe operation of a school district, campus, or activity; or indicate impaired ability or misrepresentation of qualifications to perform the functions of an educator and include, but are not limited to:
- (A) offenses involving moral turpitude;
  - (B) offenses involving any form of sexual or physical abuse or neglect of a student or minor or other illegal conduct with a student or minor;
  - (C) offenses involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in the Texas Health and Safety Code, Chapter 481;
  - (D) offenses involving school property or funds;
  - (E) offenses involving any attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
  - (F) offenses occurring wholly or in part on school property or at a school-sponsored activity; or
  - (G) felony offenses involving driving while intoxicated (DWI);
- (11) the person has intentionally failed to comply with the reporting, notification, and confidentiality requirements specified in the Texas Code of Criminal Procedure, §15.27(a), relating to student arrests, detentions, and juvenile referrals for certain offenses;
- (12) the person has failed to discharge an employee or to refuse to hire an applicant when the employee or applicant was employed in a public school and on the registry of persons who are not eligible to be employed under TEC, §22.092, when the person knew that the employee or applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with the TEC, §21.009(e), or when the person knew or should have known through a criminal history record information review that the employee or applicant had been placed on community supervision or convicted of an offense in accordance with the TEC, §22.085;

- (13) the person assisted another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, when the educator knew or had probable cause to believe that such person engaged in an inappropriate relationship with a minor or student;
  - (14) the person is a superintendent of a school district or the chief operating officer of an open-enrollment charter school who falsely or inaccurately certified to the commissioner of education that the district or charter school had complied with the TEC, §22.085; or
  - (15) the person has failed to comply with an order or decision of the SBEC.
- (c) The TEA staff may commence a contested case to take any of the actions listed in subsection (a) of this section by serving a petition to the certificate holder in accordance with this chapter describing the SBEC's intent to issue a sanction and specifying the legal and factual reasons for the sanction. The certificate holder shall have 30 calendar days to file an answer as provided in §249.27 of this title (relating to Answer).
  - (d) Upon the failure of the certificate holder to file a written answer as required by this chapter, the TEA staff may file a request for the issuance of a default judgment from the SBEC imposing the proposed sanction in accordance with §249.35 of this title (relating to Disposition Prior to Hearing; Default).
  - (e) If the certificate holder files a timely answer as provided in this section, the case will be referred to the State Office of Administrative Hearings (SOAH) for hearing in accordance with the SOAH rules; the Texas Government Code, Chapter 2001; and this chapter.
  - (f) The provisions of this section are not exclusive and do not preclude consideration of other grounds or measures available by law to the SBEC or the TEA staff, including child support arrears. The SBEC may request the Office of the Attorney General to pursue available civil, equitable, or other legal remedies to enforce an order or decision of the SBEC under this chapter.
  - (g) The statewide assessment program as defined by the TEC, Chapter 39, Subchapter B, is a secure testing program.
    - (1) Procedures for maintaining security shall be specified in the appropriate test administration materials.
    - (2) Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials.
    - (3) The contents of each test booklet and answer document are confidential in accordance with the Texas Government Code, Chapter 551, and the Family Educational Rights and Privacy Act of 1974. Individual student performance results are confidential as specified under the TEC, §39.030(b).
    - (4) Violation of security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, shall be prohibited. A person who engages in conduct prohibited by this section may be subject to sanction of credentials, including any of the sanctions provided by subsection (a) of this section.
    - (5) Charter school test administrators are not required to be certified; however, any irregularity in the administration of any test required by the TEC, Chapter 39, Subchapter B, would cause the charter itself to come under review by the commissioner of education for possible sanctions or revocation, as provided under the TEC, §12.115(a)(4).
    - (6) Conduct that violates the security and confidential integrity of a test is evidenced by any departure from the test administration procedures established by the commissioner of education. Conduct of this nature may include, but is not limited to, the following acts and omissions:
      - (A) viewing a test before, during, or after an assessment unless specifically authorized to do so;
      - (B) duplicating secure examination materials;
      - (C) disclosing the contents of any portion of a secure test;

- (D) providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
  - (E) changing or altering a response or answer of an examinee to a secure test item or prompt;
  - (F) aiding or assisting an examinee with a response or answer to a secure test item or prompt;
  - (G) fraudulently exempting or preventing a student from the administration of a required state assessment;
  - (H) encouraging or assisting an individual to engage in the conduct described in paragraphs (1)-(7) of this subsection; or
  - (I) failing to report to an appropriate authority that an individual has engaged in conduct outlined in paragraphs (1)-(8) of this subsection.
- (7) Any irregularities in test security or confidential integrity may also result in the invalidation of student results.
- (8) The superintendent and campus principal of each school district and chief administrative officer of each charter school and any private school administering the tests as allowed under the TEC, §39.033, shall develop procedures to ensure the security and confidential integrity of the tests specified in the TEC, Chapter 39, Subchapter B, and shall be responsible for notifying the TEA in writing of conduct that violates the security or confidential integrity of a test administered under the TEC, Chapter 39, Subchapter B. A person who fails to report such conduct as required by this subsection may be subject to any of the sanctions provided by subsection (a) of this section.

**§249.17. Decision-Making Guidelines.**

- (a) Purpose. The purpose of these guidelines is to achieve the following objectives:
- (1) to provide a framework of analysis for the Texas Education Agency (TEA) staff, the presiding administrative law judge (ALJ), and the State Board for Educator Certification (SBEC) in considering matters under this chapter;
  - (2) to promote consistency in the exercise of sound discretion by the TEA staff, the presiding ALJ, and the SBEC in seeking, proposing, and making decisions under this chapter; and
  - (3) to provide guidance for the informal resolution of potentially contested matters.
- (b) Construction and application. This section shall be construed and applied so as to preserve SBEC members' discretion in making final decisions under this chapter. This section shall be further construed and applied so as to be consistent with §249.5(b) of this title (relating to Purpose; Policy Governing Disciplinary Proceedings) and this chapter, the Texas Education Code (TEC), and other applicable law, including SBEC decisions and orders.
- (c) Consideration. The following factors may be considered in seeking, proposing, or making a decision under this chapter:
- (1) the seriousness of the violation;
  - (2) whether the misconduct was premeditated or intentional;
  - (3) attempted concealment of misconduct;
  - (4) prior misconduct and SBEC sanctions;
  - (5) the potential danger the conduct poses to the health and welfare of students;
  - (6) the effect of the prior conduct upon any victims of the conduct;
  - (7) whether sufficient time has passed and sufficient evidence is presented to demonstrate that the educator or applicant has been rehabilitated from the prior conduct;
  - (8) the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students;



- (9) whether the sanction will deter future violations; and
  - (10) any other relevant circumstances or facts.
- (d) Contract abandonment.
- (1) Good cause. The following factors may be considered good cause when an educator is reported to have abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c):
    - (A) serious illness or health condition of the educator or close family member of the educator;
    - (B) relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator; ~~[or]~~
    - (C) significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment ; or [ ]
    - (D) the educator's reasonable belief that the educator had written permission from the school district administration to resign.
  - (2) Mitigating factors. The following factors shall ~~[may]~~ be considered in seeking, proposing, or making a decision under this chapter regarding an educator who has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c) . The educator :
    - (A) [educator] gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
    - (B) [educator] assisted the school district in finding a replacement educator to fill the position;
    - (C) [educator] continued to work until the school district hired a replacement educator;
    - (D) [educator] assisted in training the replacement educator;
    - (E) [educator] showed good faith in communications and negotiations with the school district; ~~[or]~~
    - (F) [educator] provided lesson plans for classes following the educator's resignation ; [ ]
    - (G) changed careers within the field of education ;
      - (i) to a position that required a different class of educator certification as defined in §230.33(b) of this title (relating to Classes of Certificates) ~~[or]~~ ;
      - (ii) to a position with a higher level of authority within the principal class of certificate; or
      - (iii) to a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described in clauses (i) and (ii) of this subparagraph;
    - (H) had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;
    - ~~[(I) had a change in the educator's campus assignment that caused a significant adverse impact on the educator's health condition or family needs; or]~~
    - ~~(I) [(I)] resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator ; or [ ]~~
    - (J) any other relevant circumstances or facts.
  - (3) Mandatory [minimum] sanction for contract abandonment. [An educator subject to sanction, who has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c) in a case where the factors listed in paragraph (1) or (2) of this subsection do not apply, may not receive a sanction of less than:]

(A) An educator subject to sanction, who has abandoned a contract 44-30 days prior to the first day of instruction for the following school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2)(B)-(J) [~~(2)~~] of this subsection do not mitigate or apply, shall receive a sanction of an inscribed reprimand.

(B) An educator subject to sanction, who has abandoned a contract less than 30 days prior to the first day of instruction for the following school year or at any point during the school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2) of this subsection do not mitigate or apply, may not receive a sanction of less than:

(i)[~~(A)~~] suspension for one year from the first day that, without district permission, the educator failed to appear for work under the contract, provided that the educator has not worked as an educator during that year and the case is resolved within that one year through an agreed final order; or

(ii)[~~(B)~~] suspension for one year from either the effective date of an agreed final order resolving the case or an agreed future date at the beginning of the following school year, if the educator has worked as an educator after abandoning the contract; or

(iii)[~~(C)~~] suspension for one year from the date that the SBEC adopts an order that becomes final following a default under §249.35 of this title (relating to Disposition Prior to Hearing; Default) or a contested case hearing at the State Office of Administrative Hearings (SOAH).

(C) The factors listed in subsection (c) of this section and in paragraphs (1) and (2) of this subsection may mitigate an educator's sanction so significantly that the SBEC takes no disciplinary action.

(e) Mandatory minimum sanction for felony-level conduct. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication or community supervision for a felony-level criminal offense under state or federal law, may not receive a sanction of less than:

(1) suspension for a period concurrent with the term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has not been employed as an educator during the period of deferred adjudication or community supervision; or

(2) suspension beginning on the effective date of an agreed final order for a period extending beyond the end of the educator's deferred adjudication or community supervision but may be less than the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has been employed as an educator during the period of deferred adjudication or community supervision; or

(3) suspension beginning on the effective date of an agreed final order for a period at least half as long as the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order after the educator has completed deferred adjudication or community supervision; or

(4) suspension for a period equal to the term of deferred adjudication or community supervision that the criminal court initially ordered but beginning from the date of the final board decision, if the case is resolved through a final board decision following a contested case hearing at the SOAH or a default under §249.35 of this title.

(f) Mandatory minimum sanction for misdemeanor-level conduct. If an educator is subject to sanction, and a court has ordered the educator to complete a period of deferred adjudication, community supervision, or pretrial diversion for a misdemeanor-level criminal offense under state or federal law, the educator may not receive a sanction of less than an inscribed reprimand.

- (g) Mandatory minimum sanction for test security violation. An educator who intentionally manipulates the results or violates the security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, may not receive a sanction of less than suspension for one year from the effective date of an agreed final order or a final board decision following a contested case hearing at the SOAH.
- (h) Mandatory minimum sanction for drugs and alcohol on school campus. An educator who is subject to sanction because the educator has tested positive for drugs or alcohol while on school campus, was under the influence of drugs or alcohol on school campus, or was in possession of drugs or alcohol on school campus may not receive a sanction of less than a one-year suspension and required completion of a drug or alcohol treatment program.
- (i) Mandatory permanent revocation or denial. Notwithstanding subsection (c) of this section, the SBEC shall permanently revoke the teaching certificate of any educator or permanently deny the application of any applicant if, after a contested case hearing or a default under §249.35 of this title, it is determined that the educator or applicant:
  - (1) engaged in any sexual contact or romantic relationship with a student or minor;
  - (2) solicited any sexual contact or romantic relationship with a student or minor;
  - (3) possessed or distributed child pornography;
  - (4) was registered as a sex offender;
  - (5) committed criminal homicide;
  - (6) transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Texas Health and Safety Code, Chapter 481, on school property;
  - (7) intentionally, knowingly, or recklessly causes bodily injury to a student or minor when the conduct of the educator or applicant is not immune from disciplinary proceedings by TEC, §22.0512; or
  - (8) committed any offense described in the TEC, §21.058.
- (j) Mandatory minimum for failure to report. An educator subject to sanction, who fails to report educator misconduct under the circumstances and in the manner required by the TEC, §21.006, and §249.14(d)-(f) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition), when the case is resolved through an agreed final order, may not receive a sanction of less than:
  - (1) an inscribed reprimand and a \$5,000 administrative penalty for a superintendent or director who fails to file timely a report to the SBEC; or
  - (2) an inscribed reprimand and a \$500 administrative penalty for a principal who fails to timely notify a superintendent or director.
- (k) Sanctioned misconduct in another state. The findings of fact contained in final orders from any other state jurisdiction may provide the factual basis for SBEC disciplinary action. If the underlying conduct for the administrative sanction of an educator's certificate or license issued in another state is a violation of SBEC rules, the SBEC may initiate a disciplinary action regarding the educator's Texas educator certificate and impose a sanction as provided under this chapter.

## **Subchapter E. Post-Hearing Matters**

### **§249.42. Procedure for the Suspension, Surrender, or Revocation of a Certificate.**

- (a) When the State Board for Educator Certification (SBEC) issues an order of suspension, surrender, or revocation, the Texas Education Agency (TEA) staff shall mail a copy of the order to the person who formerly held the certificate. If the parties have not agreed to the terms of the order, TEA staff shall send a notice with the order, including the findings of fact and conclusions of law on which the SBEC based its decision, and a statement that should the person desire to request that the SBEC reconsider the decision, the person should file a Motion for Rehearing with the SBEC.

- (b) A record of the SBEC action suspending, accepting a surrender, or revoking the certificate shall be recorded on the educator's virtual certificate and shall become part of the person's official records maintained by the TEA staff.
- (c) The TEA staff shall also notify the employing school district of the SBEC's order when it becomes administratively final.

# **INFORMATION MATERIALS**

**STATE BOARD OF EDUCATION OPERATING RULES**  
(amended January 26, 2021)

**CHAPTER 1. BOARD ORGANIZATION**

*The statutory citation for this chapter is the Texas Education Code, §7.107.*

**§1.1. Officers of the Board.**

(a) Selection.

- (1) The vice chair and secretary of the board shall be elected by a majority vote in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
- (2) Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (3) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect by a majority vote a board member to fill the vacancy for the unexpired term of that officer at the next board meeting.

(b) Duties.

- (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
- (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
- (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

**§1.2. Committees of the Board.**

- (a) The standing committees of the board and their areas of oversight are:

**Committee of the Full Board**

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Instructional materials proclamations and adoption of instructional materials
4. Consideration of the Commissioner of Education's open-enrollment charter school proposals

### **Committee on Instruction**

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including credit by examination, Texas Advanced Placement Incentive Program, and procedures concerning dyslexia and related disorders)
3. Student assessment program implementation
4. General education
5. Education of individuals with disabilities
6. Gifted and talented education
7. Adult education
8. Library standards
9. Texas School for the Blind and Visually Impaired/Texas School for the Deaf

### **Committee on School Finance/Permanent School Fund**

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Instructional materials financing and operations
5. Community education funding
6. Oversight of the Bond Guarantee Program
7. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions
8. Review of nominations for gubernatorial appointments: Teacher Retirement System, School Land Board

### **Committee on School Initiatives**

1. Long-range plans required by statute
  2. Educational technology and telecommunications
  3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant
  4. State Board for Educator Certification rules review
  5. School board member training policy
  6. Hearing examiners
  7. Military reservation and special purpose school districts
  8. Extracurricular activities
  9. Home-rule school district probation and revocation
- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board's periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.

- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority (total years of service), ethnicity balance, gender balance, racial diversity, geographic balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee.
- (f) Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (g) Occasionally, committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to State Board of Education Support staff and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request that the Attorney General issue an opinion under Texas Government Code §402.042.

**§1.3. Board Member Seating Selection.**

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.



## CHAPTER 2. MEETINGS

*The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.*

### **§2.1. Regular Meetings of the Board.**

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

### **§2.2. Special Meetings of the Board.**

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

### **§2.3. Open Meetings.**

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet. The chair may limit in-person attendance at a meeting to ensure health and safety of board members and members of the public. In such instances, governor's orders shall be followed, and members of the public shall be given access to view all portions of the meetings virtually.

### **§2.4. Executive Sessions.**

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

### **§2.5. Agendas.**

- (a) The chair has the primary responsibility for creating the SBOE meeting agendas. This includes the SBOE agenda, the Committee of the Full Board agenda, and all committee agendas. Other than as provided in this subsection and subsections (b) and (c) of this section, all agenda items are subject to the approval of the chair. If a member wishes an item to be placed on the agenda of the Committee of the Full Board, the member should request in writing that the chair place the item on the agenda. The chair will respond in writing whether or not the item will be placed on the agenda. If the chair declines in writing to place the item on the agenda, the member may make a motion during a board meeting to include the item on the agenda. If the board approves the request, it is placed on the agenda of the Committee of the Full Board for the next meeting.
- (b) The chairs of the Committee on Instruction, Committee on School Finance/Permanent School Fund, Committee on School Initiatives, and ad hoc committees shall collaborate with the board chair regarding items to be placed on their respective committee agendas. Committee agendas shall include statutorily mandated motions, items assigned to the

committee by the board chair, items posted at the discretion of the committee chair and items voted on as set out in subsection (c) below. Committee chairs may post discussion items per their discretion, but action items must be approved by the board chair, subject to the process set out in (c) below.

- (c) Any member of the board may request that a committee chair place an item on the agenda of that chair's committee, other than the Committee of the Full Board, as either a discussion item or an action item. If the committee chair agrees, the item is placed on the agenda of that chair's committee in accordance with the member's request, subject to the approval of the board chair. If the committee chair denies the member's request, the member may appeal the denial to the board chair. If the board chair denies the request, the member may appeal the denial to the board. If the board approves the request, it is placed on the agenda of the committee to which the request was made at the next meeting of that committee.
- (d) A subject on the agenda that is outside the scope of the board's authority may only be considered by the board or the Committee of the Full Board by a vote of a majority of the membership of the board. The chair, in consultation with Agency legal counsel, shall make a determination regarding whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting.
- (e) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a draft agenda schedule listing item titles with short summaries of each item. Materials supplementing the agenda may be included. Official agendas will be available the day of the board meeting.

**§2.6. Official Transaction of Business.**

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a majority of the board members present and voting.
- (b) The chair may authorize the board to meet via remote video or web conference. As required by Government Code §551.127(c), if videoconference calling technology is used, the meeting location where the presiding officer of the meeting is present must be open to the public, except during executive sessions. The chair may limit the number of remote conference locations in the interest of decorum and capacity.
- (c) The chair may modify procedures for conducting meetings of the board if emergency protocols are enacted by the governor related to a pandemic or similar event. In such instances, governor's orders and emergency rules shall be followed.
- (d) If a board member participates in a meeting virtually, the board member must be visible by video and must have capabilities to be heard by other board members and members of the public. A member who is not present on camera during a vote of the board will be noted as absent for the vote.

- (e) No posters, props, or other visual displays are allowed by board members within the meeting rooms or at remote locations without permission from the presiding chair.

**§2.7. Rules of Order.**

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (d) No applause, outburst or other demonstration by any spectator shall be permitted during the public testimony, public hearing or debate portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings.
- (e) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

**§2.8. Minutes.**

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved, and which carry the original signature of the secretary of the board.

**§2.9. Resolutions.**

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the State Board of Education Support staff not less than four weeks prior to the Monday of the week during which the meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following a date and time consistent with the staff's pre-meeting preparation timeline.
- (c) The board may consider a resolution which expresses an opinion related to specific instructional materials or which expresses concerns as to the appropriateness of specific instructional materials for certain ages or populations. Resolutions considered under this subsection must conform to the following:
  - (1) The resolution shall be submitted in compliance with subsection (a) of this section.

- (2) Board action on a resolution expressing an opinion related to specific instructional materials may only be considered after final action has been taken concerning placement of the specific instructional materials on the list of adopted instructional materials for use in the public schools of Texas. Board action relative to instructional materials resolutions must take place within 90 days of adoption of the specific instructional materials under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(b).
- (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
- (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
  - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.
  - (B) Instructional materials should promote citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
    - (i) Instructional materials should present positive aspects of the United States and its heritage.
    - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
    - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
  - (C) Instructional materials should not include blatantly offensive language or illustrations.
  - (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.

- (i) Instructional materials should not encourage lifestyles deviating from generally accepted standards of society.
  - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
  - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
  - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.
  - (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
  - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
  - (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

**§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.**

- (a) General Provisions.
  - (1) In accordance with Texas Education Code, §7.110, the board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
  - (2) Work session and ad hoc committee meetings are exempt from this requirement.
  - (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
  - (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.

- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
  - (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (b) Registration Procedures.
- (1) Individuals may register between the hours of 8 a.m. (Central Time) on the Thursday preceding the board meeting and 5 p.m. on the Friday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE/>, or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.
  - (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
  - (3) A person may register himself or herself, and one other person. Organizations may not register more than two persons per item.
  - (4) Those registering online will receive an email confirming the registration during the next business day.
  - (5) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
  - (6) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
  - (7) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
  - (8) All speakers shall provide twenty (20) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide twenty (20) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.
- (c) Oral Public Testimony to Committees.
- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.

- (2) In order to maximize the total number of testifiers who are able to provide oral testimony, two-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
  - (3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee.
  - (4) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (d) Oral Public Testimony to the General Meeting of the Board.
- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.
  - (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Three-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
  - (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

**§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.**

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, twenty (20) collated or stapled copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide twenty (20) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.

**§2.12. Public Hearings.**

- (a) Types of Public Hearings.
  - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
  - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to adoption of Texas essential knowledge and skills and (TEKS) instructional materials issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public hearings regarding the instructional materials adoption process are governed by 19 TAC §66.60. Public hearings regarding revision of the TEKS are governed by the SBOE-approved TEKS review and revision process.
- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b).
- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
  - (1) Providing for presentations from invited persons or an introduction from staff;
  - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
  - (3) Establishing time limits for speakers, generally two minutes each;
  - (4) Adjourning the hearing at the end of the allotted time period listed in the agenda item or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing may bring twenty (20) collated or stapled copies of their testimony for distribution to board members and agency executive staff.
- (e) Persons who were unable to testify at a public hearing due to time constraints may provide twenty (20) members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.



**§2.13. Public Comments Regarding Proposed Rulemaking.**

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

## CHAPTER 3. TRAVEL AND EXPENSES

*The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.*

### **§3.1. Reimbursement of Expenses.**

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
  - (1) public transportation (excluding receipts for bus, taxi, ride share services or limousine);
  - (2) car rental;
  - (3) lodging; and
  - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the General Appropriations Act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
  - (1) parking fees (including personal vehicles);
  - (3) notary fees for official documents; and
  - (4) wireless connection.

- (h) Board members may not claim reimbursement for expenses such as the following:
  - (1) laundry or other personal items;
  - (2) tips or gratuities of any kind; and
  - (3) alcoholic beverages.
- (i) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (j) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (k) A board member may be reimbursed for travel expenses for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
  - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
  - (2) Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary).
- (l) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its officers of the board.
- (m) None of the funds appropriated in the General Appropriations Act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

**§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.**

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings. Agency travel coordinators are available for assistance.
- (b) A State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.

- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

**§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.**

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.

- (1) An entity making a gift and/or grant under this section may not:
  - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
  - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
  - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
  - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
  - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
- (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
- (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
- (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.
- (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.

- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.

- (1) A charter may not be evaluated using funds under this section unless the commissioner has:

- (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
  - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
- (2) The commissioner shall receive, disburse and account for funds accepted by the board.
  - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
  - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
  - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
  - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
  - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
  - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.
- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
  - (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

## CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

*The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.*

### **§4.1. Standards of Conduct and Conflicts of Interest.**

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) The Permanent School Fund ethics policy governs the conduct of State Board of Education members with respect to the investment and management of the Permanent School Fund.

### **§4.2. Press and Public Relations.**

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

### **§4.3. Disclosure of Campaign Contributions and Gifts.**

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
    - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
    - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
    - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
  - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
  - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
  - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
  - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

**§4.4. Instructional Materials Submitted to the Texas Resource Review.**

- (a) An SBOE member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the board endorsing said nomination.



## CHAPTER 5. RULES AND THE RULEMAKING PROCESS

*The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).*

### **§5.1. State Board of Education Rules.**

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

### **§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.**

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as First Reading and Second Reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
  - (1) **First Reading and Filing Authorization.** The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
  - (2) **Second Reading and Final Adoption.** If the public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
  - (3) **Withdrawal.** The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
  - (4) **Refiling.** The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
  - (1) the earlier effective date is a requirement of:
    - (A) a federal law, or
    - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
  - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

**§5.3. Emergency Rules.**

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

**§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.**

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements. The commissioner will provide a mark-up of any such corrections to the board.

**§5.5. Rulemaking Authority.**

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

**§5.6. Review of the State Board of Education Rules.**

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules

**§5.7. Filing of Amendments.**

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

## CHAPTER 6. ADVISORY GROUPS

*The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.*

### **§6.1. General Provisions.**

- (a) The State Board of Education may establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed the member on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.
- (b) If the board does not establish a CIA, nothing shall prevent a board member from selecting and working with an investment advisor in a manner consistent with federal and state laws and the Investment Procedures Manual.
- (c) Content advisors and work group members will be selected in accordance with the TEKS Review and Revision Process.

## CHAPTER 7. NOMINATIONS FOR GUBERNATORIAL APPOINTMENTS

*The statutory citations for this chapter are the Texas Government Code, §651.009(a) and §825.003, and Texas Natural Resources Code, §32.012.*

### **§7.1. Gubernatorial Appointments.**

Pursuant to statute, the State Board of Education shall submit to the Governor lists of citizens from which appointments are to be made for the boards described in this section: Teacher Retirement System Board of Trustees and School Land Board.

### **§7.2. Timelines.**

The Chair and/or his or her designee shall work collaboratively with staff and the Governor's Appointments Office to establish appropriate timelines for the placement on the agenda to meet appointment timelines and that proper criteria is applied by the State Board of Education.

### **§7.3. Nominee Selection.**

The board shall select nominees in such a manner as to facilitate adherence to diversity of appointments: "In each case in which the governing body of a state board, commission, or other state agency that has statewide jurisdiction is appointed by the governor or another appointing authority, the governor or appointing authority shall ensure that, to the extent possible, the membership of the governing body reflects the racial, ethnic, and geographic diversity of this state." (§651.009(a), Government Code)

### **§7.4. Teacher Retirement System.**

The Governor shall appoint two members of the TRS board of trustees, subject to confirmation by two-thirds of the senate, from lists of nominees submitted by the State Board of Education. These persons must be persons who have demonstrated financial expertise, have worked in private business or industry, and have broad investment experience preferably in investment of pension funds (Government Code §825.003). The board selection process shall be as follows:

- (a) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (b) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (c) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

### **§7.5. School Land Board.**

The Governor shall appoint two members of the School Land Board, subject to confirmation by the senate, from lists of candidates submitted by the State Board of Education. One of the

members appointed by the governor must be a resident of a county with a population of less than 200,000.

- (a) The School Land Board duties as described in the Texas Natural Resources Code (§§32.061, 51.011, 51.413) are:
  - (1) manage and control any land, mineral or royalty interest, real estate investment, or other interest, including revenue received from those sources, that is set apart to the permanent school fund together with the mineral estate in riverbeds, channels, and the tidelands, including islands;
  - (2) acquire, sell, lease, trade, improve, maintain, protect, or otherwise manage, control, or use land, mineral and royalty interests, real estate investments, or other interests, including revenue received from those sources, that are set apart to the permanent school fund in any manner, at such prices, and under such terms and conditions as the board finds to be in the best interest of the fund;
  - (3) consult with the president, chairman, or other head of the department, board, or agency, as applicable, or with the representative of the head, on each matter before the board that affects land owned or held in trust for the use and benefit of a department, board, or agency of the state; and,
  - (4) make determinations as to the release of any funds to the available school fund or to the State Board of Education for investment in the permanent school fund.
- (b) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (c) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (d) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

**§7.6. Rules and Procedures.**

The board may adopt additional rules and procedures related to these selection processes.

**Texas Permanent School Fund  
Asset Allocation Mix - SBOE  
November 30, 2021**

<u>Asset Class</u>	<u>Portfolio</u>	<u>Book Value</u>	<u>Mix</u>	<u>Fair Value</u>	<u>Mix</u>
Equity	Domestic Small-Mid Cap	\$ 1,522,066,650	5.16%	\$ 2,481,888,871	5.90%
	Domestic Large Cap	1,991,394,968	6.76%	5,769,374,645	13.71%
	Total Domestic Equity	3,513,461,618	11.92%	8,251,263,516	19.61%
	International Equity - Blackrock	4,395,428,515	14.91%	6,413,444,909	15.24%
	Emerging Market Equity - Navarro	820,737,541	2.78%	1,209,643,009	2.88%
	Total Public Market Equity	8,729,627,674	29.61%	15,874,351,434	37.73%
Fixed Income	Domestic Fixed Income	4,894,956,334	16.60%	4,938,212,164	11.74%
	Treasuries	1,428,121,865	4.84%	1,331,075,863	3.16%
	Investec Emerging Market Debt	1,317,107,104	4.47%	1,360,783,136	3.23%
	Ashmore Emerging Market Debt	1,323,324,484	4.49%	1,290,759,936	3.07%
	Total Emerging Market Debt	2,640,431,588	8.96%	2,651,543,072	6.30%
	Total Fixed Income	8,963,509,787	30.40%	8,920,831,099	21.20%
Absolute Return	Raven 1	609,920,655	2.07%	1,076,324,866	2.56%
	Raven 4	411,304,110	1.40%	797,882,218	1.90%
	Raven 6	281,564,719	0.96%	453,487,524	1.08%
	Raven 7	325,952,536	1.11%	514,844,859	1.22%
	Raven 8	445,127,587	1.51%	578,391,797	1.37%
	Total Absolute Return	2,073,869,607	7.05%	3,420,931,264	8.13%
Private Equity	Columbia NB Crossroads Fund L.P.	219,973,225	0.75%	270,624,120	0.64%
	Columbia NB Crossroads Fund II L.P.	286,336,856	0.97%	467,725,360	1.11%
	Columbia NB Crossroads Fund II Tranche C	701,667,622	2.38%	1,247,167,623	2.96%
	Columbia NB Crossroads Fund II Tranche D	948,367,238	3.22%	1,537,195,961	3.65%
	TPSF NB PE Program	799,751,109	2.71%	1,633,395,497	3.88%
	Private Equity Direct	1,706,483,574	5.79%	2,688,236,181	6.39%
	Columbia CS Fund, L.P.	165,703,895	0.56%	241,484,771	0.57%
	Total Private Equity	4,828,283,519	16.38%	8,085,829,513	19.20%
Real Estate	Direct Real Estate Investments	2,988,924,869	10.14%	3,826,750,835	9.10%
	Total Real Estate	2,988,924,869	10.14%	3,826,750,835	9.10%
Real Return	Real Return - TIPS	1,187,175,226	4.03%	1,273,671,489	3.03%
	Real Return Commodities - Terlingua 3	474,174,624	1.61%	435,467,567	1.04%
	Total Real Return	1,661,349,850	5.64%	1,709,139,056	4.07%
Total Unallocated Cash		234,451,538	0.78%	234,451,538	0.57%
Fund Total		29,480,016,844	100.00%	42,072,284,739	100.00%

The asset classes include cash that has been allocated to the investment portfolios.  
Exposure includes fair value of funded investments plus unfunded commitments.

Notes:

Total Private Equity Exposure and Percentage of Fund Total Fair Value	10,441,764,796	24.82%
Total Real Estate Exposure and Percentage of Fund Total Fair Value	5,929,467,562	14.09%

Exposure:

Current State Board of Education approved Strategic Asset Allocation Mix (approved July 2, 2020)

Large Cap U.S. Equity	14.00%	U.S. Treasuries	3.00%
Small/Mid Cap U.S. Equity	6.00%	Absolute Return	7.00%
Developed and Emerging Market International Large Cap	14.00%	Private Equity	15.00%
Emerging Market Equity	3.00%	Real Estate	11.00%
Core Bonds	12.00%	Emerging Manager Program	1.00%
High Yield Bonds	3.00%	Real Return (Commodities)	1.00%
Emerging Market Debt (Local Currency)	7.00%	Real Return (TIPS)	3.00%
			100.00%

## 2021-2025 Rule Review Plan for State Board of Education Rules

### STATE BOARD OF EDUCATION: INFORMATION

**SUMMARY:** This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Senate Bill 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2021-2025 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2017-2021 SBOE rule review period with the addition of new rules that took effect subsequent to the adoption of that plan and the removal of rules that were repealed. The 2021-2025 plan, approved by the SBOE in June 2021, is the seventh rule review cycle of SBOE rules. In accordance with Texas Education Code, §28.002(m), and as was the case with previous rule review plans, the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2021-2025 rule review plan. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the curriculum content on a schedule determined by the SBOE.

The 2021-2025 rule review plan for SBOE rules will appear on an ongoing basis in the information pages of the SBOE agenda. Any necessary modifications to the plan will also appear in the information pages of the SBOE agenda. The rule review plan will also be posted on the agency's website and updated if necessary.

*Rule Review Procedures.* Secretary of State rules specify the following two-step review process to implement the rule review requirement in TGC, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples that present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.



**Example 1. Rule Review with No Changes**

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

**Example 2. Rule Review with Changes**

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

**Example 3. Repeal of Rule under Review**

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

**Staff Members Responsible:**

Cristina De La Fuente-Valadez, Director, Rulemaking  
Lynette Smith, Program Specialist, Rulemaking

**Attachment I:**

2021-2025 Rule Review Plan for State Board of Education Rules

**Attachment II:**

Sample Notices of Proposed Review and Adopted Review

## ATTACHMENT I

### 2021-2025 Rule Review Plan for State Board of Education Rules (Approved June 25, 2021)

*Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.*

*Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE.*

<b>Review Period: September 2021–August 2022</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 74. Curriculum Requirements</b>	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2021
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
<b>Chapter 89. Adaptations for Special Populations</b>	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2022
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
<b>Chapter 61. School Districts</b>	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2022
	<i>Subchapter B. Special Purpose School Districts</i>		

<b>Review Period: September 2022–August 2023</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 129. Student Attendance</b>	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2023
	<i>Subchapter B. Student Attendance Accounting</i>		
<b>Chapter 157. Hearings and Appeals</b>	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	January 2023
	<i>Subchapter D. Independent Hearing Examiners</i>		

<b>Review Period: September 2023–August 2024</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund</b>	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2023
<b>Chapter 66. State Adoption and Distribution of Instructional Materials</b>	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2023
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
<b>Chapter 100. Charters</b>	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2024
	<i>Subchapter B. Home-Rule School District Charters</i>		

<b>Review Period: September 2024–August 2025</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 30. Administration</b>	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2024
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
<b>Chapter 101. Assessment</b>	<i>Subchapter A. General Provisions</i>	Assessment	January 2025
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
<b>Chapter 109. Budgeting, Accounting, and Auditing</b>	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2025
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

## SAMPLES

### Attachment II

#### **Notice of Proposed Review (Intention to review)**

The State Board of Education (SBOE) proposes the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts.

As required by TGC, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist.

The public comment period on the review begins December 18, 2020, and ends at 5:00 p.m. on January 22, 2021. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBOE\\_Rules\\_\(TAC\)/State\\_Board\\_of\\_Education\\_Rule\\_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures.

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#### **Notice of Adopted Review (with no changes to rule) (Readoption)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code, §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

The SBOE finds that the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

**Notice of Adopted Review (with changes to rule)  
(Readoption with changes)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

Relating to the review of 19 TAC Chapter 30, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rule. The SBOE received no comments related to the review of Subchapter A. As a result of the review, the SBOE approved a proposed amendment to 19 TAC §30.1, which can be found in the Proposed Rules section of this issue. The proposed amendment would update the SBOE petition procedures to allow for electronic submission of a petition authorized under TGC, §2001.021.

Relating to the review of 19 TAC Chapter 30, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.

January 28, 2022

The Honorable Members of the State Board of Education  
1701 North Congress Avenue  
Austin, TX 78701-1494

Dear State Board of Education Members:

Under 19 Texas Administrative Code (TAC) §109.21, the commissioner of education is required to report to the State Board of Education at least annually on the progress of each fiscal year's audit plan. In accordance with that section, the following is a description of the status of audit reports and related activities for the agency's 2021 fiscal year, which ended on August 31, 2021.

### **Organization and Personnel**

Duties related to student attendance reviews, annual financial and compliance report (AFR) reviews, special allotment reviews, auditing SHARS (School Health and Related Services), administering all aspects of the State Compensatory Education (SCE) program, and financial accountability ratings continued to be administered by the Financial Compliance Division. In addition, the division began a new program of financial management reviews to support struggling charters and districts who have been issued the same audit findings for a number of years and/or who have failed FIRST indicators for multiple years, and/or have other identified financial concerns.

In fiscal 2021, the division continued to advise and partner with districts and charters to ensure that accurate financial and student records were being kept and that they remained in compliance with laws and regulations. Other tasks of the division included reviewing the proper coding of financial data and student data, district depository contracts, work papers of certified public accountants (CPA) who audit school district and charter schools, superintendent severance payments, and financial exigency. The team processed district's fiscal year changes updated the *Student Attendance Accounting Handbook* and completed a rewrite of the *Financial Accountability System Resource Guide* (FASRG) as well.

The division was significantly impacted by the pandemic again for fiscal year 2021. Some of the division staff had to turn their focus onto finding ways to fund student attendance in non-traditional ways in a virtual environment. Additionally, the 87<sup>th</sup> legislature made changes to laws related to school districts and charter schools, that includes adding charter schools to the provisions of superintendent buyout rules and it made changes to student attendance accounting and in the 3<sup>rd</sup> special session it added allowing virtual instruction as way to provide instruction for students at home and to receive ADA funding for it.



## **Annual Audit Plan and Division Activities**

The Financial Compliance Division adhered to the annual audit plan that was provided to the Committee on School Finance/Permanent School Fund in July 2020, with a few exceptions due to limited resources and a continuing pandemic. The division had turnover in personnel in key positions that are currently being replaced. The division continued to prioritize reviewing and investigating student attendance compliance, reviewing AFRs, issuing financial accountability ratings, providing training, updating guidance documents, and answering customer questions daily.

The following table summarizes the review activities of the division for the 2021 fiscal year by type. Additional details and a list of other work performed by the division are provided in the attachment.

<b>Activity</b>		<b>Status</b>	
Student Attendance			
	--Reviews	168	<i>Completed</i>
		118	<i>in progress</i>
	--Correspondence Investigations	4	<i>Completed</i>
		10	<i>in progress</i>
	--Charter School Closeout Reviews	1	<i>Completed</i>
0		<i>in progress</i>	
SHARS (School Health and Related Services)			
	--Audits/Reviews	1	<i>Completed</i>
		3	<i>in progress</i>
	--Compliant Investigations	1	<i>Completed</i>
0		<i>in progress</i>	
Annual Financial and Compliance Report Reviews			
		1,219	<i>Completed</i>
Superintendent Severance Payments			
		34	<i>Completed</i>
		7	<i>in progress</i>
TEA Mailbox Questions/Research/Answer		1100+	<i>Completed</i>
Fiscal Management Reviews			
		5	<i>Completed</i>
		13	<i>in progress</i>
School First Ratings Issued			
		1,198	<i>Completed</i>

The division completed 168 reviews of student attendance data, including both desk and compliance reviews. These reviews resulted in the recovery of \$1,082,404 of taxpayer funds because of the errors that were discovered. In addition, four student attendance investigations were also completed, resulting in the recovery of \$2,672,529 in funds.

The Texas Education Code (TEC), §44.008(e), requires division staff members to review every public school AFR that has been audited by certified independent auditors. In the reviews, the division uses financial statement data to verify year-end financial data submitted through the Texas Student Data System Public Education Information Management System (TSDS PEIMS). Division staff members identify problems such as inaccurate PEIMS data, noncompliance with laws or rules, insolvency, and potential default on bonded indebtedness. They then communicate with local education agencies regarding required corrective action. In addition, the division reviews electronically submitted AFR information to verify that no sensitive or confidential information was disclosed. During the 2021 fiscal year, the division reviewed and issued letters or reports on 1,219 AFRs.

The division's responsibility for SHARS includes on-site reviews, desk reviews, complaints investigations, trainings, and coordination with the Texas Health and Human Services Commission (HHSC). One SHARS audit/review was completed and three were still in progress at the end of the fiscal year. In addition, the Financial Compliance Division completed one investigation into SHARS complaints by fiscal year-end.

The division is currently retooling its audit plan for the special allotments. Though this endeavor advanced past the pilot phase during the prior fiscal year, the 86th Legislature made major changes to these programs as part of HB 3. Because the purpose of this audit plan was to review, identify, and correct districts that were out of compliance with spending requirements for these programs, it was necessary to update rules and regulations before continuing to review and advise on the special allotments. A requirement from HB 3 was implemented that required districts and charters to disclose certain information related to state comp ed and bilingual in their AFR that were subject to audit procedures performed by the school's external auditor.

The division's audit plan for fiscal management reviews of school districts and charter schools was updated to be completed by desk reviews. The reviews will focus on the division's key purpose of compliance and supporting schools to correct the struggles in financial operations to ensure resources can be focused on students. By the end of fiscal year 2021, the division performed 18 reviews.

The division completed desk reviews of superintendent severance payment disclosures submitted by school districts. These reviews resulted in \$109,692 in reductions in Foundation School Program (FSP) funding. Other severance payments were in compliance with the statutorily required amounts.

The division did not perform work paper reviews on any CPA firms. However, division staff members checked Texas State Board of Public Accountancy records to determine if each CPA performing audits of school districts and charter schools held a valid license and if the CPA's

firm had an unexpired firm license and reviewed the membership list of the AICPA Governmental Audit Quality Center to determine if they are in compliance with the statutes.

TEC, §45.208, which relates to school district depository contracts information was repealed, therefore the division no longer reviews school district depository contract files but reviews charter depository renewals and addresses inquiries regarding district depository contracts.

The division completed an update to FASRG to reflect the changes mandated by the 86th Legislature and GASB and FASB accounting updates.

The division staff continued to assist newly approved charter schools by reviewing the operations of the charter school in the areas of student attendance, business office operations, and highlighting key areas in the SAAH, FASRG, and going through the FIRST indicators in detail.

Division staff members held and participated in several workshops that provided guidance to school district and charter school personnel. Topics covered included supplemental allotment programs, changes to financial reporting standards, changes to student attendance accounting, and new laws on the horizon. Several staff members from the division participated in speed training districts on the changes to student attendance because of the pandemic.

Division staff members also spent hundreds of hours providing information on statutory and regulatory requirements to charter school officials, district officials, and other individuals by phone and correspondence. Staff members researched and responded to over 1,100 requests for information received through the division's four mailboxes (financial accountability, school audits, state compensatory education, and student attendance accounting).

Additionally, the division made changes to the Financial Integrity Rating System of Texas (FIRST).

### **Status of Division Reviews and Related Activities**

The attached document presents the status of division activities conducted during the 2021 fiscal year. As of August 31, 2021, the adjustments resulting from attendance reviews and correspondence investigations, reviews of charter closeouts, and fiscal management reviews resulted in \$2,142,163 owed to the state.

Respectfully submitted,

David Marx  
Director, Financial Compliance Division

Attachment

# ATTACHMENT

## SBOE Financial Compliance Activities

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
1	DA20-051	015-906	Randolph Field ISD	9/25/2020	\$0.00
2	DA20-026	181-908	Little Cypress-Mauriceville CISD	9/25/2020	(\$11,298.00)
3	DA20-058	175-911	Rice ISD	9/25/2020	\$0.00
4	DA20-056	130-902	Comfort ISD	9/25/2020	(\$930.00)
5	DA20-008	015-802	George Gervin Academy	9/25/2020	(\$2,920.00)
6	DA20-028	020-905	Brazosport ISD	9/25/2020	(\$18,893.00)
7	DA20-021	129-906	Terrell ISD	9/25/2020	(\$4,973.00)
8	DA20-034	015-808	Inspire Academies	9/25/2020	\$0.00
9	DA20-017	220-908	Mansfield ISD	9/30/2020	(\$14,056.00)
10	DA20-012	101-910	Galena Park ISD	9/30/2020	(\$1,166.00)
11	DA20-019	101-915	Klein ISD	9/30/2020	(\$19,770.00)
12	DA20-011	108-902	Donna ISD	9/30/2020	(\$18,966.00)
13	DA20-006	221-801	Texas College Preparatory Academies	9/30/2020	(\$18,379.00)
14	DA20-023	170-903	Montgomery ISD	9/30/2020	(\$12,360.00)
15	DA20-009	101-828	Houston Gateway Academy Inc.	9/30/2020	(\$3,427.00)
16	DA20-027	123-905	Nederland ISD	9/30/2020	(\$2,401.00)
17	DA20-005	057-808	Universal Academy	10/9/2020	(\$17,984.00)
18	DA20-016	057-910	Grand Prairie ISD	10/9/2020	(\$19,469.00)
19	DA20-053	019-913	Hubbard ISD	10/9/2020	(\$7,594.00)
20	CR20-005	227-829	Valor Public Schools	10/9/2020	\$0.00
21	DA20-013	240-901	Laredo ISD	10/16/2020	(\$12,949.00)
22	DA18-012	015-915	Northside ISD	10/16/2020	(\$71,848.00)
23	DA20-059	230-906	New Diana ISD	10/16/2020	\$0.00
24	DA20-045	015-913	Lackland ISD	10/16/2020	\$0.00
25	DA20-024	195-901	Pecos-Barstow-Toyah ISD	10/30/2020	(\$14,691.00)
26	DA20-043	002-901	Andrews ISD	11/6/2020	(\$17,694.00)
27	DA20-002	043-907	McKinney ISD	11/6/2020	(\$3,663.00)
28	DA20-042	050-910	Copperas Cove ISD	11/6/2020	(\$269.00)
29	DA20-047	107-910	LaPoynor ISD	11/6/2020	(\$6,836.00)
30	DA20-030	178-912	Tuloso-Midway ISD	11/6/2020	(\$184.00)
31	DA20-067	061-912	Lake Dallas ISD	11/6/2020	(\$26,058.00)
32	DA20-050	007-901	Charlotte ISD	11/6/2020	(\$3,225.00)
33	DA20-046	070-801	Waxahachie Faith Family Academy	11/6/2020	(\$2,332.00)
34	CR20-001	057-851	Bridgeway Preparatory Academy	11/20/2020	\$0.00
35	DA20-055	071-801	Burnham Wood Charter School District	11/20/2020	(\$82.00)
36	DA20-025	101-913	Humble ISD	11/20/2020	(\$14,931.00)
37	DA20-035	011-901	Bastrop ISD	11/24/2020	(\$6,059.00)
38	CR20-009	074-911	Savoy ISD	11/24/2020	\$0.00
39	DA20-015	101-914	Katy ISD	11/24/2020	(\$2,352.00)
40	DA20-022	015-917	Southside ISD	12/4/2020	(\$57,500.00)
41	DA20-003	161-914	Waco ISD	12/4/2020	(\$86,320.00)
42	DA20-048	117-901	Borger ISD	12/4/2020	(\$257.00)
43	DA20-044	230-902	Gilmer ISD	12/4/2020	\$0.00
44	DA20-060	061-911	Northwest ISD	12/11/2020	\$0.00

## SBOE Financial Compliance Activities

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
45	CR20-017	075-908	Round Top-Carmine ISD	12/11/2020	\$0.00
46	DA20-033	167-902	Mullin ISD	12/11/2020	\$0.00
47	DA20-074	105-902	San Marcos CISD	12/17/2020	(\$5,332.00)
48	DA20-052	019-912	Pleasant Grove ISD	12/17/2020	(\$149.00)
49	DA20-077	059-901	Hereford ISD	12/29/2020	(\$2,962.00)
50	DA20-010	178-904	Corpus Christi ISD	12/29/2020	(\$10,255.00)
51	DA20-070	091-903	Denison ISD	12/29/2020	(\$984.00)
52	DA20-072	043-901	Allen ISD	12/29/2020	(\$10,566.00)
53	DA20-057	154-901	Madisonville CISD	12/29/2020	(\$7,903.00)
54	F20-001	071-902	El Paso ISD	12/29/2020	\$0.00
55	DA20-049	220-917	Castleberry ISD	1/15/2021	(\$3,411.00)
56	DA20-069	220-915	Azle ISD	1/15/2021	(\$40.00)
57	CR20-013	211-901	Texhoma ISD	1/15/2021	\$0.00
58	DA20-039	014-909	Temple ISD	1/15/2021	(\$3,965.00)
59	DA20-071	199-902	Royse City ISD	1/22/2021	(\$2,719.00)
60	DA20-032	227-803	Wayside Schools	1/22/2021	(\$936.00)
61	DA20-036	015-901	Alamo Heights ISD	1/29/2021	(\$16,846.00)
62	DA20-063	070-903	Ennis ISD	1/29/2021	(\$13,610.00)
63	DA20-054	061-910	Argyle ISD	1/29/2021	(\$1,156.00)
64	DA20-066	043-911	Princeton ISD	2/4/2021	(\$85,714.00)
65	DA20-007	220-901	Arlington ISD	2/4/2021	(\$35,113.00)
66	DA20-041	126-903	Cleburne ISD	2/26/2021	(\$6,992.00)
67	DA20-040	220-906	Grapevine-Colleyville ISD	3/5/2021	(\$9,119.00)
68	DA20-075	159-901	Eagle Pass ISD	3/5/2021	(\$244.00)
69	DA20-062	057-907	Duncanville ISD	3/12/2021	(\$1,735.00)
70	DA20-061	220-916	Hurst-Euless-Bedford ISD	3/12/2021	(\$2,615.00)
71	F21-003	170-908	New Caney ISD	3/12/2021	\$0.00
72	DA20-001	236-801	Raven School	3/12/2021	(\$422.00)
73	CR21-017	018-906	Iredell ISD	4/9/2021	\$0.00
74	DA20-038	095-905	Plainview ISD	4/9/2021	(\$3,583.00)
75	CR21-015	049-907	Lindsay ISD	4/9/2021	\$0.00
76	CC21-002	108-904	Edinburg CISD	4/9/2021	\$0.00
77	DA20-037	170-906	Magnolia ISD	4/9/2021	(\$6,834.00)
78	DA20-031	227-910	Del Valle ISD	4/9/2021	(\$26,537.00)
79	DA20-076	015-912	Southwest ISD	4/14/2021	(\$4,078.00)
80	DA21-109	200-901	Ballinger ISD	4/14/2021	\$0.00
81	CR21-029	228-903	Trinity ISD	4/14/2021	\$0.00
82	DA21-056	146-906	Liberty ISD	4/14/2021	\$0.00
83	DA21-072	015-914	Fort Sam Houston ISD	4/23/2021	\$0.00
84	DA21-094	014-901	Academy ISD	4/23/2021	(\$659.00)
85	DA21-042	095-904	Petersburg ISD	4/23/2021	\$0.00
86	DA20-014	079-907	Fort Bend ISD	4/23/2021	(\$46,250.00)
87	DA21-005	014-902	Bartlett ISD	4/23/2021	\$0.00
88	DA20-073	057-828	Winfrey Academy Charter School	4/23/2021	(\$13,644.00)

## SBOE Financial Compliance Activities

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
89	DA21-007	161-918	Axtell ISD	4/23/2021	\$0.00
90	DA21-048	220-811	East Fort Montessori Academy	5/7/2021	\$0.00
91	CR21-022	033-901	Groom ISD	5/7/2021	\$0.00
92	F21-004	043-912	Prosper ISD	5/7/2021	\$0.00
93	CR21-048	006-902	Claude ISD	5/7/2021	\$0.00
94	F21-007	079-901	Lamar CISD	5/7/2021	\$0.00
95	CR21-044	003-904	Huntington ISD	5/7/2021	\$0.00
96	CR21-040	001-906	Neches ISD	5/14/2021	\$0.00
97	DA21-039	057-833	Education Center International Academy	5/14/2021	(\$3,701.00)
98	DA20-064	212-906	Whitehouse ISD	5/14/2021	(\$102,050.00)
99	DA21-073	100-905	Hardin-Jefferson ISD	5/14/2021	(\$2,185.00)
100	CR21-002	101-875	Bloom Academy Charter School	5/14/2021	\$0.00
101	CR21-025	015-814	Positive Solutions Charter School	5/21/2021	\$0.00
102	CR21-021	057-919	Sunnyvale ISD	5/21/2021	\$0.00
103	DA21-012	015-835	Great Hearts Texas	5/21/2021	\$0.00
104	CR21-020	005-904	Windthorst ISD	5/28/2021	\$0.00
105	CR21-016	143-906	Ezzell ISD	5/28/2021	\$0.00
106	DA21-095	163-904	Hondo ISD	5/28/2021	(\$7,351.00)
107	DA21-043	101-806	Raul Yzaguirre Schools for Success	5/28/2021	(\$735.00)
108	CR21-012	101-819	Amigos Por Vida-Friends for Life Public Charter School	5/28/2021	\$0.00
109	CR21-027	066-901	Benavides ISD	5/28/2021	\$0.00
110	DA21-070	219-903	Tulia ISD	6/4/2021	(\$330.00)
111	CR21-046	003-907	Central ISD	6/4/2021	\$0.00
112	DA21-092	220-919	Carroll ISD	6/4/2021	(\$765.00)
113	CR21-028	128-903	Runge ISD	6/4/2021	\$0.00
114	CR21-019	110-907	Sundown ISD	6/11/2021	\$0.00
115	DA21-091	194-905	Detroit ISD	6/11/2021	\$0.00
116	CR21-047	005-901	Archer City ISD	6/11/2021	\$0.00
117	CR21-003	101-876	Reve Preparatory Charter School	6/11/2021	\$0.00
118	DA21-125	188-904	Bushland ISD	6/11/2021	\$0.00
119	DA21-040	057-835	Golden Rule Charter School	6/11/2021	(\$3,733.00)
120	DA21-029	227-824	Promesa Public Schools	6/17/2021	(\$304.00)
121	DA21-103	128-902	Kenedy ISD	6/17/2021	(\$4,918.00)
122	DA20-068	015-911	East Central ISD	6/25/2021	(\$2,285.00)
123	CR21-024	146-903	Devers ISD	6/25/2021	\$0.00
124	DA21-038	050-901	Evant ISD	6/25/2021	(\$938.00)
125	CR21-034	095-902	Cotton Center ISD	6/25/2021	\$0.00
126	CR21-036	004-901	Aransas County ISD	6/25/2021	\$0.00
127	DA20-065	061-901	Denton ISD	6/25/2021	(\$66,005.00)
128	DA21-034	101-862	Harmony School of Science - Houston	6/25/2021	(\$3,085.00)
129	F21-005	061-914	Little Elm ISD	7/2/2021	\$0.00
130	CR21-013	128-904	Falls City ISD	7/2/2021	\$0.00
131	CR21-023	143-903	Shiner ISD	7/2/2021	\$0.00



## SBOE Financial Compliance Activities

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment		
132	CR21-007	071-906	Anthony ISD	7/2/2021	\$0.00		
133	DA21-032	019-902	Hooks ISD	7/2/2021	(\$1,862.00)		
134	DA21-083	249-905	Decatur ISD	7/9/2021	(\$6,246.00)		
135	DA21-003	015-830	Brooks Academies of Texas	7/9/2021	\$0.00		
136	CR21-033	205-901	Aransas Pass ISD	7/9/2021	\$0.00		
137	DA21-026	057-847	Village Tech Schools	7/9/2021	(\$6,488.00)		
138	CR21-026	170-801	Texas Serenity Academy	7/16/2021	\$0.00		
139	DA21-044	146-902	Dayton ISD	7/16/2021	(\$602.00)		
140	DA21-068	101-921	Tomball ISD	7/16/2021	(\$963.00)		
141	CR21-031	254-901	Crystal City ISD	7/16/2021	\$0.00		
142	DA21-104	156-902	Stanton ISD	7/16/2021	(\$1,169.00)		
143	DA21-106	174-903	Garrison ISD	7/16/2021	(\$4,219.00)		
144	DA21-002	227-820	KIPP Texas Public Schools	7/23/2021	\$0.00		
145	CR21-011	166-907	Buckholts ISD	7/23/2021	\$0.00		
146	CR21-035	089-905	Waelder ISD	7/23/2021	\$0.00		
147	DA21-121	061-907	Aubrey ISD	7/23/2021	\$0.00		
148	DA21-126	209-901	Albany ISD	7/23/2021	\$0.00		
149	CR21-049	008-901	Bellville ISD	7/23/2021	\$0.00		
150	CR21-039	001-904	Frankston ISD	7/30/2021	\$0.00		
151	DA21-096	201-910	Tatum ISD	7/30/2021	(\$29.00)		
152	CR21-006	071-907	Canutillo ISD	7/30/2021	\$0.00		
153	DA21-147	108-907	Mercedes ISD	8/4/2021	(\$1,930.00)		
154	DA21-116	061-908	Sanger ISD	8/4/2021	(\$366.00)		
155	F21-009	061-804	Leadership Prep School	8/4/2021	\$0.00		
156	DA21-016	125-905	Premont ISD	8/4/2021	\$0.00		
157	CR21-043	003-903	Lufkin ISD	8/4/2021	\$0.00		
158	CR21-042	003-902	Hudson ISD	8/4/2021	\$0.00		
159	CR21-038	001-903	Elkhart ISD	8/4/2021	\$0.00		
160	DA21-146	101-916	La Porte ISD	8/20/2021	(\$7,734.00)		
161	DA21-102	113-905	Latexo ISD	8/20/2021	(\$2,042.00)		
162	CR21-051	008-903	Brazos ISD	8/20/2021	\$0.00		
163	DA21-111	227-913	Lake Travis ISD	8/31/2021	(\$1,723.00)		
164	DA21-097	252-901	Graham ISD	8/31/2021	(\$524.00)		
165	DA21-081	146-905	Hull-Daisetta ISD	8/31/2021	(\$14,592.00)		
166	CR21-010	232-903	Uvalde CISD	8/31/2021	\$0.00		
167	DA21-027	137-901	Kingsville ISD	8/31/2021	(\$3,215.00)		
168	DA21-037	042-903	Santa Anna ISD	8/31/2021	(\$4,106.00)		
<b>Total</b>					<b>168</b>	<b>Student Attendance Reviews Completed</b>	<b>(\$1,082,404.00)</b>

## SBOE Financial Compliance Activities

Item No.	Review No.	County District Number	District Name
1	CR21-001	152-806	Betty M. Condra School for Education Innovation
2	CR21-004	161-801	Waco Charter School
3	CR21-005	057-906	Desoto ISD
4	CR21-008	071-908	Tornillo ISD
5	CR21-009	071-904	San Elizario ISD
6	CR21-014	035-903	Nazareth ISD
7	CR21-018	108-808	Vanguard Academy
8	CR21-030	003-906	Zavalla ISD
9	CR21-032	015-809	Bexar County Academy
10	CR21-037	242-902	Shamrock ISD
11	CR21-041	003-801	Pineywoods Community Academy
12	CR21-045	003-905	Diboll ISD
13	CR21-050	007-905	Pleasanton ISD
14	DA21-001	227-806	University of Texas University Charter School
15	DA21-004	205-904	Mathis ISD
16	DA21-006	015-807	Southwest Preparatory School
17	DA21-009	178-903	Calallen ISD
18	DA21-010	221-901	Abilene ISD
19	DA21-011	205-906	Sinton ISD
20	DA21-013	094-901	Seguin ISD
21	DA21-014	102-904	Hallsville ISD
22	DA21-015	178-915	West Oso ISD
23	DA21-017	123-807	Bob Hope School
24	DA21-018	014-906	Killeen ISD
25	DA21-019	091-906	Sherman ISD
26	DA21-020	246-904	Georgetown ISD
27	DA21-021	178-914	Flour Bluff ISD
28	DA21-022	214-901	Rio Grande City CISD
29	DA21-023	084-902	Galveston ISD
30	DA21-024	015-828	Harmony Science Academy (San Antonio)
31	DA21-025	220-817	Newman International Academy of Arlington
32	DA21-028	243-905	Wichita Falls ISD
33	DA21-030	014-903	Belton ISD
34	DA21-031	205-903	Ingleside ISD
35	DA21-033	043-918	Community ISD
36	DA21-035	171-901	Dumas ISD
37	DA21-036	011-905	McDade ISD
38	DA21-041	064-903	Carrizo Springs CISD
39	DA21-045	146-904	Hardin ISD
40	DA21-046	167-904	Priddy ISD
41	DA21-047	189-902	Presidio ISD
42	DA21-049	220-914	Kennedale ISD
43	DA21-050	254-902	La Pryor ISD
44	DA21-051	220-918	Eagle Mountain-Saginaw ISD

## SBOE Financial Compliance Activities

<b>Item No.</b>	<b>Review No.</b>	<b>County District Number</b>	<b>District Name</b>
45	DA21-052	165-901	Midland ISD
46	DA21-053	105-905	Wimberley ISD
47	DA21-054	101-911	Goose Creek CISD
48	DA21-055	129-902	Forney ISD
49	DA21-057	191-901	Canyon ISD
50	DA21-058	126-902	Burleson ISD
51	DA21-059	247-903	La Vernia ISD
52	DA21-060	123-910	Beaumont ISD
53	DA21-061	212-909	Chapel Hill ISD
54	DA21-062	220-912	Crowley ISD
55	DA21-063	227-909	Eanes ISD
56	DA21-064	043-908	Melissa ISD
57	DA21-065	251-901	Denver City ISD
58	DA21-066	101-906	Crosby ISD
59	DA21-067	101-924	Sheldon ISD
60	DA21-069	019-905	New Boston ISD
61	DA21-071	212-903	Lindale ISD
62	DA21-074	123-913	Sabine Pass ISD
63	DA21-075	233-901	San Felipe-Del Rio CISD
64	DA21-076	123-908	Port Neches-Groves ISD
65	DA21-077	092-903	Longview ISD
66	DA21-078	011-902	Elgin ISD
67	DA21-079	030-901	Cross Plains ISD
68	DA21-080	094-903	Navarro ISD
69	DA21-082	249-904	Chico ISD
70	DA21-084	246-908	Liberty Hill ISD
71	DA21-085	221-912	Wylie ISD
72	DA21-086	234-907	Wills Point ISD
73	DA21-087	246-907	Jarrell ISD
74	DA21-088	126-901	Alvarado ISD
75	DA21-089	075-903	Schulenburg ISD
76	DA21-090	187-907	Livingston ISD
77	DA21-093	246-906	Hutto ISD
78	DA21-098	014-905	Holland ISD
79	DA21-099	075-902	La Grange ISD
80	DA21-100	107-901	Athens ISD
81	DA21-101	109-904	Hillsboro ISD
82	DA21-105	161-901	Crawford ISD
83	DA21-107	182-905	Strawn ISD
84	DA21-108	194-904	Clarksville ISD
85	DA21-110	221-911	Jim Ned CISD
86	DA21-112	170-904	Willis ISD
87	DA21-113	057-911	Highland Park ISD
88	DA21-114	043-902	Anna ISD

## SBOE Financial Compliance Activities

<b>Item No.</b>	<b>Review No.</b>	<b>County District Number</b>	<b>District Name</b>
89	DA21-115	015-908	South San Antonio ISD
90	DA21-117	061-906	Ponder ISD
91	DA21-118	021-901	College Station ISD
92	DA21-119	184-902	Springtown ISD
93	DA21-120	079-910	Stafford MSD
94	DA21-124	184-909	Brock ISD
95	DA21-127	161-903	Midway ISD
96	DA21-128	057-904	Cedar Hill ISD
97	DA21-129	114-901	Big Spring ISD
98	DA21-130	123-914	Hamshire-Fannett ISD
99	DA21-131	108-909	Pharr-San Juan-Alamo ISD
100	DA21-132	101-920	Spring Branch ISD
101	DA21-133	108-804	Triumph Public High Schools-Rio Grande Valley
102	DA21-134	240-801	Triumph Public High Schools-Laredo
103	DA21-135	015-904	Harlandale ISD
104	DA21-136	108-906	McAllen ISD
105	DA21-137	146-901	Cleveland ISD
106	DA21-138	071-901	Clint ISD
107	DA21-139	101-804	George I Sanchez Charter
108	DA21-140	070-912	Waxahachie ISD
109	DA21-141	241-903	El Campo ISD
110	DA21-142	208-902	Snyder ISD
111	DA21-143	175-903	Corsicana ISD
112	DA21-144	101-845	YES Prep Public Schools Inc
113	DA21-145	108-903	Edcouch-Elsa ISD
114	DA21-148	028-902	Lockhart ISD
115	F21-001	220-920	White Settlement ISD
116	F21-002	158-901	Bay City ISD
117	F21-006	133-903	Kerrville ISD
118	F21-008	093-904	Navasota ISD
<b>Total</b>		<b>118</b>	<b>Student Attendance Reviews -- In Progress</b>

SBOE Financial Compliance Activities

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
1	CC21-004	212-801	Cumberland Academy	2/26/2021	\$0.00
2	CC21-001	198-901	Bremond ISD	2/26/2021	\$0.00
3	SI20-001	057-804	Texans Can Academies	4/9/2021	(\$2,672,529.00)
4	CC21-007	101-858	Harmony School of Excellence	5/7/2021	\$0.00
<b>Total</b>		<b>4</b>	<b>Student Attendance Complaint Investigations Completed</b>		<b>\$ (2,672,529.00)</b>

SBOE Financial Compliance Activities

<b>Item No.</b>	<b>Review No.</b>	<b>County District Number</b>	<b>District Name</b>
1	CC21-005	015-809	Bexar County Academy
2	CC21-008	015-802	George Gervin Academy
3	CC21-012	108-807	IDEA Public Schools
4	CC21-006	015-801	Por Vida Academy
5	CC21-009	178-909	Robstown ISD
6	CC21-010	057-819	Jean Massieu Academy
7	CC21-011	108-902	Donna ISD
8	CC21-014	108-807	IDEA Public Schools
9	CC21-015	240-901	Laredo ISD
10	CC21-016	156-902	Stanton ISD
<b>Total</b>		<b>10</b>	<b>Student Attendance Investigations -- In Progress</b>

SBOE Financial Compliance Activities

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
1	CO21-001	101-807	University of Houston Charter School	7/30/2021	\$0.00
<b>Total</b>		<b>1</b>	<b>Student Attendance Charter School Close Outs Completed</b>	<b>\$</b>	<b>-</b>

SBOE Financial Compliance Activities

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>	<b>Review Date</b>
1	055-901	Culberson County-Allamore	8/26/2021
2	084-902	Galveston ISD	8/26/2021
3	195-901	Pecos-Barstow-Toyah ISD	8/26/2021
4	108-909	Pharr-San Juan-Alamo ISD	8/25/2021
5	070-901	Avalon ISD	8/2/2021
<b>Total</b>	<b>5</b>	<b>Fiscal Management Reviews Completed</b>	



SBOE Financial Compliance Activities

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>
1	161-916	Union Hill ISD
2	015-806	School of Excellence in Education
3	084-804	Ambassadors Prep
4	057-816	A W Brown Leadership Academy
5	064-903	Carrizo Springs CISD
6	020-904	Dansbury ISD
7	118-902	Irion ISD
8	124-901	Jim Hogg ISD
9	128-901	Karnes ISD
10	179-901	Perryton ISD
11	031-914	Santa Rosa ISD
12	153-907	Wilson ISD
13	062-903	Yoakum ISD
<b>Total</b>	<b>13</b>	<b>Fiscal Management Reviews--In Progress</b>

## SBOE Financial Compliance Activities

Item No.	County District Number	District Name	Review Date	Statutory Adjustment
1	073-903	Marlin ISD	10/19/2020	\$0.00
2	176-901	Burkeville ISD	12/11/2020	(\$37,703.00)
3	214-901	Rio Grande City CISD	10/22/2020	\$0.00
4	212-902	Bullard ISD	12/11/2020	\$0.00
5	100-903	Kountze ISD	12/11/2020	\$0.00
6	138-904	Benjamin ISD	12/11/2020	\$0.00
7	001-904	Frankston ISD	12/22/2020	\$0.00
8	066-902	San Diego ISD	12/22/2020	\$0.00
9	167-902	Mullin ISD	12/22/2020	\$0.00
10	204-904	Shepherd ISD	12/22/2020	\$0.00
11	241-904	Wharton ISD	4/5/2021	(\$5,717.57)
12	129-904	Kemp ISD	3/7/2021	\$0.00
13	061-905	Krum ISD	3/7/2021	\$0.00
14	038-901	Childress ISD	4/6/2021	(\$43,754.00)
15	064-903	Carrizo Springs CISD	3/18/2021	\$0.00
16	074-904	Dodd City ISD	4/27/2021	(\$22,517.00)
17	120-905	Industrial ISD	5/3/2021	\$0.00
18	108-903	Edcouch-Elsa ISD	5/3/2021	\$0.00
19	246-907	Jarrell ISD	5/3/2021	\$0.00
20	165-901	Midland ISD	5/3/2021	\$0.00
21	196-902	Woodsboro ISD	5/3/2021	\$0.00
22	204-901	Coldspring-Oakhurst CISD	5/3/2021	\$0.00
<b>Total</b>	<b>22</b>	<b>Superintendent's Severance Reviews Completed</b>		<b>(\$109,691.57)</b>

## SBOE Financial Compliance Activities

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>
1	250-903	Mineola ISD
2	015-908	South San Antonio ISD
3	121-905	Kirbyville ISD
4	043-904	Allen ISD
5	152-903	Slaton ISD
6	177-902	Sweetwater ISD
7	250-906	Alba-Golden ISD
8	152-909	Shallowater ISD
9	137-902	Ricardo ISD
10	123-905	Nederland ISD
11	146-904	Hardin ISD
12	004-901	Aransas County ISD
13	078-901	Crowell ISD
14	071-902	El Paso ISD
15	246-909	Round Rock ISD
16	105-904	Dripping Springs ISD
17	143-905	Sweet Home ISD
18	046-901	New Braunfels ISD
19	037-904	Jacksonville ISD
20	071-909	Socorro ISD
<b>Total</b>	<b>20</b>	<b>Superintendent's Severance Reviews -- In Progress</b>

SBOE Financial Compliance Activities

Item No.	County District Number	District Name	Review Date
1	014-909	Temple ISD	04/30/21
<b>Total</b>	<b>1</b>	<b>SHARS Audit Reviews (onsite/desk) -COMPLETED</b>	

SBOE Financial Compliance Activities

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>
1	015-915	Northside ISD
2	101-912	Houston ISD
3	101-907	Cypress-Fairbanks ISD
<b>Total</b>	<b>3</b>	<b>SHARS Audit Reviews (onsite/desk) -In Progress</b>

SBOE Financial Compliance Activities

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>	<b>Review Date</b>
1	143-912	Prosper ISD	09/29/20
<b>Total</b>	<b>1</b>	<b>SHARS Complaints -COMPLETED</b>	

## SBOE Financial Compliance Activities

<b>Item No.</b>	<b>Activities</b>	<b>Counts</b>
1	New Charter School First Year Visits	4
2	Responses to TEA's Q&A Mailboxes (School audits, financial accountability, and Attendance)	1100+
3	CPA Workpaper Reviews --	0
4	Review of Annual Financial and Compliance Reports	1219
5	Research for funding pandemic related issues	multi
6	School First Ratings for FYE 2020	1198
7	Presentations and Trainings throughout Texas covering FASRG, SAAH, SHARS, etc.	50+
8	Financial Exigency Reviewed	0
9	Fiscal Year Changes	13
10	New Charters Schools Applications Reviewed	9
11	Depository Contracts and/or Extensions Reviews	183

**STATUTORY AUTHORITY REFERENCE SECTION:**

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)



**20 U.S.C.**  
United States Code, 2019 Edition  
Title 20 - EDUCATION  
CHAPTER 70 - STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY  
SCHOOLS  
SUBCHAPTER VIII - GENERAL PROVISIONS  
Part F - Uniform Provisions  
subpart 2 - other provisions

**§7926. Prohibition on aiding and abetting sexual abuse**

(a) In general

A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this chapter shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(b) Exception

The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

- (1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and
- (B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and
- (2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
- (B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
- (C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

(c) Prohibition

The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

(d) Construction

Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

(Pub. L. 89–10, title VIII, §8546, as added Pub. L. 114–95, title VIII, §8038, Dec. 10, 2015, 129 Stat. 2120.)

THE TEXAS CONSTITUTION  
ARTICLE 7. EDUCATION  
SECTION 2

**Sec. 2. PERMANENT SCHOOL FUND.**

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

**Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.**

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
  - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
  - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

**Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.**

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
  - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
  - (2) the land is not patentable under the law in effect before January 1, 2002; and
  - (3) the person claiming title to the land:

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SECTION 2

- (A) holds the land under color of title;
  - (B) holds the land under a chain of title that originated on or before January 1, 1952;
  - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
  - (D) has a deed to the land recorded in the appropriate county; and
  - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
  - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
  - (2) change the mineral reservation in an existing patent.

**Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.**

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
  - (2) any navigable waterway or related interest owned by a governmental entity; or
  - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

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SECTION 5

**Sec. 5. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND: COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION.**

- (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:
- (1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
- (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
- (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and
- (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.
- (c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

- (d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.
- (e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.
- (f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section [70](#), of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- (g) Notwithstanding any other provision of this constitution or of a statute, the State Board of Education, the General Land Office, or another entity that has responsibility for the management of revenues derived from permanent school fund land or other properties may, in its sole discretion and in addition to other distributions authorized under this constitution or a statute, distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$600 million by each entity each year.

(Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011; Subsec. (g) amended Nov. 5, 2019.)

NATURAL RESOURCES CODE  
TITLE 2. PUBLIC DOMAIN  
SUBTITLE D. DISPOSITION OF THE PUBLIC DOMAIN  
CHAPTER 51. LAND, TIMBER, AND SURFACE RESOURCES  
SUBCHAPTER I. ACQUISITION OF PUBLIC SCHOOL LAND

**NRC, §51.414. PERMANENT SCHOOL FUND LIQUID ACCOUNT.**

- (a) The permanent school fund liquid account is established as an account in the permanent school fund in the State Treasury to be used by the board and the State Board of Education as provided by this section.
- (b) Each quarter, the board shall hold a meeting and adopt a resolution to release from the real estate special fund account funds designated under Section [51.401](#) that are not being used for a purpose listed in Section [51.402\(a\)](#) and are not required for the board's anticipated cash needs for the 90-day period following the date of the meeting, to be deposited to the credit of the permanent school fund liquid account in the State Treasury.
- (c) The State Board of Education may invest funds in the permanent school fund liquid account. The investments may be made only in liquid assets, in the same manner that the permanent school fund is managed by the State Board of Education.
- (d) Investment income and realized capital gains derived from funds in the permanent school fund liquid account shall be deposited in the State Treasury to the credit of the State Board of Education for investment in the permanent school fund. This subsection does not require a deposit if the market value of the assets held in the permanent school fund liquid account is below cost.
- (e) The State Board of Education may use funds in the permanent school fund liquid account to pay for administrative costs associated with implementing this section, including costs associated with contracts for professional investment management, investment advisory services, or custodial services.
- (f) The board shall provide to the State Board of Education in each quarterly report required by Section [32.068](#) the board's anticipated cash needs for the six-month period following the date of the report, to allow the State Board of Education to ensure that the board's cash needs may be met as provided by Subsection (g).
- (g) Not later than the fifth business day after the date of a request of the board, the State Board of Education shall release from the permanent school fund liquid account funds to be deposited to the credit of the real estate special fund account in the State Treasury in an amount requested by the board.

Added by Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 4, eff. September 1, 2019.

Repealed by Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 2.10(4), eff. December 31, 2022.

TEXAS EDUCATION CODE  
CHAPTER 7. STATE ORGANIZATION  
SUBCHAPTER D. STATE BOARD OF EDUCATION

**TEC, §7.102. STATE BOARD OF EDUCATION POWERS AND DUTIES.**

- (a) The board may perform only those duties relating to school districts or regional education service centers assigned to the board by the constitution of this state or by this subchapter or another provision of this code.
- (b) The board has the powers and duties provided by Subsection (c), which shall be carried out with the advice and assistance of the commissioner.
- (c)
  - (1) The board shall develop and update a long-range plan for public education.
  - (2) The board may enter into contracts relating to or accept grants for the improvement of educational programs specifically authorized by statute.
  - (3) The board may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the board determines.
  - (4) The board shall establish curriculum and graduation requirements.
  - ~~(5) The board shall establish a standard of performance considered satisfactory on student assessment instruments.~~
  - (6) The board may create special-purpose school districts under Chapter [11](#).
  - (7) The board shall provide for a training course for school district trustees under Section [11.159](#).
  - (8) The board shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by Subchapter B, Chapter [12](#), and may place on probation or revoke a home-rule school district charter as provided by that subchapter.
  - ~~(9) The board may grant an open enrollment charter or approve a charter revision as provided by Subchapter D, Chapter [12](#).~~
  - (10) The board shall adopt rules establishing criteria for certifying hearing examiners as provided by Section [21.252](#).
  - (11) The board shall adopt rules to carry out the curriculum required or authorized under Section [28.002](#).
  - (12) The board shall establish guidelines for credit by examination under Section [28.023](#).
  - (13) The board shall adopt transcript forms and standards for differentiating high school programs for purposes of reporting academic achievement under Section [28.025](#).
  - (14) The board shall adopt guidelines for determining financial need for purposes of the Texas Advanced Placement Incentive Program under Subchapter C, Chapter [28](#), and may approve payments as provided by that subchapter.
  - (15) The board shall adopt criteria for identifying gifted and talented students and shall develop and update a state plan for the education of gifted and talented students as required under Subchapter D, Chapter [29](#).
  - (16) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 73, Sec. 2.06(a)(1), eff. September 1, 2013.
  - (17) The board shall adopt rules relating to community education development projects as required under Section [29.257](#).
  - (18) The board may approve the plan to be developed and implemented by the commissioner for the coordination of services to children with disabilities as required under Section [30.001](#).
  - (19) The board shall establish a date by which each school district and state institution shall provide to the commissioner the necessary information to determine the district's share of the cost of the education of a student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as required under Section [30.003](#) and may adopt other rules concerning funding of the education of students enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as authorized under Section [30.003](#).
  - (20) The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions as required under Section [30.004](#).
  - (21) The board shall adopt rules concerning admission of students to the Texas School for the Deaf as required under Section [30.057](#).



- (22) The board shall carry out powers and duties related to regional day school programs for the deaf as provided under Subchapter D, Chapter [30](#).
  - (23) The board shall adopt and purchase or license instructional materials as provided by Chapter [31](#) and adopt rules required by that chapter.
  - (24) The board shall develop and update a long-range plan concerning technology in the public school system as required under Section [32.001](#) and shall adopt rules and policies concerning technology in public schools as provided by Chapter [32](#).
  - (25) The board shall conduct feasibility studies related to the telecommunications capabilities of school districts and regional education service centers as provided by Section [32.033](#).
  - (26) The board shall appoint a board of directors of the center for educational technology under Section [32.034](#).
  - (27) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.
  - (28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section [38.003](#).
  - (29) The board shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
  - (30) The board shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#) [42].
  - (31) The board may invest the permanent school fund within the limits of the authority granted by Section [5](#), Article VII, Texas Constitution, and Chapter 43.
  - (32) The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts as required under Subchapter A, Chapter [44](#).
  - (33) The board shall adopt an annual report on the status of the guaranteed bond program and may adopt rules as necessary for the administration of the program as provided under Subchapter C, Chapter [45](#).
  - (34) The board shall prescribe uniform bid blanks for school districts to use in selecting a depository bank as required under Section [45.206](#).
- (d) The board may adopt rules relating to school districts or regional education service centers only as required to carry out the specific duties assigned to the board by the constitution or under Subsection (c).
  - (e) An action of the board to adopt a rule under this section is effective only if the board includes in the rule's preamble a statement of the specific authority under Subsection (c) to adopt the rule.
  - (f) Except as otherwise provided by this subsection, a rule adopted by the board under this section does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted. The rule takes effect earlier if the rule's preamble specifies an earlier effective date and the reason for that earlier date and:
    - (1) the earlier effective date is a requirement of:
      - (A) a federal law; or
      - (B) a state law that specifically refers to this section and expressly requires the adoption of an earlier effective date; or
    - (2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE  
CHAPTER 7. STATE ORGANIZATION  
SUBCHAPTER D. STATE BOARD OF EDUCATION

**TEC, §7.111. HIGH SCHOOL EQUIVALENCY EXAMINATIONS.**

- (a) The board shall provide for the administration of high school equivalency examinations.
- (a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:
  - (1) over 17 years of age;
  - (2) 16 years of age or older and:
    - (A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;
    - (B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or
    - (C) is enrolled in the Texas Military Department's Seaborne Challenge Corps; or
  - (3) required to take the examination under a court order issued under Section 65.103(a)(3), Family Code.
- (b) The board by rule shall establish and require payment of a fee as a condition to the issuance of a high school equivalency certificate and a copy of the scores of the examinations. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate and a copy of the scores. The board may not require a waiting period between the date a person withdraws from school and the date the person takes the examination unless the period relates to the time between administrations of the examination.
- (c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must provide a procedure for verifying the identity of the person taking the examination.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 11. SCHOOL DISTRICTS  
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF  
INDEPENDENT SCHOOL DISTRICT

**TEC, §11.159. MEMBER TRAINING AND ORIENTATION.**

- (a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.
- (b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (b-1) The State Board of Education shall require a trustee to complete training on school safety. The state board, in coordination with the Texas School Safety Center, shall develop the curriculum and materials for the training.
- (c) The State Board of Education shall require a trustee to complete every two years at least:
  - (1) three hours of training on evaluating student academic performance; and
  - (2) one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- (c-1) The training required by Subsection (c)(1) must be research-based and designed to support the oversight role of the board of trustees under Section [11.1515](#).
- (c-2) A candidate for trustee may complete the training required by Subsection (c) up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.
- (d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.

(e) For purposes of this section, "other maltreatment" has the meaning assigned by Section [42.002](#), Human Resources Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1244 (H.B. [2563](#)), Sec. 5, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 925 (S.B. [1566](#)), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 214 (H.B. [403](#)), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 313 (H.B. [690](#)), Sec. 1, eff. September 1, 2021.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 11. SCHOOL DISTRICTS  
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

**TEC, §11.351. AUTHORITY TO ESTABLISH SPECIAL-PURPOSE SCHOOL DISTRICT.**

- (a) On the recommendation of the commissioner and after consulting with the school districts involved and obtaining the approval of a majority of those districts in each affected county in which a proposed school district is located, the State Board of Education may establish a special-purpose school district for the education of students in special situations whose educational needs are not adequately met by regular school districts. The board may impose duties or limitations on the school district as necessary for the special purpose of the district. The board shall exercise the powers as provided by this section relating to the districts established under this section.
- (b) The State Board of Education shall grant to the districts the right to share in the available school fund apportionment and other privileges as are granted to independent and common school districts.
- (c) A special-purpose school district established under this section that is operated by a general academic teaching institution, as that term is defined by Section [61.003](#), may:
  - (1) in enrolling students or creating a waitlist for student enrollment, prioritize military-connected students, as that term is defined by Section [25.006](#)(d); and
  - (2) enroll a student who:
    - (A) is a dependent of a member of the United States military;
    - (B) was previously enrolled in school in this state; and
    - (C) does not reside in this state due to a military deployment or transfer.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1041 (H.B. [4124](#)), Sec. 1, eff. September 1, 2021.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 11. SCHOOL DISTRICTS  
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

**TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.**

- (a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section 11.061 and who live or are employed on the military reservation. The list shall be furnished to the board by the commanding officer of the military reservation. The trustees appointed serve terms of two years.
- (c) The State Board of Education may adopt rules for the governance of a special-purpose district. In the absence of a rule adopted under this subsection, the laws applicable to independent school districts apply to a special-purpose district.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 12. CHARTERS  
SUBCHAPTER D. OPEN-ENROLLMENT CHARTER SCHOOL

**TEC, §12.101. AUTHORIZATION.**

- (a) In accordance with this subchapter, the commissioner may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:
- (1) an institution of higher education as defined under Section [61.003](#);
  - (2) a private or independent institution of higher education as defined under Section [61.003](#);
  - (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or
  - (4) a governmental entity.
- (b) After thoroughly investigating and evaluating an applicant, the commissioner, in coordination with a member of the State Board of Education designated for the purpose by the chair of the board, may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, educational, and operational standards adopted by the commissioner under this subchapter, that the commissioner determines is capable of carrying out the responsibilities provided by the charter and likely to operate a school of high quality, and that:
- (1) has not within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned; or
  - (2) is not, under rules adopted by the commissioner, considered to be a corporate affiliate of or substantially related to an entity that has within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned.
- (b-0) The commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.
- (b-1) In granting charters for open-enrollment charter schools, the commissioner may not grant a total of more than:

- (1) 215 charters through the fiscal year ending August 31, 2014;
  - (2) 225 charters beginning September 1, 2014;
  - (3) 240 charters beginning September 1, 2015;
  - (4) 255 charters beginning September 1, 2016;
  - (5) 270 charters beginning September 1, 2017; and
  - (6) 285 charters beginning September 1, 2018.
- (b-2) Beginning September 1, 2019, the total number of charters for open-enrollment charter schools that may be granted is 305 charters.
- (b-3) The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. The commissioner may consolidate charters for an open-enrollment charter school held by multiple charter holders into a single charter held by a single charter holder with the written consent to the terms of consolidation by or at the request of each charter holder affected by the consolidation.
- (b-4) Notwithstanding Section [12.114](#), approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter [39](#), or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:
- (1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter [39](#) and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter [39](#), for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;
  - (2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and
  - (3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section.
- (b-5) The initial term of a charter granted under this section is five years.



- (b-6) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter [39](#).
- (b-7) A charter granted under this section for a dropout recovery school is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by this section. For purposes of this subsection, an open-enrollment charter school is considered to be a dropout recovery school if the school meets the criteria for designation as a dropout recovery school under Section [12.1141\(c\)](#).
- (b-8) In adopting any financial standards under this subchapter that an applicant for a charter for an open-enrollment charter school must meet, the commissioner shall not:
  - (1) exclude any loan or line of credit in determining an applicant's available funding; or
  - (2) exclude an applicant from the grant of a charter solely because the applicant fails to demonstrate having a certain amount of current assets in cash.
- (b-10) The commissioner by rule shall allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school under Subsection (b-4)(2) up to 18 months before the date on which the campus is anticipated to open. Notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.
- (c) If the facility to be used for an open-enrollment charter school is a school district facility, the school must be operated in the facility in accordance with the terms established by the board of trustees or other governing body of the district in an agreement governing the relationship between the school and the district.
- (d) An educator employed by a school district before the effective date of a charter for an open-enrollment charter school operated at a school district facility may not be transferred to or employed by the open-enrollment charter school over the educator's objection.

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**TEC, §21.003. CERTIFICATION REQUIRED.**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.
- (b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.
- (c) The commissioner may waive the requirement for certification of a superintendent if requested by a school district as provided by Section 7.056. A person who is not certified as a superintendent may not be employed by a school district as the superintendent before the person has received a waiver of certification from the commissioner. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate. A person may be designated to act as a temporary or interim superintendent for a school district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

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**TEC, §21.006. REQUIREMENT TO REPORT MISCONDUCT.**

- (a) In this section:
- (1) "Abuse" has the meaning assigned by Section [261.001](#), Family Code, and includes any sexual conduct involving an educator and a student or minor.
  - (2) "Other charter entity" means:
    - (A) a school district operating under a home-rule school district charter adopted under Subchapter B, Chapter [12](#);
    - (B) a campus or campus program operating under a charter granted under Subchapter C, Chapter [12](#); and
    - (C) an entity that contracts to partner with a school district under Section [11.174](#)(a)(2) to operate a district campus under a charter granted to the entity by the district under Subchapter C, Chapter [12](#).
- (b) In addition to the reporting requirement under Section [261.101](#), Family Code, and except as provided by Subsection (c-2), the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall notify the State Board for Educator Certification if:
- (1) an educator employed by or seeking employment by the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement has a criminal record and the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established under Section [411.0845](#), Government Code;
  - (2) an educator's employment at the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement was terminated and there is evidence that the educator:
    - (A) abused or otherwise committed an unlawful act with a student or minor;
    - (A-1) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;
    - (B) possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter [481](#), Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
    - (C) illegally transferred, appropriated, or expended funds or other property of the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement;
    - (D) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

- (E) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;
  - (3) the educator resigned and there is evidence that the educator engaged in misconduct described by Subdivision (2); or
  - (4) the educator engaged in conduct that violated the assessment instrument security procedures established under Section [39.0301](#).
- (b-1) A superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described by Subsection (b)(2)(A) or (A-1), despite the educator's resignation from employment before completion of the investigation.
- (b-2) The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the school district, district of innovation, charter school, or other charter entity not later than the seventh business day after the date:
- (1) of an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (b); or
  - (2) the principal knew about an educator's criminal record under Subsection (b)(1).
- (c) Except as provided by Subsection (c-2), the superintendent or director must notify the State Board for Educator Certification by filing a report with the board not later than the seventh business day after the date the superintendent or director receives a report from a principal under Subsection (b-2) or knew about an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (b) or an employee's criminal record under Subsection (b)(1).
- (c-1) The report under Subsection (c):
- (1) must be:
    - (A) in writing; and
    - (B) in a form prescribed by the board; and
  - (2) may be filed through the Internet portal developed and maintained by the State Board for Educator Certification under Subsection (g-1).
- (c-2) A superintendent or director of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement is not required to notify the State Board for Educator Certification or file a report with the board under Subsection (b) or (c) if the superintendent or director:
- (1) completes an investigation into an educator's alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1) before the educator's termination of employment or resignation; and

- (2) determines the educator did not engage in the alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1).
- (d) The superintendent or director shall notify the board of trustees or governing body of the school district, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement and the educator of the filing of the report required by Subsection (c).
- (e) A superintendent, director, or principal of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement who in good faith and while acting in an official capacity files a report with the State Board for Educator Certification under this section or communicates with another superintendent, director, or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed.
- (f) The State Board for Educator Certification shall determine whether to impose sanctions, including an administrative penalty under Subsection (i), against a principal who fails to provide notification to a superintendent or director in violation of Subsection (b-2) or against a superintendent or director who fails to file a report in violation of Subsection (c).
- (g) The State Board for Educator Certification shall propose rules as necessary to implement this section.
- (g-1) The State Board for Educator Certification shall develop and maintain an Internet portal through which a report required under Subsection (c) may be confidentially and securely filed.
- (h) The name of a student or minor who is the victim of abuse or unlawful conduct by an educator must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter [552](#), Government Code.
- (i) If an educator serving as a superintendent or director is required to file a report under Subsection (c) and fails to file the report by the date required by that subsection, or if an educator serving as a principal is required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (b-2) and fails to provide the notice by the date required by that subsection, the State Board for Educator Certification may impose on the educator an administrative penalty of not less than \$500 and not more than \$10,000. The State Board for Educator Certification may not renew the certification of an educator against whom an administrative penalty is imposed under this subsection until the penalty is paid.
- (j) A superintendent or director required to file a report under Subsection (c) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct. A principal required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (b-2) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct. An offense under this subsection is a state jail felony.
- (k) The commissioner may review the records of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement to ensure compliance with the requirement to report misconduct under this section.

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**TEC, §21.007. NOTICE ON CERTIFICATION RECORD OF ALLEGED MISCONDUCT.**

- (a) In this section, "board" means the State Board for Educator Certification.
- (b) The board shall adopt a procedure for placing a notice of alleged misconduct on an educator's public certification records. The procedure adopted by the board must provide for immediate placement of a notice of alleged misconduct on an educator's public certification records if the alleged misconduct presents a risk to the health, safety, or welfare of a student or minor as determined by the board.
- (c) The board must notify an educator in writing when placing a notice of an alleged incident of misconduct on the public certification records of the educator.
- (d) The board must provide an opportunity for an educator to show cause why the notice should not be placed on the educator's public certification records. The board shall propose rules establishing the length of time that a notice may remain on the educator's public certification records before the board must:
  - (1) initiate a proceeding to impose a sanction on the educator on the basis of the alleged misconduct; or
  - (2) remove the notice from the educator's public certification records.
- (e) If it is determined that the educator has not engaged in the alleged incident of misconduct, the board shall immediately remove the notice from the educator's public certification records.
- (f) The board shall propose rules necessary to administer this section.

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**TEC, §21.009. PRE-EMPLOYMENT AFFIDAVIT.**

- a) An applicant for a position described by Section [21.003](#)(a) or (b) with a school district, district of innovation, open-enrollment charter school, private school, regional education service center, or shared services arrangement must submit, using a form adopted by the agency, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.
- (b) An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.
- (c) An applicant is not precluded from being employed based on a disclosed charge if the employing entity determines based on the information disclosed in the affidavit that the charge was false.
- (d) A determination that an employee failed to disclose information required to be disclosed by an applicant under this section is grounds for termination of employment.
- (e) The State Board for Educator Certification may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Section [21.003](#)(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

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**TEC, §21.031. PURPOSE.**

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
  
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.



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**TEC, §21.035. DELEGATION AUTHORITY; ADMINISTRATION BY AGENCY.**

- (a) The board is permitted to make a written delegation of authority to the commissioner or the agency to informally dispose of a contested case involving educator certification.
- (b) The agency shall provide the board's administrative functions and services.

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**TEC, §21.040. GENERAL POWERS AND DUTIES OF BOARD.**

The board shall:

- (1) appoint the members of any advisory committee to the board;
- (2) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;
- (3) provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees; and
- (4) develop and implement policies that clearly define the respective responsibilities of the board and the board's staff.

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**TEC, §21.041. RULES; FEES.**

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
  - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (3) specify the period for which each class of educator certificate is valid;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;
  - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
  - (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;
  - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
  - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
  - (9) provide for continuing education requirements; and
  - (10) provide for certification of persons performing appraisals under Subchapter H.
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.
- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. A fee imposed under this subsection may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under this subchapter.

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**TEC, §21.044. EDUCATOR PREPARATION.**

- (a) The board shall propose rules:
  - (1) specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities;
  - (2) establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and
  - (3) specifying the minimum academic qualifications required for a certificate.
- (a-1) Any training requirements for a certificate specified under Subsection (a) must require that the person demonstrate:
  - (1) basic knowledge of:
    - (A) each disability category under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and how each category can affect student learning and development; and
    - (B) conditions that may be considered a disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and how a condition covered by that section can affect student learning and development;
  - (2) competence in the use of proactive instructional planning techniques that:
    - (A) provide flexibility in the ways:
      - (i) information is presented;
      - (ii) students respond or demonstrate knowledge and skills; and
      - (iii) students are engaged;
    - (B) reduce barriers in instruction;
    - (C) provide appropriate accommodations, supports, and challenges; and
    - (D) maintain high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and
  - (3) competence in the use of evidence-based inclusive instructional practices, including:
    - (A) general and special education collaborative and co-teaching models and approaches;
    - (B) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;
    - (C) classroom management techniques using evidence-based behavioral intervention strategies and supports; and
    - (D) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction.
- (b) The minimum academic qualifications for a certificate specified under Subsection (a) must require that the

person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.

- (c) The instruction under Subsection (b) must:
  - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
    - (A) employed by institutions of higher education; and
    - (B) approved by the board; and
  - (2) include information on:
    - (A) characteristics of dyslexia;
    - (B) identification of dyslexia; and
    - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) The minimum academic qualifications for a certificate specified under Subsection (a) must require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:
  - (1) be provided through:
    - (A) a program selected from the list of recommended best practice-based programs and research-based practices established under Section [38.351](#); or
    - (B) a course offered by any accredited public or private postsecondary educational institution as part of a degree program; and
  - (2) include effective strategies, including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.
- (c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, virtual learning, and virtual instruction, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
  - (1) be aligned with the International Society for Technology in Education's standards for teachers;
  - (2) provide effective, evidence-based strategies to determine a person's degree of digital literacy;
  - (3) cover best practices in:
    - (A) assessing students receiving virtual instruction, based on academic progress; and
    - (B) developing a virtual learning curriculum; and
  - (4) include resources to address any deficiencies identified by the digital literacy evaluation.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section [28.027](#), at a secondary school, a person must:
  - (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
  - (2) have at a minimum:
    - (A) an associate degree from an accredited institution of higher education; and

- (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
  - (1) an associate degree or more advanced degree from an accredited institution of higher education;
  - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
  - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).
- (f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.
- (g) Each educator preparation program must provide information regarding:
  - (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;
  - (2) the effect of supply and demand forces on the educator workforce in this state;
  - (3) the performance over time of the educator preparation program;
  - (4) the importance of building strong classroom management skills;
  - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; and
  - (6) appropriate relationships, boundaries, and communications between educators and students.

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**TEC, §21.052. CERTIFICATION OF EDUCATORS FROM OUTSIDE THE STATE.**

- (a) The board may issue a certificate to an educator who applies for a certificate and:
  - (1) holds:
    - (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
    - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
  - (2) holds an appropriate certificate or other credential issued by another state or country; and
  - (3) performs satisfactorily on:
    - (A) the examination prescribed under Section [21.048](#); or
    - (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in this state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (b-1) The board shall propose rules in accordance with Chapter [55](#), Occupations Code, to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is a military veteran or military spouse, including rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsections (d) and (d-1), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.

- (d-1) A temporary certificate issued under Subsection (c) to an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States may not expire before the third anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform satisfactorily to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) must perform satisfactorily on the examination prescribed under Section [21.048](#) not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a) and the notice required under Section [55.010](#), Occupations Code.
- (g) Repealed by Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 12(2), eff. June 12, 2017.
- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:
  - (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
  - (2) information necessary to complete a national criminal history record information review; and
  - (3) an application fee as required by the board.
    - (i) In this section:
      - (1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section [437.001](#), Government Code, or similar military service of another state.
      - (2) "Armed forces of the United States" means the army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
      - (3) "Military service member" means a person who is on active duty.
      - (4) "Military spouse" means a person who is married to a military service member.
      - (5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.



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**TEC, §21.058. REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT  
BASED ON CONVICTION OF OR PLACEMENT ON DEFERRED  
ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES.**

- (a) The procedures described by Subsections (b) and (c) apply only:
- (1) to conviction of or placement on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter [62](#), Code of Criminal Procedure; or
  - (2) to conviction of a felony offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed.
- (b) Notwithstanding Section [21.041](#)(b)(7), not later than the fifth day after the date the board receives notice under Article [42.018](#), Code of Criminal Procedure, of the conviction or placement on deferred adjudication community supervision of a person who holds a certificate under this subchapter, the board shall:
- (1) revoke the certificate held by the person; and
  - (2) provide to the person, to the agency, and to any school district or open-enrollment charter school employing the person at the time of revocation written notice of:
    - (A) the revocation; and
    - (B) the basis for the revocation.
- (c) A school district or open-enrollment charter school that receives notice under Subsection (b) of the revocation of a certificate issued under this subchapter shall:
- (1) immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and
  - (2) if the person is employed under a probationary, continuing, or term contract under this chapter, with the approval of the board of trustees or governing body or a designee of the board or governing body:
    - (A) suspend the person without pay;
    - (B) provide the person with written notice that the person's contract is void as provided by Subsection (c-2); and
    - (C) terminate the employment of the person as soon as practicable.
- (c-1) If a school district or open-enrollment charter school becomes aware that a person employed by the district or school under a probationary, continuing, or term contract under this chapter has

been convicted of or received deferred adjudication for a felony offense, and the person is not subject to Subsection (c), the district or school may, with the approval of the board of trustees or governing body or a designee of the board of trustees or governing body:

- (1) suspend the person without pay;
  - (2) provide the person with written notice that the person's contract is void as provided by Subsection (c-2); and
  - (3) terminate the employment of the person as soon as practicable.
- (c-2) A person's probationary, continuing, or term contract is void if, with the approval of the board of trustees or governing body or a designee of the board or governing body, the school district or open-enrollment charter school takes action under Subsection (c)(2)(B) or (c-1)(2).
- (d) A person whose certificate is revoked under Subsection (b) may reapply for a certificate in accordance with board rules.
- (e) Action taken by a school district or open-enrollment charter school under Subsection (c) or (c-1) is not subject to appeal under this chapter, and the notice and hearing requirements of this chapter do not apply to the action.

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**TEC, §21.060. ELIGIBILITY OF PERSONS CONVICTED OF CERTAIN OFFENSES.**

The board may suspend or revoke the certificate or permit held by a person under this subchapter, impose other sanctions against the person, or refuse to issue a certificate or permit to a person under this subchapter if the person has been convicted of a felony or misdemeanor offense relating to the duties and responsibilities of the education profession, including:

- (1) an offense involving moral turpitude;
- (2) an offense involving a form of sexual or physical abuse of a minor or student or other illegal conduct in which the victim is a minor or student;
- (3) a felony offense involving the possession, transfer, sale, or distribution of or conspiracy to possess, transfer, sell, or distribute a controlled substance, as defined by Chapter [481](#), Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
- (4) an offense involving the illegal transfer, appropriation, or use of school district funds or other district property; or
- (5) an offense involving an attempt by fraudulent or unauthorized means to obtain or alter a professional certificate or license issued under this subchapter.

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**TEC, §21.065. NOTICE TO TEACHER REGARDING SUSPENSION OF CERTIFICATE OR PERMIT.**

- (a) In this section, "teacher" means a superintendent, principal, supervisor, classroom teacher, school counselor, paraprofessional, or other full-time professional employee who is required to hold a certificate issued under this subchapter.
- (b) Except as provided by Subsection (c), on the suspension of a teacher's certificate or permit issued under this subchapter, the board shall promptly notify the teacher of the suspension. The notice must include:
  - (1) the basis for the suspension; and
  - (2) information regarding the method in which the teacher may respond to the suspension.
- (c) Subsection (b) does not apply to the suspension of a teacher's certificate or permit by an agreed order.

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SUBCHAPTER C. PROBATIONARY CONTRACTS

**TEC, §21.105. RESIGNATIONS UNDER PROBATIONARY CONTRACT.**

- (a) A teacher employed under a probationary contract for the following school year may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.
- (b) A teacher employed under a probationary contract may resign, with the consent of the board of trustees or the board's designee, at any other time.
- (c) Subject to Subsections (e) and (f), on written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher employed under a probationary contract who:
  - (1) resigns;
  - (2) fails without good cause to comply with Subsection (a) or (b); and
  - (3) fails to perform the contract.
- (d) If a school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:
  - (1) the basis of the complaint;
  - (2) information regarding how the teacher may contact the State Board for Educator Certification; and
  - (3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.
- (e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:
  - (1) must consider any mitigating factors relevant to the teacher's conduct; and
  - (2) may consider alternatives to sanctions, including additional continuing education or training.
- (f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

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SUBCHAPTER D. CONTINUING CONTRACTS

**TEC, §21.160. RESIGNATION UNDER CONTINUING CONTRACT.**

- (a) A teacher employed under a continuing contract may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at time of mailing.
- (b) A teacher employed under a continuing contract may resign, with the consent of the board of trustees or the board's designee, at any other time.
- (c) Subject to Subsections (e) and (f), on written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a continuing contract that obligates the district to employ the person for the following school year and who:
  - (1) resigns;
  - (2) fails without good cause to comply with Subsection (a) or (b); and
  - (3) fails to perform the contract.
- (d) If a school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:
  - (1) the basis of the complaint;
  - (2) information regarding how the teacher may contact the State Board for Educator Certification; and
  - (3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.
- (e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:
  - (1) must consider any mitigating factors relevant to the teacher's conduct; and
  - (2) may consider alternatives to sanctions, including additional continuing education or training.
- (f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

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SUBCHAPTER E. TERM CONTRACTS

**TEC, §21.210. RESIGNATION UNDER TERM CONTRACT.**

- (a) A teacher employed under a term contract with a school district may relinquish the teaching position and leave the employment of the district at the end of a school year without penalty by filing a written resignation with the board of trustees or the board's designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.
- (b) A teacher employed under a term contract may resign, with the consent of the board of trustees or the board's designee, at any other time.
- (c) Subject to Subsections (e) and (f), on written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a term contract that obligates the district to employ the person for the following school year and who:
  - (1) resigns;
  - (2) fails without good cause to comply with Subsection (a) or (b); and
  - (3) fails to perform the contract.
- (d) If a school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:
  - (1) the basis of the complaint;
  - (2) information regarding how the teacher may contact the State Board for Educator Certification; and
  - (3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.
- (e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:
  - (1) must consider any mitigating factors relevant to the teacher's conduct; and
  - (2) may consider alternatives to sanctions, including additional continuing education or training.
- (f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

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**TEC, §21.0581. REVOCATION FOR ASSISTING PERSON WHO ENGAGED IN SEXUAL MISCONDUCT OBTAIN EMPLOYMENT.**

- (a) The board may suspend or revoke a certificate held by a person under this subchapter, impose other sanctions against the person, or refuse to issue a certificate to the person under this subchapter if:
  - (1) the person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and
  - (2) the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.
- (b) The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Section [21.055](#) issued to or requested by a person subject to board action under Subsection (a).



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**TEC, §22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE BOARD FOR  
EDUCATOR CERTIFICATION.**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section [411.0845](#), Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter [21](#).

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**TEC, §22.085. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES.**

- (a) A school district, open-enrollment charter school, or shared services arrangement shall discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information through a criminal history record information review that the employee or applicant has been:
- (1) convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter [62](#), Code of Criminal Procedure; or
  - (2) convicted of:
    - (A) a felony offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
    - (B) an offense under the laws of another state or federal law that is equivalent to an offense under Subdivision (1) or Paragraph (A).
- (b) Subsection (a) does not apply if the employee or applicant for employment committed an offense under Title 5, Penal Code and:
- (1) the date of the offense is more than 30 years before:
    - (A) the effective date of S.B. No. 9, Acts of the 80th Legislature, Regular Session, 2007, in the case of a person employed by a school district, open-enrollment charter school, or shared services arrangement as of that date; or
    - (B) the date the person's employment will begin, in the case of a person applying for employment with a school district, open-enrollment charter school, or shared services arrangement after the effective date of S.B. No. 9, Acts of the 80th Legislature, Regular Session, 2007; and
  - (2) the employee or applicant for employment satisfied all terms of the court order entered on conviction.
- (c) A school district, open-enrollment charter school, or shared services arrangement may not allow a person who is an employee of or applicant for employment by an entity that contracts with the district, school, or shared services arrangement to serve at the district or school or for the shared services arrangement if the district, school, or shared services arrangement obtains information described by Subsection (a) through a criminal history record information review concerning the employee or applicant. A school district, open-enrollment charter school, or shared services arrangement must ensure that an entity that the district, school, or shared services arrangement contracts with for services has obtained all criminal history record information as required by Section 22.0834 or 22.08341.

- (d) A school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement may discharge an employee if the district or school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the State Board for Educator Certification or the district, school, service center, or shared services arrangement. An employee discharged under this section is considered to have been discharged for misconduct for purposes of Section [207.044](#), Labor Code.
- (e) The State Board for Educator Certification may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant for employment if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been:
  - (1) convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1); or
  - (2) convicted of an offense described by Subsection (a)(2).
- (f) Each school year, the superintendent of a school district or chief operating officer of an open-enrollment charter school shall certify to the commissioner that the district or school has complied with this section.

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**TEC, §22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR CERTIFICATION.**

The superintendent of a school district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement shall promptly notify the State Board for Educator Certification in writing if:

- (1) the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter [21](#), has a reported criminal history; and
- (2) the person obtained the information by a means other than the criminal history clearinghouse established under Section [411.0845](#), Government Code.

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**TEC, §22.092. REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC SCHOOLS.**

- (a) The agency shall maintain and make available through the Internet portal developed and maintained by the agency under Section [22.095](#) a registry of persons who are not eligible to be employed by a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.
- (b) A school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry maintained under this section.
- (c) The registry maintained under this section must list the following persons as not eligible to be employed by public schools:
  - (1) a person determined by the agency under Section [22.0832](#) as a person who would not be eligible for educator certification under Subchapter B, Chapter [21](#);
  - (2) a person determined by the agency to be not eligible for employment based on the person's criminal history record information review, as provided by Section [22.0833](#);
  - (3) a person who is not eligible for employment based on criminal history record information received by the agency under Section [21.058](#)(b);
  - (4) a person whose certification or permit issued under Subchapter B, Chapter [21](#), is revoked by the State Board for Educator Certification on a finding that the person engaged in misconduct described by Section [21.006](#)(b)(2)(A) or (A-1); and
  - (5) a person who is determined by the commissioner under Section [22.094](#) to have engaged in misconduct described by Section [22.093](#)(c)(1)(A) or (B).
- (d) The agency shall provide private schools and public schools equivalent access to the registry maintained under this section.

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**TEC, §22.093. REQUIREMENT TO REPORT EMPLOYEE MISCONDUCT.**

- (a) In this section, "abuse" has the meaning assigned by Section [261.001](#), Family Code, and includes any sexual conduct involving a student or minor.
- (b) This section applies to a person who is employed by a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement and who does not hold a certification or permit issued under Subchapter B, Chapter [21](#).
- (c) In addition to the reporting requirement under Section [261.101](#), Family Code, the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall notify the commissioner if:
  - (1) an employee's employment at the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement was terminated and there is evidence that the employee:
    - (A) abused or otherwise committed an unlawful act with a student or minor; or
    - (B) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; or
  - (2) the employee resigned and there is evidence that the employee engaged in misconduct described by Subdivision (1).
- (d) A superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described by Subsection (c)(1)(A) or (B), despite the employee's resignation from employment before completion of the investigation.
- (e) The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the school district, district of innovation, charter school, or other charter entity not later than the seventh business day after the date of an employee's termination of employment or resignation following an alleged incident of misconduct described by Subsection (c)(1)(A) or (B).
- (f) The superintendent or director must notify the commissioner by filing a report with the commissioner not later than the seventh business day after the date the superintendent or director receives a report from a principal under Subsection (e) or knew about an employee's termination of employment or resignation following an alleged incident of misconduct described by Subsection (c)(1)(A) or (B). The report must be:
  - (1) in writing; and
  - (2) in a form prescribed by the commissioner.

- (g) The superintendent or director shall notify the board of trustees or governing body of the school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement and the employee of the filing of the report required by Subsection (f).
- (h) A superintendent or director who in good faith and while acting in an official capacity files a report with the commissioner under Subsection (f) or a principal who in good faith and while acting in an official capacity notifies a superintendent or director under Subsection (e) is immune from civil or criminal liability that might otherwise be incurred or imposed.
- (i) The commissioner shall refer an educator who fails to file a report in violation of Subsection (f) to the State Board for Educator Certification, and the board shall determine whether to impose sanctions against the educator.
- (j) The name of a student or minor who is the victim of abuse or unlawful conduct by an employee must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter [552](#), Government Code.
- (k) A superintendent or director required to file a report under Subsection (f) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an employee's criminal record or alleged incident of misconduct. A principal required to notify a superintendent or director about an employee's alleged incident of misconduct under Subsection (e) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal an employee's alleged incident of misconduct. An offense under this subsection is a state jail felony.
- (l) The commissioner may review the records of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement to ensure compliance with the requirement to report misconduct under this section.
- (m) The commissioner shall adopt rules as necessary to implement this section.

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**TEC, §22.0831. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTIFIED EDUCATORS .**

- (a) In this section, "board" means the State Board for Educator Certification.
- (b) This section applies to a person who is an applicant for or holder of a certificate under Subchapter B, Chapter [21](#), and who is employed by or is an applicant for employment by a school district, open-enrollment charter school, or shared services arrangement.
- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (d) The board shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.
- (e) The board may allow a person who is applying for a certificate under Subchapter B, Chapter [21](#), and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.
- (f) The board may propose rules to implement this section, including rules establishing:
  - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
  - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.
- (g) Expired.



TEXAS EDUCATION CODE  
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

**TEC, §28.002. REQUIRED CURRICULUM.**

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
- (1) a foundation curriculum that includes:
    - (A) English language arts;
    - (B) mathematics;
    - (C) science; and
    - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
  - (2) an enrichment curriculum that includes:
    - (A) to the extent possible, languages other than English;
    - (B) health, with emphasis on:
      - (i) physical health, including the importance of proper nutrition and exercise;
      - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
      - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
    - (C) physical education;
    - (D) fine arts;
    - (E) career and technology education;
    - (F) technology applications;
    - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
    - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.
- (b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.
- (b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).
- (b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.

- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter [31](#) and addressed on the assessment instruments required under Subchapter [B](#), Chapter [39](#). As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.
- (c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.
- (c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).
- (c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:
  - (1) is relevant to student education; and
  - (2) aligns with current or emerging professions.
- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
  - (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
  - (2) is consistent with national physical education standards for:
    - (A) the information that students should learn about physical activity; and
    - (B) the physical activities that students should be able to perform;
  - (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
  - (4) offers students an opportunity to choose among many types of physical activity in which to participate;
  - (5) offers students both cooperative and competitive games;
  - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003](#)(b) or criteria developed by the agency in accordance with

that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;

- (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
  - (8) teaches self-management and movement skills;
  - (9) teaches cooperation, fair play, and responsible participation in physical activity;
  - (10) promotes student participation in physical activity outside of school; and
  - (11) allows physical education classes to be an enjoyable experience for students.
- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
- (1) be flexible in approving a course for credit for high school graduation under this subsection; and
  - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
- (1) includes teacher input;
  - (2) provides district employees with the opportunity to express opinions regarding the initiative; and
  - (3) includes a meeting of the board of trustees of the district at which:
    - (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
    - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
- (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
  - (2) the course or other activity allows students to enter:
    - (A) a career or technology training program in the district's region of the state;

- (B) an institution of higher education without remediation;
  - (C) an apprenticeship training program; or
  - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.
- (h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
- (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
  - (2) the history, qualities, traditions, and features of civic engagement in the United States;
  - (3) the structure, function, and processes of government institutions at the federal, state, and local levels; and
  - (4) the founding documents of the United States, including:
    - (A) the entirety of the Declaration of Independence;
    - (B) the entirety of the United States Constitution;
    - (C) the Federalist Papers, including the entirety of Essays 10 and 51;
    - (D) excerpts from Alexis de Tocqueville's *Democracy in America*;
    - (E) the transcript of the first Lincoln-Douglas debate;
    - (F) the writings of the founding fathers of the United States;
    - (G) the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and
    - (H) the entirety of Martin Luther King Jr.'s speech "I Have a Dream."

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 1005 (H.B. [4509](#)), Sec. 3

Text of subsection effective until December 02, 2021

- (h-2) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 772 (H.B. [3979](#)), Sec. 1

Text of subsection effective until December 02, 2021

- (h-2) In adopting the essential knowledge and skills for the social studies curriculum, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
- (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
  - (2) the history, qualities, traditions, and features of civic engagement in the United States;
  - (3) the history of Native Americans;
  - (4) the structure, function, and processes of government institutions at the federal, state, and local levels;
  - (5) the founding documents of the United States, including:
    - (A) the Declaration of Independence;
    - (B) the United States Constitution;
    - (C) the Federalist Papers;
    - (D) the transcript of the first Lincoln-Douglas debate;
    - (E) the writings of and about the founding fathers and mothers and other founding persons of the United States, including the writings of:
      - (i) George Washington;
      - (ii) Ona Judge;
      - (iii) Thomas Jefferson;
      - (iv) Sally Hemings; and
      - (v) any other founding persons of the United States;
    - (F) writings from Frederick Douglass's newspaper, the North Star;
    - (G) the Book of Negroes;
    - (H) the Fugitive Slave Acts of 1793 and 1850;
    - (I) the Indian Removal Act;
    - (J) Thomas Jefferson's letter to the Danbury Baptists; and
    - (K) William Still's Underground Railroad Records;
  - (6) historical documents related to the civic accomplishments of marginalized populations, including documents related to:
    - (A) the Chicano movement;

- (B) women's suffrage and equal rights;
  - (C) the civil rights movement;
  - (D) the Snyder Act of 1924; and
  - (E) the American labor movement;
- (7) the history of white supremacy, including but not limited to the institution of slavery, the eugenics movement, and the Ku Klux Klan, and the ways in which it is morally wrong;
- (8) the history and importance of the civil rights movement, including the following documents:
- (A) Martin Luther King Jr.'s "Letter from a Birmingham Jail" and "I Have a Dream" speech;
  - (B) the federal Civil Rights Act of 1964 (42 U.S.C. Section 2000a et seq.);
  - (C) the United States Supreme Court's decision in *Brown v. Board of Education*;
  - (D) the Emancipation Proclamation;
  - (E) the Universal Declaration of Human Rights;
  - (F) the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution;
  - (G) the United States Court of Appeals for the Ninth Circuit decision in *Mendez v. Westminster*;
  - (H) Frederick Douglass's *Narrative of the Life of Frederick Douglass, an American Slave*;
  - (I) the life and work of Cesar Chavez; and
  - (J) the life and work of Dolores Huerta;
- (9) the history and importance of the women's suffrage movement, including the following documents:
- (A) the federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);
  - (B) the Fifteenth, Nineteenth, and Twenty-Sixth Amendments to the United States Constitution;
  - (C) Abigail Adams's letter "Remember the Ladies";
  - (D) the works of Susan B. Anthony; and
  - (E) the Declaration of Sentiments;
- (10) the life and works of Dr. Hector P. Garcia;
- (11) the American GI Forum;
- (12) the League of United Latin American Citizens; and
- (13) *Hernandez v. Texas* (1954).

Text of subsection effective on December 02, 2021

- (h-2) In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including:
- (1) an understanding of:
    - (A) the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
    - (B) the history, qualities, traditions, and features of civic engagement in the United States;
    - (C) the structure, function, and processes of government institutions at the federal, state, and local levels; and
    - (D) the founding documents of the United States;
  - (2) the ability to:
    - (A) analyze and determine the reliability of information sources;
    - (B) formulate and articulate reasoned positions;
    - (C) understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
    - (D) actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
    - (E) participate as a citizen in a constitutional democracy by voting; and
  - (3) an appreciation of:
    - (A) the importance and responsibility of participating in civic life;
    - (B) a commitment to the United States and its form of government; and
    - (C) a commitment to free speech and civil discourse.

Text of subsection effective until December 02, 2021

- (h-3) For any social studies course in the required curriculum:
- (1) a teacher may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs;
  - (2) a teacher who chooses to discuss a topic described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore the topic from diverse and contending perspectives without giving deference to any one perspective;
  - (3) a school district, open-enrollment charter school, or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:
    - (A) political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
    - (B) participation in any internship, practicum, or similar activity involving social or public policy advocacy; and

- (4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not:
- (A) be required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex;
  - (B) require or make part of a course the concept that:
    - (i) one race or sex is inherently superior to another race or sex;
    - (ii) an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
    - (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race;
    - (iv) members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
    - (v) an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
    - (vi) an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
    - (vii) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
    - (viii) meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
    - (ix) the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
    - (x) with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality; and
  - (C) require an understanding of The 1619 Project.

Text of subsection effective on December 02, 2021

(h-3) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. 3), Sec. 6, eff. December 2, 2021.

Text of subsection effective until December 02, 2021

(h-4) A state agency, school district, or open-enrollment charter school may not accept private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development for a course described by Subsection (h-3)(3).



Text of subsection effective on December 02, 2021

(h-4) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.

Text of subsection effective until December 02, 2021

(h-5) A school district or open-enrollment charter school may not implement, interpret, or enforce any rules or student code of conduct in a manner that would result in the punishment of a student for discussing, or have a chilling effect on student discussion of, the concepts described by Subsection (h-3)(4).

Text of subsection effective on December 02, 2021

(h-5) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.

Text of subsection effective on December 02, 2021

(h-6) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.

Text of subsection effective on December 02, 2021

(h-7) The agency shall ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).

Text of subsection effective on December 02, 2021

(h-8) Nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.

(i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.

(j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.

- (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).
- (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:
  - (1) any student who is unable to participate in the required physical activity because of illness or disability; and
  - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
  - (1-3) (1) This subsection may be cited as "Lauren's Law."
  - (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
    - (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
    - (B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).

- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.
- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
  - (1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
  - (2) address relationship skills, including money management, communication skills, and marriage preparation; and
  - (3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.
- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
  - (1) child development;
  - (2) parenting skills, including child abuse and neglect prevention; and
  - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the

board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.

- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment.
- (w) Repealed by Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.
- (z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:
  - (1) "Cyberbullying" has the meaning assigned by Section [37.0832](#).
  - (2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

TEXAS EDUCATION CODE  
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND  
ACADEMIC ACHIEVEMENT RECORD

**TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.**

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002\(a\)\(1\)](#) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
  - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
  - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
  - (1) four credits in English language arts under Section [28.002\(a\)\(1\)\(A\)](#), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
  - (2) three credits in mathematics under Section [28.002\(a\)\(1\)\(B\)](#), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
  - (3) three credits in science under Section [28.002\(a\)\(1\)\(C\)](#), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
  - (4) three credits in social studies under Section [28.002\(a\)\(1\)\(D\)](#), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics or personal financial literacy & economics, and one credit in world geography or world history;
  - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002\(a\)\(2\)\(A\)](#);
  - (6) five elective credits;
  - (7) one credit in fine arts under Section [28.002\(a\)\(2\)\(D\)](#); and

- (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
  - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- (b-6) A school district may allow a student to enroll concurrently in Algebra I and geometry.
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section [61.822](#). Notwithstanding Subsection (b-15) or (c) of this section, Section [39.025](#), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section [61.822](#), as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.
- (b-8) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-9) A school district, with the approval of the commissioner, may allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the

essential knowledge and skills identified for fine arts by the State Board of Education under Section [28.002](#)(c). The fine arts program may be provided on or off a school campus and outside the regular school day.

- (b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.
- (b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section [28.002](#)(g-1), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:
  - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee;
  - (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
  - (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages, including computer coding.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
  - (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and
  - (2) appropriate substitute courses for purposes of this subsection.
- (b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:
  - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee; or

- (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.
- (b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:
  - (1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);
  - (2) four credits in science, which must include the courses described by Subsection (b-1)(3);
  - (3) the remaining curriculum requirements under Subsection (b-1); and
  - (4) the curriculum requirements for at least one endorsement under Subsection (c-1).
- (b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.
- (b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.
- (b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.
- (b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.
- (b-20) The State Board of Education shall adopt rules to include the instruction developed under Section [28.012](#) in one or more courses in the required curriculum for students in grade levels 9 through 12.
- (b-21) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirement for one credit under Subsection (b-1)(5) by successfully completing at an elementary school either a dual language immersion program under Section [28.0051](#) or a course in American Sign Language.
- (b-22) In adopting rules under Subsection (b-1), the State Board of Education shall ensure that a personal financial literacy & economics course taken to comply with the curriculum requirement under Subsection (b-1)(4) allocates:
  - (1) two-thirds of instruction time to instruction in personal financial literacy; and
  - (2) one-third of instruction time to instruction in economics.
- (b-23) The agency shall:
  - (1) develop a list of free, open-source, and publicly available curricula that may be used by a school district to provide a personal financial literacy & economics course that satisfies the curriculum requirement under Subsection (b-1)(4); and



- (2) seek, accept, and spend any federal or private grant funds and gifts that are available for the purpose of providing a personal financial literacy & economics course as part of the foundation high school program.
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
- (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections [28.0256](#) and [39.025](#); or
  - (2) the student successfully completes an individualized education program developed under Section [29.005](#).
- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:
- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
  - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
  - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
  - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
  - (5) multidisciplinary studies, which allows a student to:
    - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
    - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
- (1) require a student in order to earn any endorsement to successfully complete:
    - (A) four credits in mathematics, which must include:
      - (i) the courses described by Subsection (b-1)(2); and
      - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
    - (B) four credits in science, which must include:

- (i) the courses described by Subsection (b-1)(3); and
  - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
- (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
- (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.
- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
  - (1) for outstanding performance:
    - (A) in a dual credit course;
    - (B) in bilingualism and biliteracy;
    - (C) on a college advanced placement test or international baccalaureate examination;
    - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
    - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
  - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#).
- (c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter [A](#), Chapter [29](#), may earn an endorsement on the student's transcript by:
  - (1) successfully completing, with or without modification of the curriculum:
    - (A) the curriculum requirements identified by the State Board of Education under Subsection (a); and

- (B) the additional endorsement curriculum requirements prescribed by the State Board of Education under Subsection (c-2); and
- (2) successfully completing all curriculum requirements for that endorsement adopted by the State Board of Education:
  - (A) without modification of the curriculum; or
  - (B) with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's admission, review, and dismissal committee.
- (c-8) For purposes of Subsection (c-7), the admission, review, and dismissal committee of a student in a special education program under Subchapter [A](#), Chapter [29](#), shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.
- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
  - (1) enrolled in the foundation high school program;
  - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
  - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter [A](#), Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter [A](#), Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student

may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).

- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (h) Expired.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred.

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CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND  
ACADEMIC ACHIEVEMENT RECORD

**TEC, §28.0256. FINANCIAL AID APPLICATION REQUIREMENT FOR HIGH SCHOOL GRADUATION.**

- (a) Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as otherwise provided by Subsection (b).
- (b) A student is not required to comply with Subsection (a) if:
  - (1) the student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
  - (2) the student signs and submits the form described by Subdivision (1) on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Chapter [31](#), Family Code; or
  - (3) a school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.
- (c) A school district or open-enrollment charter school shall adopt a form to be used for purposes of Subsection (b). The form must:
  - (1) be approved by the agency;
  - (2) provide the student or the student's parent or other person standing in parental relation, as applicable, the opportunity to decline to complete and submit a financial aid application, as provided by Subsection (b); and
  - (3) be made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Subchapter [B](#), Chapter [29](#), in the district or school.
- (d) If a school counselor notifies a school district or open-enrollment charter school whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Section [28.025](#), the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district or school to comply with rules adopted under Subsection (e)(2). A school counselor may not indicate that a student has not complied with this section if the school district or open-enrollment charter school fails to provide the form adopted under Subsection (c) to the student or the student's parent or other person standing in parental relation to the student.
- (e) The commissioner shall adopt rules as necessary to implement this section, including rules to:
  - (1) establish:
    - (A) a timeline for:
      - (i) the distribution to students of the free application for federal student aid or Texas application for state financial aid and the form adopted under Subsection (c); and
      - (ii) the submission of a form under Subsection (b);

- (B) standards regarding the information that a school district or open-enrollment charter school must provide to students regarding:
  - (i) in accordance with Section [33.007](#)(b)(5), instructions for filling out the free application for federal student aid or Texas application for state financial aid; and
  - (ii) the options available to a student under Subsection (b) if the student wishes to decline to complete and submit a financial aid application; and
- (C) the method by which a student must provide to a school district or open-enrollment charter school proof that the student has completed and submitted the free application for federal student aid or Texas application for state financial aid as required by this section;
- (2) require each school district and open-enrollment charter school to report to the agency:
  - (A) the number of students who completed and submitted a financial aid application under Subsection (a); and
  - (B) the number of students who received an exception from complying with Subsection (a) under Subsection (b); and
- (3) ensure compliance with federal law regarding confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.
- (f) The agency shall establish an advisory committee to assist the agency in adopting rules under Subsection (e) to implement this section and to develop recommendations for that purpose. The advisory committee is composed of:
  - (1) school counselors;
  - (2) school administrators; and
  - (3) stakeholders to represent the needs of interested students.
- (g) Not later than January 1, 2021, the agency shall report the advisory committee's recommendations to the standing committee of each house of the legislature with jurisdiction over public education. Subsection (f) and this subsection expire January 1, 2023.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2.015, eff. June 12, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 559 (S.B. [369](#)), Sec. 1, eff. June 14, 2021.

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SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 29. EDUCATIONAL PROGRAMS  
SUBCHAPTER D. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

**TEC, §29.122. ESTABLISHMENT.**

- (a) Using criteria established by the State Board of Education, each school district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. A district may establish a shared services arrangement program with one or more other districts.
- (b) Each school district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

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CHAPTER 29. EDUCATIONAL PROGRAMS  
SUBCHAPTER Z. MISCELLANEOUS PROGRAMS

**TEC, §29.906. CHARACTER TRAITS AND PERSONAL SKILLS INSTRUCTION.**

- (a) The State Board of Education shall integrate positive character traits and personal skills into the essential knowledge and skills adopted for kindergarten through grade 12, as appropriate.
- (b) The State Board of Education must include the following positive character traits and personal skills:
  - (1) courage;
  - (2) trustworthiness, including honesty, reliability, punctuality, and loyalty;
  - (3) integrity;
  - (4) respect and courtesy;
  - (5) responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
  - (6) fairness, including justice and freedom from prejudice;
  - (7) caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
  - (8) good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
  - (9) school pride; and
  - (10) gratitude.
- (c) Each school district and open-enrollment charter school must adopt a character education program that includes the positive character traits and personal skills listed in Subsection (b). In developing or selecting a character education program under this section, a school district shall consult with a committee selected by the district that consists of:
  - (1) parents of district students;
  - (2) educators; and
  - (3) other members of the community, including community leaders.
- (d) This section does not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.
- (e) The agency shall:
  - (1) maintain a list of character education programs that school districts have implemented that meet the criteria under Subsection (b);
  - (2) based on data reported by districts, annually designate as a Character Plus School each school that provides a character education program that:



- (A) meets the criteria prescribed by Subsection (b); and
- (B) is approved by the committee selected under Subsection (c); and
- (3) include in the report required under Section [39.332](#):
  - (A) based on data reported by districts, the impact of character education programs on student discipline and academic achievement; and
  - (B) other reported data relating to character education programs the agency considers appropriate for inclusion.
- (f) The agency may accept money from federal government and private sources to use in assisting school districts in implementing character education programs that meet the criteria prescribed by Subsection (b).
- (g) The State Board of Education may adopt rules as necessary to implement this section.

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TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 30. STATE AND REGIONAL PROGRAMS AND SERVICES  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §30.003. SUPPORT OF STUDENTS ENROLLED IN TEXAS SCHOOL FOR THE BLIND  
AND VISUALLY IMPAIRED OR TEXAS SCHOOL FOR THE DEAF.**

- (a) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the school district that is responsible for providing appropriate special education services to the student shall share the cost of the student's education as provided by this section.
- (b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year divided by the district's average daily attendance for the preceding year.
- (c) If the student is admitted for a program less than two complete semesters in duration, other than a summer program, the district's share of the cost is an amount equal to the amount that would be the district's share under Subsection (b) for a full-time program multiplied by the quotient resulting from the number of full-time equivalent days in the program divided by the minimum number of days of instruction for students as provided by Section 25.081.
- (d) Each school district and state institution shall provide to the commissioner the necessary information to determine the district's share under this section. The information must be reported to the commissioner on or before a date set by rule of the State Board of Education. After determining the amount of a district's share for all students for which the district is responsible, the commissioner shall deduct that amount from the payments of foundation school funds payable to the district. Each deduction shall be in the same percentage of the total amount of the district's share as the percentage of the total foundation school fund entitlement being paid to the district at the time of the deduction, except that the amount of any deduction may be modified to make necessary adjustments or to correct errors. The commissioner shall provide for remitting the amount deducted to the appropriate school at the same time at which the remaining funds are distributed to the district. If a district does not receive foundation school funds or if a district's foundation school entitlement is less than the amount of the district's share under this section, the commissioner shall direct the district to remit payment to the commissioner, and the commissioner shall remit the district's share to the appropriate school.

- (e) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the appropriate school is entitled to the state available school fund apportionment.
- (f) The commissioner, with the assistance of the comptroller, shall determine the amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from the available school fund if Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984, had not transferred statutorily dedicated taxes from the available school fund to the foundation school fund. That amount, minus any amount the schools do receive from the available school fund, shall be set apart as a separate account in the foundation school fund and appropriated to those schools for educational purposes.

Text of subsection effective until September 01, 2020

- (f-1) The commissioner shall determine the total amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from school districts in accordance with this section if the following provisions had not reduced the districts' share of the cost of providing education services:
  - (1) H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006;
  - (2) Section [45.0032](#); and
  - (3) Section [48.255](#).

Text of subsection effective on September 01, 2020

- (f-1) The commissioner shall determine the total amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from school districts in accordance with this section if the following provisions had not reduced the districts' share of the cost of providing education services:
  - (1) H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006;
  - (2) Section [45.0032](#);
  - (3) Section [48.255](#); and
  - (4) Section [48.2551](#).

(f-2) The amount determined under Subsection (f-1), minus any amount the schools do receive from school districts, shall be set aside as a separate account in the foundation school fund and appropriated to those schools for educational purposes.

(g) The State Board of Education may adopt rules as necessary to implement this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1071, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 1.10, eff. May 31, 2006.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1.005, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1A.002, eff. September 1, 2020.

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CHAPTER 30. STATE AND REGIONAL PROGRAMS AND SERVICES  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §30.004. INFORMATION CONCERNING PROGRAMS.**

- (a) Each school district shall provide each parent or other person having lawful control of a student with written information about:
  - (1) the availability of programs offered by state institutions for which the district's students may be eligible;
  - (2) the eligibility requirements and admission conditions imposed by each of those state institutions; and
  - (3) the rights of students in regard to admission to those state institutions and in regard to appeal of admission decisions.
- (b) The State Board of Education shall adopt rules prescribing the form and content of information required by Subsection (a).

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SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 31. INSTRUCTIONAL MATERIALS  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §31.003. RULES.**

The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

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CHAPTER 31. INSTRUCTIONAL MATERIALS  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §31.022. INSTRUCTIONAL MATERIALS REVIEW AND ADOPTION.**

- (a) The State Board of Education shall adopt a review and adoption cycle for instructional materials for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002. In adopting the cycle, the board:
  - (1) is not required to review and adopt instructional materials for all grade levels in a single year; and
  - (2) shall give priority to instructional materials in the following subjects:
    - (A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under Subchapter B, Chapter 39, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
    - (B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
    - (C) foundation curriculum subjects not described by Paragraph (A) or (B), including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n); and
    - (D) enrichment curriculum subjects.
- (b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-fourth of the instructional materials for subjects in the foundation curriculum are reviewed each biennium. The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum every eight years. The adoption of instructional materials for a subject in the foundation curriculum may be extended beyond the eight-year period only if the content of instructional materials for a subject is sufficiently current.
- (c) The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the enrichment curriculum on a cycle the board considers appropriate.
- (d) At least 12 months before the beginning of the school year for which instructional materials for a particular subject and grade level will be adopted under the review and adoption cycle, the board shall publish notice of the review and adoption cycle for those instructional materials. A request for production must allow submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (d-1) A notice published under Subsection (d) must state that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic sample of the instructional materials as required by Sections 31.027(a) and (b) and may not submit a print sample copy.
- (e) The board shall designate a request for production of instructional materials in a subject area and grade level by the school year in which the instructional materials are intended to be made available in classrooms and not by the school year in which the board makes the request for production.
- (f) The board shall amend any request for production issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation.
- (g) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials and technology

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SUBCHAPTER A. GENERAL PROVISIONS

allotment under Section [31.0211](#), the board must consider the cost of all district technology requirements, as estimated by the commissioner under Section [31.0211\(d\)](#), and instructional materials for that state fiscal biennium.

- (h) The board shall include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.
- (i) During any state fiscal biennium beginning on or after September 1, 2023, the total projected cost of instructional materials under requests for production issued by the board may not exceed 75 percent of the total amount used to fund the instructional materials and technology allotment under Section [31.0211](#) for that biennium.



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CHAPTER 31. INSTRUCTIONAL MATERIALS  
SUBCHAPTER B. STATE FUNDING, ADOPTION, AND PURCHASE

**TEC, §31.026. CONTRACT; PRICE.**

- (a) The State Board of Education shall execute a contract for the purchase or licensing of each adopted instructional material.
- (b) A contract must require the publisher to provide the number of instructional materials required by school districts in this state for the term of the contract, which must coincide with the board's adoption cycle.
- (c) As applicable, a contract must provide for the purchase or licensing of instructional material at a specific price, which may not exceed the lowest price paid by any other state or any school or school district. The price must be fixed for the term of the contract.
- (d) This section does not apply to open education resource instructional material.

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TITLE 2. PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §43.001. COMPOSITION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.**

- (a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:
- (1) all land appropriated for the public schools by the constitution and laws of this state;
  - (2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as described by Section [88.111](#) and property described by Section [12.128](#);
  - (3) all proceeds from the authorized sale of permanent school fund land;
  - (4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;
  - (5) all investments authorized by Section [43.003](#) of assets belonging to the permanent school fund; and
  - (6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.
- (b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:
- (1) the distributions to the fund from the permanent school fund as provided by Sections [5\(a\)](#) and (g), Article VII, Texas Constitution;
  - (2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;
  - (3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and
  - (4) all other appropriations to the available school fund made by the legislature for public school purposes.
- (c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age enrolled in average daily attendance the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.
- (d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Sections [5\(a\)](#) and (g), Article VII, Texas Constitution, to be placed, subject to the

General Appropriations Act, in the state instructional materials and technology fund established under Section [31.021](#).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 36, eff. June 10, 2003; Acts 2003, 78th Leg., ch. 328, Sec. 2.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 65, eff. July 19, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 66, eff. July 19, 2011.

Acts 2015, 84th Leg., R.S., Ch. 731 (H.B. [1474](#)), Sec. 4, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 581 (S.B. [810](#)), Sec. 34, eff. June 9, 2017.

Acts 2017, 85th Leg., R.S., Ch. 705 (H.B. [3526](#)), Sec. 22, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 1, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 2, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 5.028, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 631 (S.B. [1454](#)), Sec. 12, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 1.02, eff. September 1, 2021.

TEXAS EDUCATION CODE  
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CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §43.0031. PERMANENT SCHOOL FUND ETHICS POLICY.**

- (a) In addition to any other requirements provided by law, the State Board of Education shall adopt and enforce an ethics policy that provides standards of conduct relating to the management and investment of the permanent school fund. The ethics policy must include provisions that address the following issues as they apply to the management and investment of the permanent school fund and to persons responsible for managing and investing the fund:
  - (1) general ethical standards;
  - (2) conflicts of interest;
  - (3) prohibited transactions and interests;
  - (4) the acceptance of gifts and entertainment;
  - (5) compliance with applicable professional standards;
  - (6) ethics training; and
  - (7) compliance with and enforcement of the ethics policy.
- (b) The ethics policy must include provisions applicable to:
  - (1) members of the State Board of Education;
  - (2) the commissioner;
  - (3) employees of the agency; and
  - (4) any person who provides services to the board relating to the management or investment of the permanent school fund.
- (c) Not later than the 45th day before the date on which the board intends to adopt a proposed ethics policy or an amendment to or revision of an adopted ethics policy, the board shall submit a copy of the proposed policy, amendment, or revision to the Texas Ethics Commission and the state auditor for review and comments. The board shall consider any comments from the commission or state auditor before adopting the proposed policy.
- (d) The provisions of the ethics policy that apply to a person who provides services to the board relating to the management or investment of the permanent school fund must be based on the Code of Ethics and the Standards of Professional Conduct prescribed by the Association for Investment Management and Research or other ethics standards adopted by another appropriate professionally recognized entity.
- (e) The board shall ensure that applicable provisions of the ethics policy are included in any contract under which a person provides services to the board relating to the management and investment of the permanent school fund.

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TITLE 2. PUBLIC EDUCATION  
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CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND  
SUBCHAPTER B. TEXAS PERMANENT SCHOOL FUND CORPORATION

**TEC, §43.053. BOARD OF DIRECTORS; MEETINGS.**

- (a) The board of directors is composed of the following nine members:
  - (1) five members of the State Board of Education, appointed by the board in accordance with board policy;
  - (2) the commissioner of the General Land Office;
  - (3) one member appointed by the commissioner of the General Land Office who has substantial background and expertise in investments and asset management; and
  - (4) two members appointed by the governor, with the advice and consent of the senate, each of whom must have substantial background and expertise in investments and asset management and may not be members of the State Board of Education or the School Land Board.
- (b) The State Board of Education by rule shall establish the terms of members of the board of directors appointed under Subsection (a)(1).
- (c) Members of the board of directors appointed under Subsections (a)(3) and (4) serve staggered six-year terms, with the term of one member expiring on January 1 of each odd-numbered year.
- (d) The initial members described by Subsection (c) shall determine by lot which one of the initial members will serve a term expiring January 1 of the first odd-numbered year following the establishment of the corporation, which one of the initial members will serve a term expiring January 1 of the second odd-numbered year following the establishment of the corporation, and which one of the initial members will serve a term expiring January 1 of the third odd-numbered year following the establishment of the corporation.
- (e) Appointments to the board of directors must be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.
- (f) The board of directors shall elect officers of the board in accordance with the corporation's bylaws.
- (g) The board of directors shall meet at least three times per year.

Added by Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 1.06, eff. September 1, 2021.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
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CHAPTER 44. FISCAL MANAGEMENT  
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

**TEC, §44.007. ACCOUNTING SYSTEM; REPORT.**

- (a) A standard school fiscal accounting system must be adopted and installed by the board of trustees of each school district. The accounting system must conform with generally accepted accounting principles.
- (b) The accounting system must meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor.
- (c) A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with the agency on or before the date set by the State Board of Education.
- (d) The State Board of Education shall require each district, as part of the report required by this section, to include management, cost accounting, and financial information in a format prescribed by the board and in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.
- (e) Expired.
- (f) Expired.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
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CHAPTER 44. FISCAL MANAGEMENT  
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

**TEC, §44.008. ANNUAL AUDIT; REPORT.**

- (a) The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.
- (b) The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).
- (c) Each treasurer receiving or having control of any school fund of any school district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer 's hands. The treasurer 's records of the district 's itemized accounts and records shall be made available to audit.
- (d) A copy of the annual audit report, approved by the board of trustees, shall be filed by the district with the agency not 11 later than the 150th day after the end of the fiscal year for which the audit was made. If the board of trustees declines or refuses to approve its auditor 's report, it shall nevertheless file with the agency a copy of the audit report with its statement detailing reasons for failure to approve the report.
- (e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make. If the audit report reflects that penal laws have been violated, the commissioner shall notify the appropriate county or district attorney and the attorney general. The commissioner shall have access to all vouchers, receipts, district fiscal and financial records, and other school records as the commissioner considers necessary and appropriate for the review, analysis, and passing on audit reports.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 45. SCHOOL DISTRICT FUNDS  
SUBCHAPTER C. GUARANTEED BONDS

**TEC, §45.0532. LIMITATION ON GUARANTEE OF CHARTER DISTRICT BONDS.**

- (a) In addition to the general limitation under Section [45.053](#), the commissioner may not approve charter district bonds for guarantee under this subchapter in a total amount that exceeds the charter capacity of the guaranteed bond program.
- (a-1) The commissioner may not approve charter district refunding or refinanced bonds for guarantee under this subchapter in a total amount that exceeds one-half of the charter capacity.
- (b) For purposes of this section, the charter capacity of the guaranteed bond program is the percentage of the total capacity of the guaranteed bond program established by the board under Sections [45.053](#)(d) and [45.0531](#) that is equal to the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner. Each time the board increases the limit under Section [45.053](#)(d), the total amount of charter district bonds that may be guaranteed increases accordingly under Subsection (a).
- (b-1) The charter capacity provided by Subsection (b) applies beginning with the state fiscal year that begins September 1, 2021. Subject to Subsections (b-2) and (b-3), the board shall establish a charter capacity for the preceding state fiscal years by increasing the total limitation on the amount of charter district bonds that could be guaranteed under the law in effect on January 1, 2017, by the following amount:
  - (1) for the state fiscal year that begins September 1, 2017, 20 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
  - (2) for the state fiscal year that begins September 1, 2018, 40 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
  - (3) for the state fiscal year that begins September 1, 2019, 60 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017; and
  - (4) for the state fiscal year that begins September 1, 2020, 80 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017.
- (b-2) For any year, the board may increase the charter capacity by less than the amount provided by Subsection (b-1) or may decline to increase the charter capacity by any amount if:
  - (1) the board determines that increasing the charter capacity by the amount provided by Subsection (b-1) would likely result in a negative impact on the bond ratings



provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter; or

- (2) one or more charter districts default on payment of maturing or matured principal or interest on a guaranteed bond, resulting in a negative impact on the bond ratings provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter.
- (b-3) If the board makes a determination described by Subsection (b-2) for any year and modifies the schedule provided by Subsection (b-1) for that year, the board may also make appropriate adjustments to the schedule for subsequent years to reflect the modification, provided that the charter capacity for any year may not exceed the limit provided for that year by the schedule.
- (b-4) Subsections (b-1), (b-2), and (b-3) and this subsection expire September 1, 2022.
- (c) Notwithstanding Subsections (a) and (b), the commissioner may not approve charter district bonds for guarantee under this subchapter if the guarantee will result in lower bond ratings for school district bonds for which a guarantee is requested under this subchapter.
- (d) The commissioner may request that the comptroller place the portion of the permanent school fund committed to the guarantee of charter district bonds in a segregated account if the commissioner determines that a separate account is needed to avoid any negative impact on the bond ratings of school district bonds for which a guarantee is requested under this subchapter.
- (e) A guarantee of charter district bonds must be made in accordance with this chapter and any applicable federal law.

TEXAS EDUCATION CODE  
TITLE 2: PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 48. FOUNDATION SCHOOL PROGRAM  
SUBCHAPTER C. STUDENT-BASED ALLOTMENTS

**TEC, §48.109. GIFTED AND TALENTED STUDENT ALLOTMENT.**

- (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter [D](#), Chapter [29](#), a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation.
- (b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter [D](#), Chapter [29](#), including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.
- (c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.
- (d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section [48.266](#).
- (e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section [48.104](#) may be used.
- (f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education.

Added by Acts 2021, 87th Leg., R.S., Ch. 806 (H.B. [1525](#)), Sec. 27, eff. September 1, 2021.

TEXAS FAMILY CODE  
TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-  
CHILD RELATIONSHIP  
SUBTITLE E. PROTECTION OF THE CHILD  
CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT  
SUBCHAPTER D. INVESTIGATIONS

**TFC, §261.308. SUBMISSION OF INVESTIGATION REPORT.**

- (a) The department shall make a complete written report of the investigation.
- (b) Repealed by Acts 2015, 84th Leg., R.S., Ch. 944 , Sec. 86(9), eff. September 1, 2015.
- (c) Repealed by Acts 2015, 84th Leg., R.S., Ch. 944 , Sec. 86(9), eff. September 1, 2015.
- (d) The department shall release information regarding a person alleged to have committed abuse or neglect to persons who have control over the person's access to children, including, as appropriate, the Texas Education Agency, the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, the public school principal or director, the director of the open-enrollment charter school, or the chief executive officer of the private school if the department determines that:
  - (1) the person alleged to have committed abuse or neglect poses a substantial and immediate risk of harm to one or more children outside the family of a child who is the subject of the investigation; and
  - (2) the release of the information is necessary to assist in protecting one or more children from the person alleged to have committed abuse or neglect.
- (e) On request, the department shall release information about a person alleged to have committed abuse or neglect to the State Board for Educator Certification if the board has a reasonable basis for believing that the information is necessary to assist the board in protecting children from the person alleged to have committed abuse or neglect.

TEXAS FAMILY CODE  
TITLE 5. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-  
CHILD RELATIONSHIP  
SUBTITLE E. PROTECTION OF THE CHILD  
CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT  
SUBCHAPTER E. INVESTIGATIONS OF ABUSE, NEGLECT, OR EXPLOITATION IN CERTAIN  
FACILITIES

**TFC, §261.406. INVESTIGATIONS IN SCHOOLS.**

- (a) On receipt of a report of alleged or suspected abuse or neglect of a child in a public or private school, the department shall perform an investigation as provided by this chapter.
- (b) The department shall send a copy of the completed report of the department's investigation to the Texas Education Agency or, in the case of a private school, the school's chief executive officer. On request, the department shall provide a copy of the completed report of the department's investigation to the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, the public school principal or director, or the chief executive officer of the private school, unless the principal, director, or chief executive officer is alleged to have committed the abuse or neglect, for appropriate action. On request, the department shall provide a copy of the report of investigation to the parent, managing conservator, or legal guardian of a child who is the subject of the investigation and to the person alleged to have committed the abuse or neglect. The report of investigation shall be edited to protect the identity of the persons who made the report of abuse or neglect. Except as otherwise provided by this subsection, Section [261.201](#)(b) applies to the release of the report relating to the investigation of abuse or neglect under this section and to the identity of the person who made the report of abuse or neglect.
- (c) Nothing in this section may prevent a law enforcement agency from conducting an investigation of a report made under this section.
- (d) The executive commissioner shall adopt rules necessary to implement this section.

TEXAS GOVERNMENT CODE  
TITLE 4. EXECUTIVE BRANCH  
SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION  
CHAPTER 411. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS  
SUBCHAPTER F. CRIMINAL HISTORY RECORD INFORMATION

**TGC, § 411.090. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD FOR EDUCATOR CERTIFICATION.**

- (a) The State Board for Educator Certification is entitled to obtain from the department any criminal history record information maintained by the department about a person who has applied to the board for a certificate under Subchapter B, Chapter [21](#), Education Code.
- (b) Criminal history record information obtained by the board in the original form or any subsequent form:
  - (1) may be used only for a purpose related to the issuance, denial, suspension, or cancellation of a certificate issued by the board;
  - (2) may not be released to any person except:
    - (A) the person who is the subject of the information;
    - (B) the Texas Education Agency;
    - (C) a local or regional educational entity as provided by Section [411.097](#); or
    - (D) by court order;
  - (3) is not subject to disclosure as provided by Chapter [552](#); and
  - (4) shall be destroyed by the board after the information is used for the authorized purposes.
- (c) The department shall notify the State Board for Educator Certification of the arrest of any educator, as defined by Section [5.001](#), Education Code, who has fingerprints on file with the department. Any record of the notification and any information contained in the notification is not subject to disclosure as provided by Chapter [552](#).

TEXAS GOVERNMENT CODE  
TITLE 10. GENERAL GOVERNMENT  
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE  
CHAPTER 2001. ADMINISTRATIVE PROCEDURE  
SUBCHAPTER B. RULEMAKING

**TGC, §2001.039. AGENCY REVIEW OF EXISTING RULES.**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

TEXAS GOVERNMENT CODE  
TITLE 10. GENERAL GOVERNMENT  
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE  
CHAPTER 2001. ADMINISTRATIVE PROCEDURE  
SUBCHAPTER C. CONTESTED CASES: GENERAL RIGHTS AND PROCEDURES

**TGC, §2001.058. HEARING CONDUCTED BY STATE OFFICE OF ADMINISTRATIVE HEARINGS.**

- (a) This section applies only to an administrative law judge employed by the State Office of Administrative Hearings.
- (b) An administrative law judge who conducts a contested case hearing shall consider applicable agency rules or policies in conducting the hearing, but the state agency deciding the case may not supervise the administrative law judge.
- (c) A state agency shall provide the administrative law judge with a written statement of applicable rules or policies.
- (d) A state agency may not attempt to influence the finding of facts or the administrative law judge's application of the law in a contested case except by proper evidence and legal argument.
- (d-1) On making a finding that a party to a contested case has defaulted under the rules of the State Office of Administrative Hearings, the administrative law judge may dismiss the case from the docket of the State Office of Administrative Hearings and remand it to the referring agency for informal disposition under Section [2001.056](#). After the case is dismissed and remanded, the agency may informally dispose of the case by applying its own rules or the procedural rules of the State Office of Administrative Hearings relating to default proceedings. This subsection does not apply to a contested case in which the administrative law judge is authorized to render a final decision.
- (e) A state agency may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative judge, only if the agency determines:
  - (1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies provided under Subsection (c), or prior administrative decisions;
  - (2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or
  - (3) that a technical error in a finding of fact should be changed.

The agency shall state in writing the specific reason and legal basis for a change made under this subsection.

- (e-1) Notwithstanding Subsection (e), a state agency may not vacate or modify an order of an administrative law judge that awards attorney's fees and costs under Section [2001.903](#).
- (f) A state agency by rule may provide that, in a contested case before the agency that concerns licensing in relation to an occupational license and that is not disposed of by stipulation, agreed settlement, or consent order, the administrative law judge shall render the final decision in the

contested case. If a state agency adopts such a rule, the following provisions apply to contested cases covered by the rule:

- (1) the administrative law judge shall render the decision that may become final under Section [2001.144](#) not later than the 60th day after the latter of the date on which the hearing is finally closed or the date by which the judge has ordered all briefs, reply briefs, and other posthearing documents to be filed, and the 60-day period may be extended only with the consent of all parties, including the occupational licensing agency;
- (2) the administrative law judge shall include in the findings of fact and conclusions of law a determination whether the license at issue is primarily a license to engage in an occupation;
- (3) the State Office of Administrative Hearings is the state agency with which a motion for rehearing or a reply to a motion for rehearing is filed under Section [2001.146](#) and is the state agency that acts on the motion or extends a time period under Section [2001.146](#);
- (4) the State Office of Administrative Hearings is the state agency responsible for sending a copy of the decision that may become final under Section [2001.144](#) or an order ruling on a motion for rehearing to the parties, including the occupational licensing agency, in accordance with Section [2001.142](#); and
- (5) the occupational licensing agency and any other party to the contested case is entitled to obtain judicial review of the final decision in accordance with this chapter.



TEXAS GOVERNMENT CODE  
TITLE 10. GENERAL GOVERNMENT  
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE  
CHAPTER 2001. ADMINISTRATIVE PROCEDURE  
SUBCHAPTER F. CONTESTED CASES: FINAL DECISIONS AND ORDERS; MOTION FOR  
REHEARING

**TGC, §2001.142. NOTIFICATION OF DECISIONS AND ORDERS.**

- (a) A state agency shall notify each party to a contested case of any decision or order of the agency using at least one of the following methods of service:
- (1) personal service;
  - (2) if agreed to by the party to be notified, service by electronic means sent to the current e-mail address or facsimile number of the party's attorney of record or of the party if the party is not represented by counsel;
  - (3) service by first class, certified, or registered mail sent to the last known address of the party's attorney of record or of the party if the party is not represented by counsel; or
  - (4) service by a method required under the state agency's rules or orders for a party to serve copies of pleadings in a contested case.
- (b) When a decision or order in a contested case that may become final under Section 2001.144 is signed or when an order ruling on a motion for rehearing is signed, a state agency shall deliver or send a copy of the decision or order to each party in accordance with Subsection (a). The state agency shall keep a record documenting the provision of the notice provided to each party in accordance with Subsection (a).
- (c) If an adversely affected party or the party's attorney of record does not receive the notice required by Subsections (a) and (b) or acquire actual knowledge of a signed decision or order before the 15th day after the date the decision or order is signed, a period specified by or agreed to under Section 2001.144(a), 2001.146, 2001.147, or 2001.176(a) relating to a decision or order or motion for rehearing begins, with respect to that party, on the date the party or the party's attorney of record receives the notice or acquires actual knowledge of the signed decision or order, whichever occurs first. The period may not begin earlier than the 15th day or later than the 45th day after the date the decision or order was signed.
- (d) To establish a revised period under Subsection (c), the adversely affected party must prove, on sworn motion and notice, that:
- (1) the date the party or the party's attorney of record first received notice from the state agency or acquired actual knowledge of the signing of the decision or order was after the 14th day after the date the decision or order was signed;
  - (2) the adversely affected party exercised due diligence by keeping the state agency and all other parties to the contested case apprised of the current mailing address and any electronic contact information for the adversely affected party or the adversely affected party's attorney of record; and

- (3) the adversely affected party and the party's attorney of record did not take any action that impeded or prevented receipt of notice of the signing of the decision or order.
- (e) The state agency or a person authorized to act for the agency must grant or deny the sworn motion not later than the date of the agency's governing board's next meeting or, for a state agency without a governing board with decision-making authority in contested cases, not later than the 10th day after the date the agency receives the sworn motion.
- (f) If the state agency or a person authorized to act for the agency fails to grant or deny the motion at the next meeting or before the 10th day after the date the agency receives the motion, as appropriate, the motion is considered granted.
- (g) If a sworn motion filed under Subsection (d) is granted with respect to the adversely affected party filing that motion, all the periods specified by or agreed to under Section 2001.144(a), 2001.146, 2001.147, or 2001.176(a) relating to a decision or order, or motion for rehearing, shall begin for the movant on the date specified in the sworn motion that the movant or the movant's attorney of record first received the notice required by Subsections (a) and (b) or acquired actual knowledge of the signed decision or order. The date specified in the sworn motion shall be considered the date the decision or order was signed for the movant. The timely filing of a sworn motion for rehearing under Subsection (d) extends the period for agency action on any motion for rehearing until the 100th day after the date the decision or order subject to the motion for rehearing is signed.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

**TOC, §53.021. AUTHORITY TO REVOKE, SUSPEND, OR DENY LICENSE.**

- (a) Subject to Section [53.0231](#), a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:
- (1) an offense that directly relates to the duties and responsibilities of the licensed occupation;
  - (2) an offense listed in Article [42A.054](#), Code of Criminal Procedure; or
  - (3) a sexually violent offense, as defined by Article [62.001](#), Code of Criminal Procedure.
- (a-1) Subsection (a) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:
- (1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and
  - (2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.
- (b) A license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.
- (c) Except as provided by Subsections (d) and (e), notwithstanding any other law, a licensing authority may not consider a person to have been convicted of an offense for purposes of this section if, regardless of the statutory authorization:
- (1) the person entered a plea of guilty or nolo contendere;
  - (2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and
  - (3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.
- (d) A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if:
- (1) the person was charged with:
    - (A) any offense described by Article [62.001](#)(5), Code of Criminal Procedure; or
    - (B) an offense other than an offense described by Paragraph (A) if:

- (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or
    - (ii) a conviction for the offense would make the person ineligible for the license by operation of law; and
  - (2) after consideration of the factors described by Sections [53.022](#) and [53.023\(a\)](#), the licensing authority determines that:
    - (A) the person may pose a continued threat to public safety; or
    - (B) employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.
- (e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide:
  - (1) law enforcement or public health, education, or safety services; or
  - (2) financial services in an industry regulated by a person listed in Section [411.0765\(b\)\(18\)](#), Government Code.

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TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
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SUBCHAPTER B. INELIGIBILITY FOR LICENSE

**TOC, §53.022. FACTORS IN DETERMINING WHETHER CONVICTION DIRECTLY RELATES TO OCCUPATION.**

In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
- (5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

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TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

**TOC, §53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER  
AFTER DETERMINING CONVICTION DIRECTLY RELATES TO  
OCCUPATION.**

- (a) If a licensing authority determines under Section [53.022](#) that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section [53.021](#):
- (1) the extent and nature of the person's past criminal activity;
  - (2) the age of the person when the crime was committed;
  - (3) the amount of time that has elapsed since the person's last criminal activity;
  - (4) the conduct and work activity of the person before and after the criminal activity;
  - (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;
  - (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
  - (7) other evidence of the person's fitness, including letters of recommendation.
- (b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described by Subsection (a)(7).
- (c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. [1342](#)), Sec. 12, eff. September 1, 2019.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
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SUBCHAPTER B. INELIGIBILITY FOR LICENSE

**TOC, §53.024. PROCEEDINGS GOVERNED BY ADMINISTRATIVE PROCEDURE ACT.**

A proceeding before a licensing authority to establish factors required to be considered under this subchapter is governed by Chapter [2001](#), Government Code.

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TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

**TOC, §53.025. GUIDELINES.**

- (a) Each licensing authority shall issue guidelines relating to the practice of the licensing authority under this chapter. The guidelines must state the reasons a particular crime is considered to relate to a particular license and any other criterion that affects the decisions of the licensing authority.
- (b) A state licensing authority that issues guidelines under this section shall file the guidelines with the secretary of state for publication in the Texas Register.
- (c) A local or county licensing authority that issues guidelines under this section shall post the guidelines at the courthouse for the county in which the licensing authority is located or publish the guidelines in a newspaper having countywide circulation in that county.
- (d) Amendments to the guidelines, if any, shall be issued annually.



TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF  
LICENSE

**TOC, §53.051. NOTICE.**

A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense shall notify the person in writing of:

- (1) the reason for the suspension, revocation, denial, or disqualification, including any factor considered under Section [53.022](#) or [53.023](#) that served as the basis for the suspension, revocation, denial, or disqualification;
- (2) the review procedure provided by Section [53.052](#); and
- (3) the earliest date the person may appeal the action of the licensing authority.

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SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF  
LICENSE

**TOC, §53.052. JUDICIAL REVIEW.**

- (a) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under Section [53.021](#) and who has exhausted the person's administrative appeals may file an action in the district court in the county in which the licensing authority is located for review of the evidence presented to the licensing authority and the decision of the licensing authority.
- (b) The petition for an action under Subsection (a) must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
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MILITARY SPOUSES

**TOC, §55.001. DEFINITIONS.**

In this chapter:

- (1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section [437.001](#), Government Code, or similar military service of another state.
- (2) "Armed forces of the United States" means the army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
- (3) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business.
- (4) "Military service member" means a person who is on active duty.
- (5) "Military spouse" means a person who is married to a military service member.
- (6) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.
- (7) "State agency" means a department, board, bureau, commission, committee, division, office, council, or agency of the state.

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**TOC, §55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW LICENSE.**

A state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

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**TOC, §55.003. EXTENSION OF LICENSE RENEWAL DEADLINES FOR MILITARY SERVICE MEMBERS.**

A military service member who holds a license is entitled to two years of additional time to complete:

- (1) any continuing education requirements; and
- (2) any other requirement related to the renewal of the military service member's license.

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**TOC, §55.004. ALTERNATIVE LICENSING FOR MILITARY SERVICE MEMBERS,  
MILITARY VETERANS, AND MILITARY SPOUSES.**

- (a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and:
  - (1) holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or
  - (2) within the five years preceding the application date held the license in this state.
- (b) The executive director of a state agency may waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.
- (c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license, including receiving appropriate credit for training, education, and clinical and professional experience.
- (d) A state agency that issues a license that has a residency requirement for license eligibility shall adopt rules regarding documentation necessary for a military spouse applicant to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the military service member to whom the spouse is married.

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**TOC, §55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SERVICE MEMBERS,  
MILITARY VETERANS, AND MILITARY SPOUSES.**

- (a) A state agency that issues a license shall, as soon as practicable after a military service member, military veteran, or military spouse files an application for a license:
  - (1) process the application; and
  - (2) issue the license to an applicant who qualifies for the license under Section [55.004](#).
- (b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

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**TOC, §55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SERVICE MEMBER, MILITARY VETERAN, OR MILITARY SPOUSE.**

- (a) As soon as practicable after a state agency issues a license under Section [55.005](#), the state agency shall determine the requirements for the license holder to renew the license.
- (b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.
- (c) A license issued under Section [55.005](#) has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.



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MILITARY SPOUSES

**TOC, §55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH  
MILITARY EXPERIENCE.**

- (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.
- (b) The state agency shall adopt rules necessary to implement this section.
- (c) Rules adopted under this section may not apply to an applicant who:
  - (1) holds a restricted license issued by another jurisdiction; or
  - (2) has an unacceptable criminal history according to the law applicable to the state agency.

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**TOC, §55.008. APPRENTICESHIP REQUIREMENTS FOR APPLICANT WITH MILITARY EXPERIENCE.**

- (a) Notwithstanding any other law, if an apprenticeship is required for a license issued by a state agency, the state agency shall credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.
- (b) The state agency shall adopt rules necessary to implement this section.

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**TOC, §55.009. LICENSE APPLICATION AND EXAMINATION FEES.**

Notwithstanding any other law, a state agency that issues a license shall waive the license application and examination fees paid to the state for an applicant who is:

- (1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or
- (2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

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**TOC, §55.010. NOTICE OF CHAPTER PROVISIONS.**

A state agency that issues a license shall prominently post a notice on the home page of the agency's Internet website describing the provisions of this chapter that are available to military service members, military veterans, and military spouses.

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MILITARY SPOUSES

**TOC, §55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE.**

- (a) Notwithstanding any other law, a military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.
- (b) Before engaging in the practice of the business or occupation, the military spouse must:
  - (1) notify the applicable state agency of the spouse's intent to practice in this state;
  - (2) submit to the agency proof of the spouse's residency in this state in accordance with rules adopted under Section [55.004\(d\)](#) and a copy of the spouse's military identification card; and
  - (3) receive from the agency confirmation that:
    - (A) the agency has verified the spouse's license in the other jurisdiction; and
    - (B) the spouse is authorized to engage in the business or occupation in accordance with this section.
- (c) The military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.
- (d) A military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member to whom the military spouse is married is stationed at a military installation in this state but not to exceed three years from the date the spouse receives the confirmation described by Subsection (b)(3).
- (e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to:
  - (1) identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state; and
  - (2) verify that a military spouse is licensed in good standing in a jurisdiction described by Subdivision (1).
- (f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 56. DISCIPLINARY ACTION AGAINST RECIPIENTS OF STUDENT FINANCIAL  
ASSISTANCE PROHIBITED

**TOC, §56.003. DISCIPLINARY ACTION IN EVENT OF DEFAULT OR BREACH  
PROHIBITED.**

A licensing authority may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract, including by:

- (1) denying the person's application for a license or license renewal;
- (2) suspending the person's license; or
- (3) taking other disciplinary action against the person.

MINUTES

STATE BOARD OF EDUCATION

NOVEMBER 2021

Minutes

State Board of Education

November 19, 2021



**STATE BOARD OF EDUCATION**  
*(State Board for Career and Technology Education)*

**KEVEN ELLIS, Lufkin**  
**Chair of the State Board of Education**  
**District 9**

**PAM LITTLE, Fairview**  
**Vice Chair of the State Board of**  
**Education**  
**District 12**

**GEORGINA PÉREZ, El Paso**  
**Secretary of the State Board of**  
**Education**  
**District 1**

**Board Members**

**LAWRENCE ALLEN, JR., Houston**  
**District 4**

**WILL HICKMAN, Houston**  
**District 6**

**REBECCA BELL-METEREAU, San Marcos**  
**District 5**

**TOM MAYNARD, Florence**  
**District 10**

**RUBEN CORTEZ, JR., Brownsville**  
**District 2**

**SUE MELTON-MALONE, Robinson**  
**District 14**

**AICHA DAVIS, Dallas**  
**District 13**

**MARISA PEREZ-DIAZ, Converse**  
**District 3**

**JAY JOHNSON, Pampa**  
**District 15**

**MATT ROBINSON, Friendswood**  
**District 7**

**PATRICIA HARDY, Fort Worth**  
**District 11**

**AUDREY YOUNG, Apple Springs**  
**District 8**

## **Committees of the State Board of Education**

### **INSTRUCTION**

Sue Melton-Malone  
Rebecca Bell-Metereau  
Pam Little  
Georgina Pérez  
Audrey Young

### **SCHOOL FINANCE/PERMANENT SCHOOL FUND**

Tom Maynard  
Lawrence Allen, Jr.  
Keven Ellis  
Pat Hardy  
Marisa Perez-Diaz

### **SCHOOL INITIATIVES**

Matt Robinson  
Ruben Cortez, Jr.  
Aicha Davis  
Will Hickman  
Jay Johnson

Minutes  
State Board of Education  
Friday, November 19, 2021

The State Board of Education met at 9:07 a.m. on Friday, November 19, 2021, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

**Present:** Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Will Hickman; Jay Johnson; Pam Little vice-chair; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Audrey Young

**Student Performance**

A student performance was provided by the Grapevine-Colleyville Combined High School Choir.

**Invocation**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes**

State Board of Education, September 3, 2021

**MOTION AND VOTE:** *The State Board of Education unanimously approved the Minutes of the September 3, 2021, meeting of the State Board of Education, as printed.*

**1. Resolution and Presentations**

**Presidential Awards for Excellence in Mathematics and Science Teaching**

*The State Board of Education, by unanimous consent, adopted a resolution honoring state finalists for the 2021 Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST program).*

(ATTACHMENT 1, page 11)

**Presentations**

2021 Texas Secondary Teacher of the Year, Anthony Lopez-Waste

2021 Texas Elementary Teacher of the Year, Eric Hale

Portrait unveiling for former Commissioner of Education Michael L. Williams

Dr. Ellis adjourned the general meeting of the State Board of Education at 10:13 a.m. in order to convene the Committee of the Full board to consider additional business

The general meeting of the State Board of Education reconvened at 11:35 a.m.

### **Public Testimony**

Public Testimony was provided by the following individuals:

NAME: Deborah Simmons  
AFFILIATION: Self

NAME: Sofia Lopez  
AFFILIATION: Self

NAME: Hollie Plemons  
AFFILIATION: Self

NAME: Mary Lowe  
AFFILIATION: Self

NAME: Perla Muñoz Hopkins  
AFFILIATION: Self

NAME: Paul Gauthier  
AFFILIATION: Self

## **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.

*By unanimous consent, the State Board of Education approved the following items on the consent agenda.*

### **(1) Implementation of Senate Bill (SB) 1232, 87th Legislature, Regular Session, 2021** (Board agenda I-4)

The State Board of Education, as authorized by Senate Bill 1232, 87th Legislature, approved the incorporation of the Texas Permanent School Fund Corporation pursuant to the authority granted to the Board under Section 43.052, Texas Education Code, and adopted the initial Certificate of Formation of the Corporation, authorized the Chair of the State Board of Education, to serve as the organizer of the Corporation and file the documents required under state law to create the Corporation, including the initial Certificate of Formation, and take any other actions that are necessary to effectuate such filing, and established the Board's policy that the five members of the Board who are appointed to serve on the Committee on School Finance/Permanent School Fund are by virtue of that appointment the individuals who are appointed to serve as the five SBOE members of the Board of Directors of the Corporation in accordance with Section 43.053(a)(1), Texas Education Code, with such appointments to be effective immediately upon the Corporation being incorporated.

- (2) **Proposed Repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005 (First Reading and Filing Authorization)**

(Board agenda II-1)

The State Board of Education suspended the board operating procedures in accordance with 5.2(a) to allow consideration at first reading and filing authorization and approved for first reading and filing authorization the proposed repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005.

- (3) **Adoption of Review of 19 TAC Chapter 74, Curriculum Requirements**

(Board agenda II-4)

The State Board of Education adopted the review of 19 TAC Chapter 74, Curriculum Requirements.

- (4) **Approval of Updates and Substitutions to Adopted Instructional Materials**

(Board agenda II-10)

The State Board of Education approved the request from Cheng & Tsui to substitute updated versions of its adopted products Integrated Chinese, Level 1 Part 2 - 3rd Edition textbook and workbook, *Integrated Chinese Level 2, Part 1 - 3rd Edition* textbook and workbook, *Integrated Chinese Level 2, Part 2 - 3rd Edition* textbook and workbook, and approve the request from Learning A-Z to update content in its adopted product *Raz Plus ELL Texas Edition*, grades 1–5.

- (5) **Approval of Costs to Administer the 2021–2022 State-Developed Assessments to Private School Students**

(Board agenda III-1)

The State Board of Education approved the recommended per-student costs for administering the state assessments to private school students in 2021–2022.

- (6) **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of July, August, and September 2021**

(Board agenda III-6)

The State Board of Education ratified the purchases and sales for the months of July, August, and September 2021, in the amounts of \$1,884,442,726 and \$1,859,436,888, respectively.

(ATTACHMENT 2, page 13)

- (7) **Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of July, August, and September 2021**

(Board agenda III-7)

The State Board of Education ratified the purchases and sales of the Permanent School Fund Liquid Account for the period July 1, 2021, through September 30, 2021, in the amounts of \$1,182,720,285 and \$224,038,689, respectively.

(ATTACHMENT 3, page 15)

**(8) Review of the Permanent School Fund Liquid Account Strategic Asset Allocation**  
(Board agenda III-8)

The State Board of Education adopted Asset Mix D for the PSF Liquid Account.

**(9) Review of the Absolute Return Asset Class for the Permanent School Fund**  
(Board agenda III-10)

The State Board of Education approved termination of the Blackstone Alternative Asset Management relationship in the Absolute Return space and liquidation of Raven 4 and Raven 7; and approved Grosvenor Capital Management to act as liquidating manager in collaboration with the PSF staff.

**(10) Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation (First Reading and Filing Authorization)**  
(Board agenda III-11)

The State Board of Education approved for first reading and filing authorization proposed amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation.

**(11) Recommendation for Reappointments to the Fort Sam Houston Independent School District Board of Trustees**  
(Board agenda IV-1)

The State Board of Education approved the reappointments of Mr. Willie E. White, Ms. Deborah E. Seabron, and Ms. Andrea Nicholas to serve terms of office from November 19, 2021, through November 19, 2023, on the Fort Sam Houston ISD Board of Trustees.

**(12) Approval of Applicability of State Statute to Special Purpose School Districts**  
(Board agenda IV-13)

The committee took no action; therefore, this item was removed from the consent agenda.

## COMMITTEE OF THE FULL BOARD

### **3. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2022***

(Board agenda page I-2)

**MOTION AND VOTE:** *It was moved by Mrs. Little that the State Board of Education:*

*Require that QuaverEd, Health Education, grades K–5 and Physical Education, grades K–5, make corrections listed in the Proclamation 2022 Report of Required Corrections, the Report of New Content, and the Report of Editorial Changes;*

*Require that all instructional materials meet established manufacturing standards and specifications;*

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

*Approve changes and corrections submitted in response to written comments and public testimony; and*

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2022 List of Instructional Materials Eligible for Adoption, as recommended by the Committee of the Full Board. The motion failed.*

*(Mr. Cortez was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Dr. Robinson, and carried that the State Board of Education:*

*Require that Goodheart-Wilcox, Health Education, grades 6, 7–8, I, II, and Physical Education, Lifetime Fitness and Wellness Pursuits, make corrections listed in the Proclamation 2022 Report of Required Corrections, the Report of New Content, and the Report of Editorial Changes;*

*Require that all instructional materials meet established manufacturing standards and specifications;*

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

*Approve changes and corrections submitted in response to written comments and public testimony; and*

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2022 List of Instructional Materials Eligible for Adoption, as recommended by the Committee of the Full Board.*

*(Mr. Cortez was absent for the vote.)*

4. **Consideration of Amendment to Texas Certificate of High School Equivalency Contract**  
(Board agenda page I-5)

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried that the State Board of Education approve the GED Testing Service's request for a contract amendment to increase pricing for the GED Ready practice test, as recommended by the Committee of the Full Board.*

*(Mr. Cortez was absent for the vote.)*

5. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training; Subchapter I, Health Science; Subchapter J, Hospitality and Tourism; Subchapter M, Law and Public Service; and Subchapter O, Science, Technology, Engineering, and Mathematics**  
**(Second Reading and Final Adoption)**  
(Board agenda page I-54)

**MOTION:** *It was moved by Mrs. Little that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482; Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787; and*

*Approve the withdrawal of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter I, Health Science, §127.416, Implementation of Texas Essential Knowledge and Skills for Health Science, Adopted 2021; Subchapter M, Law and Public Service, §127.651, Implementation of Texas Essential Knowledge and Skills for Law and Public Service, Adopted 2021; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2021, §127.789, Computer Science I (One Credit), Adopted 2021, §127.790, Computer Science II (One Credit), Adopted 2021, and §127.791, Computer Science III (One Credit), Adopted 2021; and*

*Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482; Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee of the Full Board.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried that the State Board of Education amend §127.651(a) to read:*

*“General requirements. The course is recommended for students in grades 11 and 12. Prerequisites: one credit in biology and one credit in chemistry, Integrated Physics and Chemistry, or physics and at least one credit in a Level 2 or higher course from the law and public safety career cluster. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.”*

*(Mr. Cortez was absent for the vote.)*



**MOTION AND VOTE:** *It was moved by Ms. Davis, seconded by Ms. Pérez, and carried that the State Board of Education amend §127.316 to read:*

§127.316(c)(8)(D) analyze positive behavior intervention techniques including restorative practices; and

§127.316(c)(8)(E) develop a differentiated lesson plan that includes scaffolding for all levels of learners.

§127.319(c)(4)(D) identify and discuss adverse childhood experiences and their potential impact.

§127.326(c)(5)(B) demonstrate and evaluate techniques that promote literacy and numeracy.

*(Mr. Cortez was absent for the vote.)*

**VOTE:** *A vote was taken on the original motion that the State Board of Education approve for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482; Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787 as amended; and*

*Approve the withdrawal of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter I, Health Science, §127.416, Implementation of Texas Essential Knowledge and Skills for Health Science, Adopted 2021; Subchapter M, Law and Public Service, §127.651, Implementation of Texas Essential Knowledge and Skills for Law and Public Service, Adopted 2021; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2021, §127.789, Computer Science I (One Credit), Adopted 2021, §127.790, Computer Science II (One Credit), Adopted 2021, and §127.791, Computer Science III (One Credit), Adopted 2021; and*

*Make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482; Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee of the Full Board.*

*The motion carried.*

*(Mr. Cortez was absent for the vote.)*

6. **Proposed Repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, §§130.161-130.166; Subchapter G, §§130.201-130.211; Subchapter H, §§130.221-130.234; Subchapter I, §§130.251-130.263; Subchapter L, §§130.331-130.343; Subchapter O, §§130.401-130.435; and Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, §§127.309-127.314; Subchapter I, §§127.402-127.415; Subchapter J, §§127.468-127.480; Subchapter M, §§127.625-127.648; and Subchapter O, §§127.742-127.776**  
**(First Reading and Filing Authorization)**  
(Board agenda page I-189)

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried that the State Board of Education approve for first reading and filing authorization proposed repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and*

*Approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.650; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776, as recommended by the Committee of the Full Board.*

*(Mr. Cortez was absent for the vote.)*

7. **Update on Texas Essential Knowledge and Skills (TEKS) Review**  
(Board agenda page I-213)

The State Board of Education took no action on this item.

### **COMMITTEE ON INSTRUCTION**

8. **Proposed Approval of Innovative Courses**  
(Board agenda page II-12)

The Committee on Instruction did not receive any applications for approval, so the State Board of Education took no action on this item.

## **COMMITTEE ON SCHOOL INITIATIVES**

- 9. Approval of Required School Safety Training for District Trustees**  
(Board agenda page IV-14)

**MOTION AND VOTE:** *It was moved by Dr. Robinson and carried that the State Board of Education approve the school safety training curriculum and materials developed by the Texas School Safety Center, as recommended by the Committee on School Initiatives.*

*(Mr. Cortez was absent for the vote.)*

- 10. Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**  
(Board agenda page IV-16)

**MOTION AND VOTE:** *It was moved by Dr. Robinson and carried that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, as recommended by the Committee on School Initiatives.*

*(Mr. Cortez was absent for the vote.)*

## **REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS**

### **Committee on Instruction**

Mrs. Melton-Malone did not report on the Committee on Instruction.

### **Committee on School Finance/Permanent School Fund**

Mr. Maynard reported that the Committee on School Finance discussed the bond guarantee program and stated that the program is estimated to run out of capacity in approximately two to two and a half years. The Committee hope that the new Permanent School Fund Corporation will meet in early December.

### **Committee on School Initiatives**

Dr. Robinson did not report on the Committee on School Initiatives.

## **REPORTS OF OTHER STATE BOARD OF EDUCATION MEMBERS REGARDING AGENDA ITEMS AND EDUCATIONAL ACTIVITIES AND CONCERNS IN INDIVIDUAL DISTRICTS**

Dr. Ellis gave board members an opportunity to provide information regarding agenda items or other relevant information about public education.

The meeting adjourned at 1:11 p.m.

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Georgina C. Pérez, Secretary

## ***R E S O L U T I O N***

**WHEREAS** the *Presidential Awards for Excellence in Mathematics and Science Teaching* program identifies outstanding mathematics and science teachers in each state and the four U.S. jurisdictions; and

**WHEREAS** through state selection committees, three mathematics finalists and three science finalists were selected as Texas finalists; and

**WHEREAS** these teachers have become candidates for the *Presidential Awards for Excellence in Mathematics and Science Teaching*; now, therefore, be it

**RESOLVED**, That the State Board of Education does hereby extend its congratulations to Amber Bialorucki, Tomball Memorial High School, Tomball Independent School District, Tomball, Texas; Sarah DiMaria, Cedars International Next Generation High School, Cedars International Academy, Austin, Texas; Tim McMahon, Kaufman High School, Kaufman Independent School District, Kaufman, Texas; for being named State Finalists in the secondary mathematics category for the 2021 Presidential Award; and be it further

**RESOLVED**, That the State Board of Education does hereby extend its congratulations to Fatimah Aboueisha, Brandeis High School, Northside Independent School District, San Antonio, Texas; William Crump, Colleyville Heritage High School, Grapevine-Colleyville Independent School District, Colleyville, Texas; Michelle Jedlicka, A&M Consolidated High School, College Station Independent School District, College Station, Texas; for being named State Finalists in the secondary science category for the 2021 Presidential Award; and be it further

**RESOLVED**, That this resolution be presented to the aforementioned teachers for being identified as state finalists for the 2021 *Presidential Awards for Excellence in Mathematics and Science Teaching* program, and that a copy be included in the permanent records of the State Board of Education.

**WITNESS** our signatures this nineteenth day of November, two thousand and twenty-one, in Austin, Texas.

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Dr. Keven Ellis, Chair

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Georgina C. Pérez, Secretary

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**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
(Including External Manager's Trades)  
For July 1, 2021 through September 30, 2021**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 658,090,405
Public Market Equities	469,605,986
Alternative Investments	<u>756,746,335</u>
 TOTAL	 <u>\$ 1,884,442,726</u>

Sales/Distributions:

Long Term Fixed Income	\$ 455,763,357
Public Market Equities	650,711,997
Alternative Investments	<u>752,961,534</u>
 TOTAL	 <u>\$ 1,859,436,888</u>

General Land Office Contributions:

FY 2020 Cumulative August 2020	FY 2021 Cumulative August 2021
\$10,000,000	\$45,000,000

FY 2021 Cumulative September 2020	FY 2022 Cumulative September 2021
\$0	\$0

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$10,000,000 through August 2020 for fiscal year 2020 versus \$45,000,000 through August 2021 for fiscal year 2021, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of July 2021, August 2021, and September 2021 Permanent School Fund portfolio purchases of \$1,884,442,726 and sales of \$1,859,436,888.

**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
FOR PSF LIQUID ACCOUNTS  
For July 1, 2021 through September 30, 2021**

<u>Purchases:</u>	
Fixed Income	\$ 345,854,573
Public Market Equities	<u>836,865,712</u>
TOTAL	<u><u>\$ 1,182,720,285</u></u>
<u>Sales:</u>	
Fixed Income	\$ 207,679,636
Public Market Equities	<u>16,359,053</u>
TOTAL	<u><u>\$ 224,038,689</u></u>

Based on the above information provided by staff and the recommendation of the Executive Administrator and Chief Investment officer and the Commissioner of Education: It is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the period July 1, 2021 through September 30, 2021 Permanent School Fund Liquid Account purchases of \$1,182,720,285 and sales of \$224,038,689.

Minutes  
State Board of Education  
Wednesday, December 1, 2021

The State Board of Education conducted a virtual meeting at 12:06 p.m. on Wednesday, December 1, 2021. Attendance was noted as follows:

**Present:** Keven Ellis, chair; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Will Hickman; Jay Johnson; Pam Little vice-chair; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Audrey Young

**Absent:** Lawrence A. Allen, Jr.; Rebecca Bell-Metereau

**Roll Call**

**COMMITTEE OF THE FULL BOARD**

- 1. Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.1-112.7, and Subchapter B, Middle School, §§112.25-112.28 (Second Reading and Final Adoption)**  
(Board agenda page I-10)

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.1, Implementation of Texas Essential Knowledge and Skills for Science, Elementary, Adopted 2021; §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.25, Implementation of Texas Essential Knowledge and Skills for Science, Middle School, Adopted 2021; §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021, as amended and recommended by the Committee of the Full Board; and*

*Make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.1, Implementation of Texas Essential Knowledge and Skills for Science, Elementary, Adopted 2021; §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.25, Implementation of Texas Essential Knowledge and Skills for Science, Middle School, Adopted 2021; §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

The meeting adjourned at 12:14 p.m.

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Georgina C. Pérez, Secretary



# Minutes

State Board of Education Committees

November 16-18, 2021

**Report of the State Board of Education  
Committee of the Full Board  
Tuesday, November 16, 2021**

The State Board of Education Committee of the Full Board met at 1:05 p.m. on Tuesday, November 16, 2021, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis; Patricia Hardy; Will Hickman; Jay Johnson; Pam Little; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez; Matt Robinson; Audrey Young

Absent: Marisa B. Perez-Diaz

**Public Testimony**

The Committee of the Full Board received presentations of public testimony on agenda item #2. Information regarding the individuals who presented public testimony is included in the discussion of that item

**DISCUSSION ITEM**

**1. Texas Higher Education Coordinating Board Commissioner's Comments**  
(Board agenda page I-1)

Commissioner Harrison Keller provided the board with updates related to the state's 60x30 goals. He announced the convening of a commission on community college finance to try and align financing of community colleges with the state's goals. He also provided information regarding important tri-agency initiatives that are underway in collaboration with TEA and Texas Workforce Commission.

**ACTION ITEMS**

**2. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2022***  
(Board agenda page I-2)

Public testimony was provided by the following individuals:

NAME: Lori Kuykendall  
AFFILIATION: Self

NAME: Kyleen Wright  
AFFILIATION: Self

NAME: Megan Haynsworth  
AFFILIATION: Self

NAME: Deborah Simmons  
AFFILIATION: Self

NAME: Lauren DeWitt  
AFFILIATION: Self

NAME: Sam Abiog  
AFFILIATION: Self

NAME: Stacy Sass  
AFFILIATION: Self

NAME: Anne Newman  
AFFILIATION: Self

NAME: Jacquelyn Dudasko  
AFFILIATION: Self

NAME: Amy Campbell  
AFFILIATION: Self

NAME: Aimee Urista  
AFFILIATION: Self

NAME: Karla Gant  
AFFILIATION: Self

NAME: Shannon Jaquette  
AFFILIATION: Texas Catholic Conference of Bishops

NAME: Francine Erickson  
AFFILIATION: Self

NAME: Monica Ayres  
AFFILIATION: Citizens Commission on Human Rights Texas

NAME: Donna Cekinovich  
AFFILIATION: Self

NAME: Jeralee Smith  
AFFILIATION: Self

NAME: Lee Spiller  
AFFILIATION: Citizens Commission on Human Rights Texas

NAME: Renate Sims  
AFFILIATION: Self

NAME: Monica Tinoco Bosan  
AFFILIATION: Self

NAME: Tonya Brooks  
AFFILIATION: Self

NAME: Lynsey Moore  
AFFILIATION: Self

NAME: Cristin Woodruff  
AFFILIATION: Self

NAME: Victoria Little  
AFFILIATION: Self

NAME: Erin Moore  
AFFILIATION: Self

NAME: Christy Baca  
AFFILIATION: Self

NAME: Meredith Neal  
AFFILIATION: Self

NAME: Lisa Williams  
AFFILIATION: Self

NAME: Karole Fedrick  
AFFILIATION: Self

NAME: Christie Slape  
AFFILIATION: Self

NAME: Sarah Anderson  
AFFILIATION: Self

NAME: Susanne Kerns  
AFFILIATION: Self

NAME: Meg Bakich  
AFFILIATION: Self

NAME: Vanessa MacDougal  
AFFILIATION: Self

NAME: Shannon Sedwick  
AFFILIATION: Self

NAME: Mary Lowe  
AFFILIATION: Self

NAME: Lori Mayfield  
AFFILIATION: Self

NAME: Mary Castle  
AFFILIATION: Self

NAME: Evelyn Delgado  
AFFILIATION: Self

NAME: Jules Mandel  
AFFILIATION: Self

NAME: Cecilia Wood  
AFFILIATION: Self

NAME: Jonathan Covey  
AFFILIATION: Texas Values

NAME: Gloria Gonzales Dholakia  
AFFILIATION: Self

NAME: Liz Case  
AFFILIATION: Self

NAME: Lisa Cummins  
AFFILIATION: Self

NAME: Stephanie Hoffman  
AFFILIATION: Self

NAME: Cindi Castilla  
AFFILIATION: Self

NAME: Vivianna Perez  
AFFILIATION: Self

NAME: Julia Lawrence  
AFFILIATION: Self

NAME: Mercedes Garcia  
AFFILIATION: Self

NAME: Jolyn Potenza  
AFFILIATION: Self

NAME: Geoffrey Carlisle  
AFFILIATION: Self

NAME: Angela Bartholomae  
AFFILIATION: Self

NAME: Kyndall Brown  
AFFILIATION: Self

NAME: Joy Molina  
AFFILIATION: Self

NAME: Becky Bullard  
AFFILIATION: Self

NAME: Eliza Epstein  
AFFILIATION: Self

NAME: Paul Gauthier  
AFFILIATION: Self

NAME: Weston Martinez  
AFFILIATION: Self

Amie Williams, director, instructional materials review and procurement, presented information regarding editorial changes, required corrections, and public comment.

**MOTION AND VOTE:** *It was moved by Ms. Pérez, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education divide the question and consider the submitted materials separately.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education:*

*Require that Human Kinetics, Health Education, grades 6 and 7–8, make corrections listed in the Proclamation 2022 Report of Required Corrections, the Report of New Content, and the Report of Editorial Changes;*

*Require that all instructional materials meet established manufacturing standards and specifications;*

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

*Approve changes and corrections submitted in response to written comments and public testimony; and*

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2022 List of Instructional Materials Eligible for Adoption. The motion failed.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard and seconded by Ms. Hardy to recommend that the State Board of Education:*

*Require that Lessonbee, Inc., Health Education, grades 7–8, make corrections listed in the Proclamation 2022 Report of Required Corrections, the Report of New Content, and the Report of Editorial Changes;*

*Require that all instructional materials meet established manufacturing standards and specifications;*

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

*Approve changes and corrections submitted in response to written comments and public testimony; and*

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2022 List of Instructional Materials Eligible for Adoption. The motion failed.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried to recommend that the State Board of Education:*

*Require that QuaverEd, Health Education, grades K–5 and Physical Education, grades K–5, make corrections listed in the Proclamation 2022 Report of Required Corrections, the Report of New Content, and the Report of Editorial Changes;*

*Require that all instructional materials meet established manufacturing standards and specifications;*

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

*Approve changes and corrections submitted in response to written comments and public testimony; and*

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2022 List of Instructional Materials Eligible for Adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education:*

*Require that Goodheart-Wilcox, Health Education, grades 6, 7–8, I, II, and Physical Education, Lifetime Fitness and Wellness Pursuits, make corrections listed in the Proclamation 2022 Report of Required Corrections, the Report of New Content, and the Report of Editorial Changes;*

*Require that all instructional materials meet established manufacturing standards and specifications;*

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

*Approve changes and corrections submitted in response to written comments and public testimony; and*

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2022 List of Instructional Materials Eligible for Adoption. The motion failed.*

- 3. Implementation of Senate Bill (SB) 1232, 87th Legislature, Regular Session, 2021**  
(Board agenda page I-4)

This item was postponed to the Wednesday, November 17 meeting.

- 4. Consideration of Amendment to Texas Certificate of High School Equivalency Contract**  
(Board agenda page I-5)

This item was postponed to the Wednesday, November 17 meeting.

#### **DISCUSSION ITEM**

- 5. Discussion of Proposed Amendments to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits**  
(Board agenda page I-7)

This item was postponed to the Wednesday, November 17 meeting.

Dr. Ellis adjourned the meeting at 7:14 p.m.



**Report of the State Board of Education  
Committee of the Full Board  
Wednesday, November 17, 2021**

The State Board of Education Committee of the Full Board met at 9:01 a.m. on Wednesday, November 17, 2021, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis; Patricia Hardy; Will Hickman; Jay Johnson; Pam Little; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Audrey Young

**Public Testimony**

The Committee of the Full Board received presentations of public testimony on agenda items #4, #5, and #7.

**DISCUSSION ITEM**

**1. Commissioner's Comments**  
(Board agenda page I-9)

Commissioner Mike Morath provided updates on implementation of several education bills that were passed by the 87th Texas Legislature, 2021 during the regular session and three special sessions.

**ACTION ITEMS**

**2. Implementation of Senate Bill (SB) 1232, 87th Legislature, Regular Session, 2021**  
(Board agenda page I-4)

This item was postponed from the Tuesday, November 16 agenda.

Holland Timmins, executive administrator, and chief investment officer for the Permanent School Fund (PSF) provided the board with an overview of the history of the PSF's momentous events and introduced John Grubenman, director of private markets, to provide details related to the implementation of SB 1232. Mr. Grubenman discussed the three initial steps the board would need to take related to the formation of the Texas PSF Corporation. Chuck Campbell, fiduciary counsel, provided an overview of the fiduciary implications of the board's vote.

**MOTION:** *It was moved by Mr. Maynard and seconded by Ms. Hardy to recommend that the State Board of Education, as authorized by Senate Bill 1232, 87th Legislature:*

- 1) approve the incorporation of the Texas Permanent School Fund Corporation pursuant to the authority granted to the Board under Section 43.052, Texas Education Code, and adopt the initial Certificate of Formation of the Corporation;*
- 2) authorize the Board's fiduciary counsel, Jackson Walker LLP, to serve as the organizer of the Corporation and file the documents required under state law to create the Corporation,*

*including the initial Certificate of Formation, and take any other actions that are necessary to effectuate such filing; and*

- 3) *establish the Board's policy that the five members of the Board who are appointed to serve on the Committee on School Finance/Permanent School Fund are by virtue of that appointment the individuals who are appointed to serve as the five SBOE members of the Board of Directors of the Corporation in accordance with Section 43.053(a)(1), Texas Education Code, with such appointments to be effective immediately upon the Corporation being incorporated.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman and carried to recommend that the organizer of the Corporation be the Chair of the State Board of Education.*

**VOTE:** *A vote was taken on the motion to recommend that the State Board of Education, as authorized by Senate Bill 1232, 87th Legislature:*

- 1) *approve the incorporation of the Texas Permanent School Fund Corporation pursuant to the authority granted to the Board under Section 43.052, Texas Education Code, and adopt the initial Certificate of Formation of the Corporation;*
- 2) *authorize the Chair of the State Board of Education, to serve as the organizer of the Corporation and file the documents required under state law to create the Corporation, including the initial Certificate of Formation, and take any other actions that are necessary to effectuate such filing; and*
- 3) *establish the Board's policy that the five members of the Board who are appointed to serve on the Committee on School Finance/Permanent School Fund are by virtue of that appointment the individuals who are appointed to serve as the five SBOE members of the Board of Directors of the Corporation in accordance with Section 43.053(a)(1), Texas Education Code, with such appointments to be effective immediately upon the Corporation being incorporated.*

*The vote carried unanimously.*

*(Mr. Cortez was absent for the vote.)*

### **3. Consideration of Amendment to Texas Certificate of High School Equivalency Contract** (Board agenda page I-5)

This item was postponed from the Tuesday, November 16 agenda.

Monica Martinez, associate commissioner for standards and support services, explained that the GED Testing Service (GEDTS) requested approval to increase the price for the GED Ready practice test. She further stated that with the board's approval, TEA staff would amend the current contract with GEDTS to reflect the change in price.

**MOTION AND VOTE:** *It was moved by Mrs. Melton-Melton, seconded by Ms. Hardy, and carried to recommend that the State Board of Education approve the GED Testing Service's request for a contract amendment to increase pricing for the GED Ready practice test.*

**DISCUSSION ITEM**

- 4. Discussion of Proposed Amendments to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits**  
(Board agenda page I-7)

This item was postponed from the Tuesday, November 16 agenda.

Ms. Ramos provided a brief update on the draft recommendations for the positive character traits Texas Essential Knowledge and Skills (TEKS) and explained that Senate Bill 123 (87th Texas Legislature, 2021, Regular Session) required the inclusion of personal, interpersonal, self-management, and responsible decision-making skills.

NAME: Kara Belew  
AFFILIATION: Texas Public Charter School Association

NAME: Shannon Epner  
AFFILIATION: Self

**ACTION ITEMS**

- 5. Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.1-112.7, and Subchapter B, Middle School, §§112.25-112.28 (Second Reading and Final Adoption)**  
(Board agenda page I-10)

Public testimony was provided by the following individuals:

NAME: Cynthia Soliz  
AFFILIATION: Self

NAME: Francisco Gonzalez-Lima  
AFFILIATION: Self

NAME: Sandra West  
AFFILIATION: Self

NAME: Gerald Mulvey  
AFFILIATION: Self

NAME: Carisa Lopez  
AFFILIATION: Self

NAME: Meenal McNary  
AFFILIATION: Self

NAME: Tiffanie Harrison  
AFFILIATION: Self

NAME: Lori Mayfield  
AFFILIATION: Self

NAME: Tristan Childress  
AFFILIATION: Self

NAME: Susana Carranza  
AFFILIATION: Self

NAME: John Elford  
AFFILIATION: Self

NAME: Brianna Escobar  
AFFILIATION: Self

NAME: Jennifer Meyer  
AFFILIATION: Self

NAME: Stephanie Hoffman  
AFFILIATION: Self

NAME: John Tate  
AFFILIATION: Self

NAME: Evan Whitfield  
AFFILIATION: Self

NAME: Tad Fielder  
AFFILIATION: Self

NAME: William J. Moulton  
AFFILIATION: Self

NAME: Eliza Epstein  
AFFILIATION: Self

NAME: Maria Paz-Tripi  
AFFILIATION: Self

Invited testimony was provided by the following individuals:

NAME: Ray Bohlin  
AFFILIATION: Probe Ministries

NAME: Ron Wetherington  
AFFILIATION: Southern Methodist University

NAME: Arden Zimmerman  
AFFILIATION: Friendswood ISD

Shelly Ramos, senior director, curriculum standards and student support division, explained that the science content advisors had been convened to develop consensus recommendations for feedback related to the public comments.

**MOTION:** *It was moved by Mr. Maynard and seconded by Dr. Robinson to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.1, Implementation of Texas Essential Knowledge and Skills for Science, Elementary, Adopted 2021; §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.25, Implementation of Texas Essential Knowledge and Skills for Science, Middle School, Adopted 2021; §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021; and*

*Make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.1, Implementation of Texas Essential Knowledge and Skills for Science, Elementary, Adopted 2021; §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.25, Implementation of Texas Essential Knowledge and Skills for Science, Middle School, Adopted 2021; §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

**MOTION AND VOTE:** *It was moved by Ms. Davis, seconded by Dr. Bell-Metereau, and carried unanimously to recommend that the State Board of Education amend §112.2(b)(4)(B) to read:*

*"identify ~~what~~ scientists and engineers such as Isaac Newton, Mae Jemison, and Ynes Mexia ~~are~~ and explore what different scientists and engineers do."*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §112.2(b)(1)(D), §112.3(b)(1)(D), and §112.4(b)(1)(D) by deleting "technology."*

**MOTION AND VOTE:** *It was moved by Ms. Davis, seconded by Ms. Pérez and carried unanimously to recommend that the State Board of Education amend §112.3(b)(4)(B) to read:*

*"identify ~~what~~ scientists and engineers such as Katherine Johnson, Sally Ride, and Ernest Just ~~are~~ and explore what different scientists and engineers do."*

**MOTION AND VOTE:** *It was moved by Ms. Davis, seconded by Ms. Pérez, and carried to recommend that the State Board of Education amend §112.3(b)(8)(A) by replacing the word "hair" with the word "clothes."*

**MOTION:** *It was moved by Ms. Davis and seconded by Dr. Bell-Metereau to recommend that the State Board of Education amend §112.3(b)(11) by adding a new student expectation to read:*

*"(C) explain the importance of water conservation."*

**MOTION AND VOTE:** *It was moved by Mr. Hickman and carried to recommend that the State Board of Education amend proposed new §112.3(b)(11)(C) to read:*

*"explain why water conservation is important."*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mrs. Melton-Malone, and carried to recommend that the State Board of Education amend §112.3(b)(11) by switching the order of student expectations (B) and (C).*

**VOTE:** *A vote was taken on the motion to recommend that the State Board of Education add proposed new §112.3(b)(11)(C), as amended.*

*The motion carried.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried without objection to recommend that the State Board of Education amend §112.3(b)(11)(B) to read:*

*"describe ways to conserve water such as turning off the faucet when brushing teeth and protect natural sources of water such as ~~turning off the faucet when brushing teeth~~ and keeping trash out of bodies of water."*

**MOTION AND VOTE:** *It was moved by Ms. Davis, seconded by Ms. Pérez, and carried to recommend that the State Board of Education amend §112.4(b)(4)(B) to read:*

*"identify ~~what~~ scientists and engineers such as Alexander Graham Bell, Marie Daly, Mario Molina, and Jane Goodall ~~are~~ and explore what different scientists and engineers do."*

**MOTION AND VOTE:** *It was moved by Dr. Bell-Metereau and seconded by Dr. Robinson to recommend that the State Board of Education amend §112.4(b)(10) by adding a new student expectation to read:*

*"(D) explain the variations in intensity of severe weather events."*

*The motion failed.*

**MOTION:** *It was moved by Ms. Davis and seconded by Ms. Hardy to recommend that the State Board of Education amend §112.5(b)(11) by adding a new student expectation to read:*

*"explain the importance of conservation of natural resources;"*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Davis, and carried to recommend that the State Board of Education amend §112.5(b)(11) to read:*

*"(C) explain why the conservation of natural resources is important;"*

**VOTE:** A vote was taken on the original motion to add new student expectation §112.5(b)(11)(C), as amended.

*The motion carried unanimously.*

**MOTION AND VOTE:** It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.5(b)(11) by switching the order of the new student expectation in §112.5(b)(11)(C) and §112.5(b)(11)(B).

**MOTION AND VOTE:** It was moved by Ms. Davis and seconded by Ms. Pérez to recommend that the State Board of Education amend §112.6(b)(11) by adding a new student expectation to read:

"(C) explain the relationship between natural resource management and climatic variations;"

*The motion failed.*

**MOTION:** It was moved by Dr. Johnson and seconded by Ms. Hardy to recommend that the State Board of Education amend §112.6(b)(11)(B) to read:

"explain the value of energy and how conservation, disposal, and recycling of natural resources impact the environment and modern life."

**MOTION AND VOTE:** It was moved by Mrs. Melton-Malone, seconded by Dr. Young, and carried to recommend that the State Board of Education amend §112.6(b)(11)(B) by replacing the word "value" with the phrase "critical role."

**MOTION AND VOTE:** It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.6(b)(11)(B) by adding the word "resources" after the word "energy."

**VOTE:** A vote was taken on the original motion to amend §112.6(b)(11)(B), as amended.

*The motion carried.*

**MOTION AND VOTE:** It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.4(b)(9)(B) to read:

"observe and compare how objects in the sky are more visible an can appear different using tools such as ~~with~~ a telescope than with an unaided eye."

**MOTION AND VOTE:** It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.5(b)(9)(B) by replacing the word "sequence" with the word "order."

**MOTION AND VOTE:** It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.6(b)(6)(B) by replacing the word "and" with the word "or."

**MOTION AND VOTE:** It was moved by Ms. Davis, seconded by Mr. Hickman, and carried without objection to recommend that the State Board of Education amend §112.7(b)(8)(C) by striking the word "and" and adding the phrase "or absorbed" after the word "refracted."

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.7(b)(6)(B) by replacing the word "and" after the phrase "iron filings and sand" with the word "or."*

**MOTION AND VOTE:** *It was moved by Ms. Davis and seconded by Dr. Bell-Metereau to recommend that the State Board of Education amend §112.26(b)(4)(A), §112.27(b)(4)(A), and §112.28(b)(4)(A) by striking the phrase "cost-benefit analysis."*

*The motion failed.*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education amend §112.26(b)(6)(C) to read:*

*"classify elements on the periodic table as metals, nonmetals, and metalloids using their physical properties and describe the position of rare earth elements and their importance to modern life;"*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mr. Maynard, and carried unanimously to recommend that the State Board of Education amend §112.26(b)(11) by adding a new student expectation to read:*

*"(A) research and describe why resource management is important in reducing global energy poverty, malnutrition, and air and water pollution; and"*

*"(B) explain how conservation, increased efficiency, and technology can help manage air, water, soil, and energy resources"*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.28(b)(6)(C) by striking the phrase "sour or bitter taste, and how these substances feel to the touch."*

**MOTION:** *It was moved by Dr. Young and seconded by Ms. Hardy that the State Board of Education amend §112.28(b)(6) by adding a new student expectation to read:*

*"(B) interpret the arrangement of the periodic table, including groups and periods, to explain how properties are used to classify elements;"*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz and carried to recommend that the State Board of Education amend §112.28(b)(6)(B) by replacing the word "interpret" with the word "describe."*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education amend §112.28(b)(6) by adding new student expectation (6)(B), as amended.*

*The motion carried.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §112.28(b)(11)(C).*

**MOTION AND VOTE:** *It was moved by Dr. Bell-Metereau to recommend that the State Board of Education amend §112.28(b)(11) by deleting the word "can." The motion failed.*



**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.26(b)(1)(D), §112.27(b)(1)(D), and §112.28(b)(1)(D) by adding the phrase "lab notebooks or journals."*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Ms. Davis, and carried to recommend that the State Board of Education amend §112.28(b)(11)(B) by replacing the phrase "such as" with the word "including."*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.1, Implementation of Texas Essential Knowledge and Skills for Science, Elementary, Adopted 2021; §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.25, Implementation of Texas Essential Knowledge and Skills for Science, Middle School, Adopted 2021; §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021, as amended; and*

*Make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.1, Implementation of Texas Essential Knowledge and Skills for Science, Elementary, Adopted 2021; §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.25, Implementation of Texas Essential Knowledge and Skills for Science, Middle School, Adopted 2021; §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021, as amended, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

*The vote carried unanimously.*

*(Mr. Allen and Dr. Robinson were absent for the vote.)*

6. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training; Subchapter I, Health Science; Subchapter J, Hospitality and Tourism; Subchapter M, Law and Public Service; and Subchapter O, Science, Technology, Engineering, and Mathematics (Second Reading and Final Adoption)**  
(Board agenda page I-54)

Ms. Ramos gave an overview of the expected timeline for implementation of the proposed new standards and discussed staff recommendations for revisions to the proposed new TEKS.

**MOTION:** *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482;*

Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787; and

Approve the withdrawal of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter I, Health Science, §127.416, Implementation of Texas Essential Knowledge and Skills for Health Science, Adopted 2021; Subchapter M, Law and Public Service, §127.651, Implementation of Texas Essential Knowledge and Skills for Law and Public Service, Adopted 2021; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2021, §127.789, Computer Science I (One Credit), Adopted 2021, §127.790, Computer Science II (One Credit), Adopted 2021, and §127.791, Computer Science III (One Credit), Adopted 2021; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482; Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried to recommend that the State Board of Education adopt staff recommendations as follows:*

“§127.320(c)(2)(D) “explore the educational and academic ~~educational/academic~~ requirements and possible degrees and certifications ~~degrees/certifications~~ available in early childhood education.”

“§127.320(c)(3)(A) (A) apply and reflect on the application of principles and theories of human development appropriate to early learning situations ~~and reflect on the application thereof;~~

“§127.320(c)(3)(B) (B) apply and reflect on the application of principles and theories about the learning process to specific early learning situations ~~and reflect on the application thereof;~~

“§127.325(c)(3)(B) summarize and apply acquired ~~determine and implement~~ pedagogical knowledge and skills ~~learned in this course and~~ needed by teaching and training professionals;

“§127.325(c)(4)(D) explain the relationship between effective instructional practices and providing support for learning differences, learner exceptionality, and learners with special needs;

“§127.326(c)(3)(E) determine the educational and academic ~~educational/academic~~ requirements and possible degrees and certifications ~~degrees/certifications~~ necessary for a profession of interest in teaching and training;

“§127.417(c)(3)(A) demonstrate appropriate verbal strategies such as correct pronunciation of medical terms and written strategies such as correct ~~pronunciation of medical terms and~~ spelling in a variety of health science scenarios;

“§127.420(c)(2)(D) compare the functions of public health organizations, including the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO) at the local, state, national, including the Centers for Disease Control and Prevention (CDC); and international, including the World Health Organization (WHO), levels;

“§127.420(c)(6) The student recognizes the ethical and legal aspects involved in clinical research. The student is expected to identify issues and explain the ethical and legal guidelines, including informed consent and patient confidentiality, for the conduct of research involving human subjects, ~~including informed consent and patient confidentiality.~~”

§127.421(c)(3)(G) compare and contrast use of information and disclosure ~~of or~~ information; and

§127.423(c)(8)(D) identify and locate the anatomy of ~~spongy and compact~~ bone, including spongy and compact tissue, epiphysis, diaphysis, medullary cavity, periosteum, bone marrow, and endosteum;

§127.423(c)(11)(A) summarize and distinguish between the major physiological functions of the nervous system, including sensation, integration, and motor response;”

§127.423(c)(14)(C) investigate and illustrate how systemic circulation transports blood, gasses, and nutrients from the heart to the internal anatomy of the heart, including tissue layers, chambers, and valves, and external anatomy of the heart, including ~~tissue layers, chambers, valves, and~~ coronary vessels;

§127.424(c)(8)(D) research ~~and differentiate between~~ the causes, prevention, and impact of nosocomial infections and differentiate between the causes, prevention, and impact of nosocomial infections versus community-acquired infections

§127.425(c)(8)(C) describe procedures for inventory control, including removal of expired and recalled ~~expired/recalled~~ drug products, rotating inventory, performing a physical inventory, ordering medications and supplies, ~~medications/supplies~~, monitoring periodic automatic replenishment (PAR) levels, and using just-in-time ordering;

§127.432(c)(8) The student provides ~~is expected to provide~~ care for diverse populations such as persons from varying age groups and persons with physical limitations or mental health needs in clinical or simulated environment. The student is expected to:

§127.652(c)(12)(B) perform the analysis of hair and fiber evidence using forensic science methods such as microscopy and flame testing;

§127.781(c)(11)(F) test and evaluate proposed solutions using engineering methods such as creating models, prototypes, mock-ups, or simulations or performing critical design review, statistical analysis, or experiments;

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mrs. Little, and carried to recommend that the State Board of Education adopt the recommended changes to course prerequisites as follows:*

§127.319(a) General requirements. This course is recommended for students in Grades 10-12 ~~Grades 10-12 but open for students through Grade 12~~. Recommended prerequisites: Principles of Education and Training or Principles of Human Services. Students shall be awarded one credit for successful completion of this course.

§127.321(a) General requirements. This course is recommended for students in Grade 12. ~~Prerequisite: Required prerequisite:~~ Child Guidance. Recommended prerequisites: Child

Development or Child Development Associate Foundations. Corequisite: Practicum in Early Learning. This course must be taken concurrently with Practicum in Early Learning and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

§127.325(a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: At least one credit in a course from the education and training career cluster. Recommended prerequisites: Principles of Education and Training, Human Growth and Development, or Child Development. Students shall be awarded two credits for successful completion of this course.

§127.419(a) General requirements. This course is recommended for students in Grades 11 and 12. ~~Prerequisites: Medical Terminology and Business Information Management I.~~ Recommended prerequisite: Principles of Health Science and Business Information Management I. Students shall be awarded one credit for successful completion of this course.

§127.420(a) General requirements. This course is recommended for students in Grades 11 and 12. ~~Prerequisites: one credit in biology and at least one credit in a Level 2 or higher course from the health science career cluster Principles of Health Science. Recommended prerequisite: Medical Terminology.~~ Students shall be awarded one credit for successful completion of this course.

§127.422(a) General requirements. This course is recommended for students in Grades 10-12. ~~Prerequisites: one credit in biology and at least one credit in a course from the health science career cluster one credit from a level one course or level two course within a health science program of study.~~ Recommended prerequisite: Medical Terminology. Recommended corequisite: Health Science Clinical. Students shall be awarded one credit for successful completion of this course.

§127.423(a) General requirements. This course is recommended for students in Grades 10-12. ~~Prerequisite: one credit in biology and one credit in chemistry, Integrated Physics and Chemistry, or physics, and one additional credit of high school science. Recommended prerequisite: a course from the Health Science Career Cluster.~~ This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

§127.424(a) General requirements. This course is recommended for students in Grades 11 and 12. ~~Prerequisites: one credit in biology, and one credit in chemistry, and at least one credit in a Level 2 or higher course from the health science career cluster.~~ Recommended prerequisite: Anatomy and Physiology. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

§127.426(a) General requirements. This course is recommended for students in Grades 11 and 12. ~~Prerequisites: one credit in biology, and one credit in chemistry, and one credit in Pharmacy I.~~ Recommended prerequisites: Algebra I and Introduction to Pharmacy Science. Students shall be awarded two credits for successful completion of this course.

§127.428(a) General requirements. This course is recommended for students in Grades 11 and 12. ~~Prerequisites: one credit in biology, and one credit in chemistry, and at least one credit in a Level 2 or higher course from the health science career cluster. Recommended prerequisite: a course from~~

~~the Health Science Career Cluster.~~ Students shall be awarded one credit for successful completion of this course.

§127.429(a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: At least one credit in a course from the health science career cluster. ~~Prerequisite or corequisite: Anatomy and Physiology. Recommended prerequisite: a course from the Health Science Career Cluster.~~ Students shall be awarded one credit for successful completion of this course.”

§127.431(a) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit in biology, ~~and~~ one credit in chemistry, ~~and at least one credit in a course from the health science career cluster.~~ Recommended prerequisite: Science of Nursing ~~a course from the Health Science Career Cluster.~~ Students shall be awarded one credit for successful completion of this course.

§127.432(a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, and at least one credit in a Level 2 or higher course in the nursing science program of study ~~course from the Health Science Career Cluster.~~ Recommended prerequisites: Science of Nursing, Medical Terminology, and Anatomy and Physiology. Students shall be awarded two credits for successful completion of this course.

§127.433(a) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit in biology, ~~and~~ one credit in chemistry, ~~and at least one credit in a course from the health science career cluster.~~ Recommended prerequisite: a course from the Health Science Career Cluster. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

§127.482(a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, ~~and~~ one credit in chemistry, ~~and at least one credit in a Level 2 or higher course from the hospitality and tourism career cluster.~~ Recommended prerequisite: Principles of Hospitality and Tourism. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

§127.652(a) General requirements. The course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, ~~and~~ one credit in chemistry, ~~and at least one credit in a Level 2 or higher course from the law and public safety career cluster.~~ This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

§127.780(a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: ~~Biotechnology I~~ ~~and~~ one credit in chemistry ~~and Biotechnology I.~~ This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

§127.782(a) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: Algebra I, ~~and~~ one credit in biology, ~~and at least one credit in a course from the science, technology, engineering, and mathematics career cluster.~~ Recommended prerequisites: Geometry, Integrated Physics and Chemistry (IPC), one credit in chemistry, or one credit in physics. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

§127.785(a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Algebra I, ~~and Geometry, and at least one credit in a Level 2 or higher course in the science, technology, engineering, and mathematics career cluster. Recommended prerequisites: two credits from the Science, Technology, Engineering, and Mathematics (STEM) Career Cluster.~~ This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §127.316(c)(6)(B) to read:*

“describe different types of schools in urban and rural areas and public and private schools such as academies and Montessori, ~~public, private, charter, and magnet schools and schools in urban and rural areas;~~”

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman and seconded by Ms. Hardy to recommend that the State Board of Education strike §127.319(7)(A). The motion failed.*

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §127.320(c)(8) to read:*

“The student develops technology skills appropriate for effectively supporting students in the classroom. The student is expected to:  
(A) utilize a variety of assistive technologies ~~current technology applications~~ that are age-appropriate for specific student learning needs, including for early learners with special needs; and  
(B) integrate various educational technologies as tools ~~the skillful use of technology as a tool~~ for instruction, evaluation, communication, and management.”

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §127.325(c)(15) to read:*

“The student demonstrates knowledge and understanding of teacher responsibility with regard to accommodations and modifications for students with special needs. The student is expected to:

(A) identify the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973;

(B)(A) explain the structure and components of an individualized education program (IEP);

(C)(B) explain the structure and components of a Section 504 Plan plan; and

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried without objection to recommend that the State Board of Education amend §127.419(c)(2)(F) to read:*

“explain how socially responsible management policies such as health care health equity access, inclusion, and diversity policies are initiated and implemented;”

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §127.420(c)(3)(A) to read:*

“compare the availability and quality of health care in developing and developed countries;”

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §127.422(c)(3) to read:*

“The Health Science Theory course is designed to provide for the development of advanced knowledge and skills related to a wide variety of health careers. Students will become familiar with industry-based standards for documenting and maintaining medical information; research industry employment requirements, including education, certification, and licensing requirements; and evaluate ethical and legal responsibilities of health science professionals. Students will employ hands-on experiences for continued clinical knowledge and skill development.”

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend §127.422(c)(12)(A) to read:*

“describe governmental regulations and guidelines from entities such as the World Health Organization (WHO), Centers for Disease Control and Prevention (CDC), Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA), The Joint Commission, and the National Institute of Health (NIH), and Texas Department of State Health Services (DSHS);”

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Pérez, and carried without objection to recommend that the State Board of Education amend §127.423(c)(2)(D) to read:*

“use appropriate tools such as lab notebooks or journals, calculators, spreadsheet software, data-collecting probes, computers, standard laboratory glassware, microscopes, various prepared slides, stereoscopes, metric rulers, meter sticks, electronic balances, micro pipettors, hand lenses, Celsius thermometers, hot plates, timing devices, Petri dishes, agar, lab incubators, dissection equipment, models, diagrams, or samples of biological specimens or structures, reflex hammers, pulse oximeters, stethoscope, otoscope, sphygmomanometers, pen lights, and ultrasound equipment, and models, diagrams, or samples of biological specimens or structures;”

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Dr. Ellis, and carried without objection to recommend that the State Board of Education amend §127.423(2)(D) to replace the word sphygmomanometers with the phrase blood pressure monitors (sphygmomanometers).*

The committee requested that staff make similar changes to any student expectations to align with the change to the term sphygmomanometers.

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mrs. Melton-Malone, and carried without objection to recommend that the State Board of Education amend §127.426(c)(2)(B) change the word population to populations.*

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Pérez, and carried to recommend that the State Board of Education amend §127.426(6)(D) to read:*

*“identify the required steps in preparing sterile compounded products, including putting on (donning) ~~donning~~ personal protective equipment (PPE), cleaning the vertical or horizontal flow hoods, selecting correct supplies, and preparing the product for dispensing;”*

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.426(c)(13)(E) to read:*

*“explain the types and uses of personal protective equipment (PPE) and the steps for putting on (donning) ~~donning~~ and removing (doffing) ~~doffing~~ PPE; and”*

The committee requested that staff make similar changes to any student expectations that include the terms donning and/or doffing.

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman and seconded by Ms. Hardy to recommend that the State Board of Education amend §127.429(c)(2)(B) to read:*

*“identify the impact of cultural diversity on patient care such as differences in race, ~~culture, and religion~~;~~;~~”*

*The motion failed.*

*(Dr. Robinson was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Mr. Hickman, and carried without objection to recommend that the State Board of Education amend §127.429(c)(2)(B) and 127.430(c)(2)(B) to read:*

*“identify how race, culture and religion impact patient care ~~the impact of cultural diversity on patient care such as differences in race, culture, and religion~~;~~;~~”*



(Dr. Robinson was absent for the vote.)

**VOTE:** A vote was taken on the original motion to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482; Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787 as amended; and

Approve the withdrawal of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter I, Health Science, §127.416, Implementation of Texas Essential Knowledge and Skills for Health Science, Adopted 2021; Subchapter M, Law and Public Service, §127.651, Implementation of Texas Essential Knowledge and Skills for Law and Public Service, Adopted 2021; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2021, §127.789, Computer Science I (One Credit), Adopted 2021, §127.790, Computer Science II (One Credit), Adopted 2021, and §127.791, Computer Science III (One Credit), Adopted 2021; and

Make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.315, 127.316, 127.319-127.321, and 127.324-127.326; Subchapter I, Health Science, §§127.417-127.433; Subchapter J, Hospitality and Tourism, §127.481 and §127.482; Subchapter M, Law and Public Service, §127.652; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.777-127.782 and 127.785-127.787, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

The motion carried.

(Mr. Cortez, Ms. Davis, and Dr. Robinson were absent for the vote.)

7. **Proposed Repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, §§130.161-130.166; Subchapter G, §§130.201-130.211; Subchapter H, §§130.221-130.234; Subchapter I, §§130.251-130.263; Subchapter L, §§130.331-130.343; Subchapter O, §§130.401-130.435; and Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, §§127.309-127.314; Subchapter I, §§127.402-127.415; Subchapter J, §§127.468-127.480; Subchapter M, §§127.625-127.648; and Subchapter O, §§127.742-127.776**

**(First Reading and Filing Authorization)**

(Board agenda page I-189)

Ms. Ramos stated that the current structure of Chapter 130 does not include a sufficient number of sections to add the new CTE courses currently under consideration in their assigned subchapters. Ms. Ramos explained that repealing and moving the CTE TEKS in Chapter 130 to existing Chapter 127 would provide the necessary room for the addition of new and future courses.

Public testimony was provided by the following individual:

NAME: Kara Belew  
AFFILIATION: Texas Public Charter School Association

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mr. Allen, and carried to recommend that the State Board of Education approve for first reading and filing authorization proposed repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and*

*Approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.650; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776.*

*(Dr. Robinson was absent for the vote.)*

## **DISCUSSION ITEM**

### **8. Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**

(Board agenda page I-193)

Ms. Ramos explained that this item provides an opportunity for the committee to discuss proposed amendments to the current high school graduation requirements. The proposed amendments would update the high school graduation requirements to align with recent legislation and with changes to course names and other references to the TEKS. The proposed changes would be implemented beginning with the 2022-2023 school year. Ms. Ramos also shared feedback from the College Board concerning the performance acknowledgment related to performance on a college entrance exam or a preliminary college preparation exam. The committee requested that staff bring two options for revising the qualifying scores for the board's consideration at the January 2022 meeting.

## **ACTION ITEMS**

### **9. Update on Texas Essential Knowledge and Skills (TEKS) Review**

(Board agenda page I-213)

Ms. Martinez explained that staff would provide updates on several aspects of ongoing TEKS review processes.

Marcette Kilgore, director of career and technical education, provided the committee with an overview of information that had been used to determine recommendations for courses to include in upcoming

CTE TEKS review. Information included a skills gap analysis and data regarding enrollment and job openings. Jessica Snyder, special projects director, curriculum standards and student support division, explained the expected timeline for review of CTE TEKS concurrently with review of TEKS for foundation and enrichment subjects.

Ms. Ramos provided an update on the review and revision of the technology applications TEKS and stated that the work groups were on track to complete draft recommendations in advance of the January 2022 board meeting.

Ms. Ramos provided a brief update on the social studies TEKS review process. She also gave an overview of a recent review of state social studies standards, and shared areas of strength and opportunity in the social studies TEKS.

The committee discussed the possibility of requesting a commissioner's draft to be used as a starting point for the upcoming review and revision of the social studies TEKS.

## **DISCUSSION ITEM**

### **10. Discussion on Pending Litigation**

(Board agenda page I-216)

Von byer, general counsel, announced that the State Board of Education was successfully dismissed from the Student v. Conroe ISD, Texas Education Agency and State Board of Education case No. 230-SE-0721.

Dr. Ellis adjourned the meeting at 8:23 p.m.

**Report of the State Board of Education  
Committee on Instruction  
Thursday, November 18, 2021**

The State Board of Education Committee on Instruction met at 9:10 a.m. on Thursday, November 18, 2021, in Room #1-100 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Sue Melton-Malone, chair; Rebecca Bell-Metereau; Pam Little; Georgina C. Pérez; Audrey Young, vice-chair

**Public Testimony**

The Committee on Instruction received no presentations of public testimony.

**ACTION ITEMS**

1. **Proposed Repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005 (First Reading and Filing Authorization)**  
(Board agenda page II-1)

Shelly Ramos, senior director, curriculum standards and student support division, explained that the proposed repeals would remove high school graduation requirements that are outdated and no longer necessary.

**MOTION AND VOTE:** *It was moved by Dr. Young, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education suspend the board operating procedures in accordance with 5.2(a) to allow consideration at first reading and filing authorization and approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005.*

2. **Adoption of Review of 19 TAC Chapter 74, Curriculum Requirements**  
(Board agenda page II-4)

Jessica Snyder, special projects director, curriculum standards and student support division, explained that Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. Ms. Snyder further explained that this item presents the review of SBOE rules in 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, and provided a summary of the two public comments that had been received.

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Dr. Young, and carried unanimously to recommend that the State Board of Education adopt the review of 19 TAC Chapter 74, Curriculum Requirements.*

**3. Approval of Updates and Substitutions to Adopted Instructional Materials**  
(Board agenda page II-10)

Amie Williams, director, instructional materials review and procurement, explained that Cheng & Tsui was requesting approval to substitute updated versions for three of its adopted Chinese products and that state review panel members had reviewed the requested substitutions. She also explained that Learning A–Z was requesting approval to update content for one adopted product and that curriculum staff had reviewed the requested changes.

**MOTION AND VOTE:** *It was moved by Dr. Young, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve the request from Cheng & Tsui to substitute updated versions of its adopted products Integrated Chinese, Level 1 Part 2 - 3rd Edition textbook and workbook, Integrated Chinese Level 2, Part 1 - 3rd Edition textbook and workbook, Integrated Chinese Level 2, Part 2 - 3rd Edition textbook and workbook, and approve the request from Learning A–Z to update content in its adopted product Raz Plus ELL Texas Edition, grades 1–5.*

**4. Proposed Approval of Innovative Courses**  
(Board agenda page II-12)

The committee did not receive any applications for approval and no action was taken on this item.

The meeting of the Committee on Instruction adjourned at 9:22 a.m.

**Report of the State Board of Education  
Committee on School Finance/Permanent School Fund  
Thursday, November 18, 2021**

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:04 a.m. on Thursday, November 18, 2021, in the State Board of Education Room, Room #1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Keven Ellis; Patricia Hardy; Marisa Perez-Diaz

**Public Testimony**

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

**ACTION ITEM**

- 1. Approval of Costs to Administer the 2021–2022 State-Developed Assessments to Private School Students**  
(Board agenda page III-1)

Julie Cole, director of policy and publications, student assessment division, explained that state law allows private schools to use state-developed assessments to evaluate their students. She explained that the State Board of Education (SBOE) is required to approve a cost per assessment for private schools each year.

**MOTION AND VOTE:** *It was moved by Mr. Allen, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education approve the recommended per-student costs for administering the state assessments to private school students in 2021–2022.*

**DISCUSSION ITEM**

- 2. Review of Permanent School Fund Securities Transactions and the Investment Portfolio**  
(Board agenda page III-5)

David Trice, managing director of investment finance and operations, provided a summary of the status of the Permanent School Fund (PSF) portfolio. Reports presented to the committee were for the reporting period July 1, 2021, through September 30, 2021, unless otherwise noted. Mr. Trice's report included reporting on the current fair market value of the PSF; the asset allocation mix as of September 30, 2021; PSF transactions occurring in the reporting period; revenues and expenditures for the fiscal period beginning September 1 through August 31, 2021, and from September 1, 2021, through September 30, 2021; the activity in the securities lending program for the fiscal period beginning September 1 through August 31, 2021, and from September 1, 2021 through September 30, 2021; the status of transfers from the General Land Office as of September 30, 2021, per approved resolutions; current status of the Bond Guarantee Program and the available capacity in the program; broker commissions on both the internal and external equity portfolios for the period beginning January 1,

2021, through September 30, 2021; fixed income rating changes for the fiscal period September 1, 2020, through August 31, 2021, and from September 1, 2021, through September 31, 2021; and short-term cash investments.

### **ACTION ITEMS**

- 3. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of July, August, and September 2021**  
(Board agenda page III-6)

**MOTION AND VOTE:** *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent that the State Board of Education ratify the purchases and sales for the months of July, August, and September 2021, in the amounts of \$1,884,442,726 and \$1,859,436,888, respectively (Attachment A).*

- 4. Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of July, August, and September 2021**  
(Board agenda page III-7)

Mr. Trice provided a summary on the status of the PSF Liquid Account. Reports presented to the committee were for the reporting period July 1, 2021, through September 30, 2021. Mr. Trice's report included reporting on the current fair market value of the Liquid Account; the asset allocation mix as of September 30, 2021; transfer activity between the GLO and the Liquid Account; cumulative Income and Realized Gains transferred to the SBOE from the Liquid Account as of September 30, 2021; transactions occurring in the reporting period; and ratification of the cumulative Purchases and Sales of the Liquid Account from, July 1, 2021, through September 30, 2021.

**MOTION AND VOTE:** *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent that the State Board of Education ratify the purchases and sales of the Permanent School Fund Liquid Account for the period July 1, 2021, through September 30, 2021, in the amounts of \$1,182,720,285 and \$224,038,689, respectively (Attachment B).*

- 5. Review of the Permanent School Fund Liquid Account Strategic Asset Allocation**  
(Board agenda page III-8)

Carlos Veintemillas, deputy chief investment officer and director of fixed income, presented a review of the PSF Liquid Account asset allocation. Keith Stronkowsky, Senior Consultant, NEPC, LLC presented a review of the PSF Liquid Account asset allocation. Both staff and NEPC recommended lowering exposure to cash and increasing exposure to equities and core fixed income. The proposed allocation provides sufficient liquidity while increasing expected returns.

**MOTION AND VOTE:** *Based on the information provided by staff and NEPC, the committee recommended by unanimous consent that the State Board of Education adopt Asset Mix D for the PSF Liquid Account.*

## **DISCUSSION ITEM**

### **6. Overview of the Permanent School Fund Investment Portfolio**

(Board agenda page III-9)

Jared Stout, senior risk manager, gave a presentation on the risk and return of the PSF's investment portfolio. The presentation covered the philosophy, process, and an analytical overview of the funds managed by the PSF.

## **ACTION ITEMS**

### **7. Review of the Absolute Return Asset Class for the Permanent School Fund**

(Board agenda page III-10)

Carlos Castro, director of global risk control strategies, introduced John Newell, managing director of global risk control strategies and Andriy Mysyk, managing director of global risk control strategies, and provided additional information on portfolio goals and characteristics of the absolute return asset class. Mr. Castro noted that staff recommended the termination of the relationship with Blackstone Alternative Asset Management.

Rhett Humphries, partner, NEPC LLC, stated that NEPC supported staff's recommendation to terminate the Blackstone Alternative Asset Management relationship.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education terminate the Blackstone Alternative Asset Management relationship in the Absolute Return space and liquidate Raven 4 and Raven 7. The committee also recommended that the State Board of Education approve Grosvenor Capital Management to act as liquidating manager in collaboration with the PSF staff.*

### **8. Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation (First Reading and Filing Authorization)**

(Board agenda page III-11)

Holland Timmins, executive administrator, and chief investment officer provided an overview of the proposed new rule language and noted the rule would address terms for SBOE members serving on the Texas PSF Corporation board.

**MOTION AND VOTE:** *By unanimous consent, the committee approved for first reading and filing authorization proposed amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation.*



## **DISCUSSION ITEM**

### **9. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer (Board agenda page III-15)**

Mr. Timmins stated he was pleased to report the Fiscal Year 2020 PSF annual report received the GFOA certificate of achievement award for the seventh year. He notified the committee that the General Land Office would be sending \$500 million to the liquid account and he also thanked the PSF staff for all of their hard work.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 11:01 a.m.

**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
(Including External Manager's Trades)  
For July 1, 2021 through September 30, 2021**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 658,090,405
Public Market Equities	469,605,986
Alternative Investments	<u>756,746,335</u>
 TOTAL	 <u><u>\$ 1,884,442,726</u></u>

Sales/Distributions:

Long Term Fixed Income	\$ 455,763,357
Public Market Equities	650,711,997
Alternative Investments	<u>752,961,534</u>
 TOTAL	 <u><u>\$ 1,859,436,888</u></u>

General Land Office Contributions:

FY 2020 Cumulative August 2020	FY 2021 Cumulative August 2021
\$10,000,000	\$45,000,000

FY 2021 Cumulative September 2020	FY 2022 Cumulative September 2021
\$0	\$0

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$10,000,000 through August 2020 for fiscal year 2020 versus \$45,000,000 through August 2021 for fiscal year 2021, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of July 2021, August 2021, and September 2021 Permanent School Fund portfolio purchases of \$1,884,442,726 and sales of \$1,859,436,888.

**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
FOR PSF LIQUID ACCOUNTS  
For July 1, 2021 through September 30, 2021**

Purchases:

Fixed Income	\$ 345,854,573
Public Market Equities	<u>836,865,712</u>
TOTAL	<u><u>\$ 1,182,720,285</u></u>

Sales:

Fixed Income	\$ 207,679,636
Public Market Equities	<u>16,359,053</u>
TOTAL	<u><u>\$ 224,038,689</u></u>

Based on the above information provided by staff and the recommendation of the Executive Administrator and Chief Investment officer and the Commissioner of Education: It is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the period July 1, 2021 through September 30, 2021 Permanent School Fund Liquid Account purchases of \$1,182,720,285 and sales of \$224,038,689.

**Report of the State Board of Education  
Committee on School Initiatives  
Thursday, November 18, 2021**

The State Board of Education Committee on School Initiatives met at 9:06 a.m. on Thursday, November 18, 2021, in Room, #1-111, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Aicha Davis, vice chair; Ruben Cortez, Jr; Will Hickman; Jay Johnson

Absent: Matt Robinson, chair

**Public Testimony**

The Committee on School Initiatives received presentations of public testimony on agenda items #3, #4, and #6.

**ACTION ITEMS**

- 1. Recommendation for Reappointments to the Fort Sam Houston Independent School District Board of Trustees**  
(Board agenda page IV-1)

Christopher Lucas, director, policy, planning, and operations, governance and accountability, explained that three terms on the board of trustees for Fort Sam Houston Independent School District (ISD) are expiring. Colonel Cuéllar has recommended the reappointments of Mr. Willie E. White, Ms. Deborah E. Seabron, and Ms. Andrea Nicholas to the Fort Sam Houston ISD Board of Trustees.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Dr. Johnson, and carried unanimously to recommend that the State Board of Education, based on Colonel Shane R. Cuéllar's recommendation, approve the reappointments of Mr. Willie E. White, Ms. Deborah E. Seabron, and Ms. Andrea Nicholas to serve terms of office from November 19, 2021, through November 19, 2023, on the Fort Sam Houston ISD Board of Trustees.*

- 2. Approval of Applicability of State Statute to Special Purpose School District**  
(Board agenda page IV-13)

Monica Martinez, associate commissioner for standards and support services, explained that in accordance with rules adopted by the State Board of Education (SBOE) for the special purpose districts Texas Tech University (TTU) K-12 and The University of Texas (UT) at Austin High School both submitted recommendations for changes to state statute that should apply to their special purpose districts. UT Austin did not recommend that any additional statutory requirements not apply. TTU K-12 identified one requirement that they recommended not apply.

No action was taken on this item.

**3. Approval of Required School Safety Training for District Trustees**  
(Board agenda page IV-14)

Ms. Martinez explained that the Texas School Safety Center updated the school safety training curriculum in response to recommendations from individual committee members. Dr. Celina Bley, associate director of training and education at the Texas School Safety Center, answered questions regarding the curriculum.

Public testimony was provided by the following individual:

NAME: Susan Elliott  
AFFILIATION: Texas Association of School Boards

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Dr. Johnson, and carried to recommend that the State Board of Education approve the school safety training curriculum and materials developed by the Texas School Safety Center.*

**DISCUSSION ITEM**

**4. Discussion of Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship**  
(Board agenda page IV-15)

Mr. Lucas explained that the proposed amendment to 19 TAC Chapter 61, Subchapter A, would reflect changes made to the requirements for school board trustee training by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021. He shared information regarding current continuing education requirements for school board trustees (Attachment A).

Public testimony was provided by the following individual:

NAME: Susan Elliott  
AFFILIATION: Texas Association of School Boards

**ACTION ITEM**

**5. Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**  
(Board agenda page IV-16)

Mark Olofson, director, educator data, research, and strategy, explained the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. Chapter 229 establishes the performance standards and procedures for educator preparation program (EPP) accountability. The proposed amendments would provide for adjustments to the 2020–2021 *Accountability System for Educator Preparation (ASEP) Manual* due to the ongoing public health situation; implement HB 159, 87th Texas Legislature, Regular Session, 2021, to add students with disabilities to the student achievement ASEP performance indicator regarding student performance; provide additional clarity for certificate category calculations; and provide updates to the *ASEP Manual*.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Dr. Johnson, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.*

**6. Open-Enrollment Charter School Generation 27 Application Updates**

(Board agenda page IV-71)

Marian Schutte, director, charter school authorizing and administration division, presented information on the Generation 27 Open-Enrollment Charter Application cycle, content, improvements, and timeline.

Public testimony was provided by the following individuals:

NAME: Ruth Funk

AFFILIATION: Self

NAME: Jennifer Noonan

AFFILIATION: Self

NAME: Kara Belew

AFFILIATION: Texas Public Charter School Association

NAME: Jennifer Duvall

AFFILIATION: Self

NAME: Verena Chaudoir

AFFILIATION: Self

NAME: Kiara Cabrera

AFFILIATION: Self

NAME: Felix Paiz

AFFILIATION: Self

NAME: Mera Dougherty

AFFILIATION: Self

NAME: Pablo Cruz

AFFILIATION: Self

The meeting of the Committee on School Initiatives adjourned at 10:54 a.m.

**Required Continuing Education for Trustees**

<b>Required Continuing Education</b>	<b>First Year in Office</b>	<b>Subsequent Years</b>
Local District Orientation	Three hours within the first 120 days in office	N/A
Orientation to the Texas Education Code	Three hours within the first 120 days in office	N/A
Update to the Texas Education Code	Following each legislative session and of sufficient length to address major changes and other relevant legal obligations	Following each legislative session and of sufficient length to address major changes and other relevant legal obligations
Team Building (Team-of-eight)	Three hours	Three hours each year
Additional Education based on the Framework for School Board Development	Ten hours	Five hours each year
Evaluating and Improving Student Outcomes	Three hours within the first 120 days in office	Three hours every two years
Sexual Abuse, Human Trafficking, and Other Maltreatment of Children	One hour within the first 120 days in office	One hour every two years
Open Meetings Act (OMA)	One hour within the first 90 days in office	N/A
Public Information Act (PIA)	One hour within the first 90 days in office	N/A
Cybersecurity	Varies by provider	Each year

