

Minutes

State Board of Education

June 15, 2018

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

DONNA BAHORICH, Houston
Chair of the State Board of Education
District 6

MARTY ROWLEY, Amarillo
Vice Chair of the State Board of Education
District 15

RUBEN CORTEZ, JR., Brownsville
Secretary of the State Board of Education
District 2

Board Members

LAWRENCE A. ALLEN, JR., Houston
District 4

TOM MAYNARD, Florence
District 10

ERIKA BELTRAN, Fort Worth
District 13

SUE MELTON-MALONE, Robinson
District 14

DAVID BRADLEY, Beaumont
District 7

KEN MERCER, San Antonio
District 5

BARBARA CARGILL, Conroe
District 8

GERALDINE MILLER, Dallas
District 12

KEVEN ELLIS, Lufkin
District 9

GEORGINA C. PÉREZ, El Paso
District 1

PATRICIA HARDY, Fort Worth
District 11

MARISA B. PEREZ-DIAZ, Converse
District 3

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone, Chair
Geraldine Miller, Vice Chair
Donna Bahorich
Erika Beltran
Georgina C. Pérez

SCHOOL FINANCE/PERMANENT SCHOOL FUND

David Bradley, Chair
Tom Maynard, Vice Chair
Lawrence A. Allen, Jr.
Patricia Hardy
Ken Mercer

SCHOOL INITIATIVES

Barbara Cargill, Chair
Marisa B. Perez-Diaz, Vice Chair
Ruben Cortez, Jr.
Keven Ellis
Marty Rowley

Minutes
State Board of Education
June 15, 2018

The State Board of Education met at 9:07 a.m. on Friday, June 15, 2018, 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: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Erika Beltran; David Bradley; Barbara Cargill; Ruben Cortez, Jr., secretary; Keven Ellis; Pat Hardy; Tom Maynard; Sue Melton-Malone; Ken Mercer; Geraldine “Tincy” Miller; Georgina C. Pérez; Marisa B. Perez-Diaz; Marty Rowley, vice chair

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, April 13, 2018

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the April 13, 2018 meeting of the State Board of Education, as printed.*

1. Resolutions and Presentations

Milken National Educator Awards Presentation

The State Board of Education recognized Jennifer Fuller from Arlington Collegiate High School in the Arlington Independent School District, and Katie Negen from Slaton Junior High School in the Slaton Independent School District as Milken National Educator Award winners.

National Blue Ribbon Schools

The State Board of Education, by unanimous consent, adopted a resolution congratulating Whittier Elementary School in the Amarillo Independent School District; Banquete Elementary School in the Banquete Independent School District; Smithfield Elementary School in the Birdville Independent School District; Barack Obama Male Leadership Academy, Dallas Environmental Science Academy, and Irma Lerma Rangel Young Women’s Leadership School in the Dallas Independent School District; Austin Elementary School and Jefferson Elementary School in the Edinburg Consolidated Independent School District; Green Elementary School and Silva Health Magnet in the El Paso Independent School District; Austin Middle School in the Galveston Independent School District; Gunter Elementary School in the Gunter Independent School District; Eastwood Academy and Lyons Elementary School in the Houston Independent School District; Lawn Elementary School in the Jim Ned Consolidated Independent School District; Crestview Elementary School in the Judson Independent School District; KIPP Shine Prep of KIPP Houston; Jennie Reid Elementary School in the La Porte Independent School

District; Hector J. Garcia Early College High School in the Laredo Independent School District; Rancho Verde Elementary School in the Los Fresnos Consolidated Independent School District; Montgomery Intermediate School in the Montgomery Independent School District; Oakwood Elementary School in the Oakwood Independent School District; Travis Early College High School in the San Antonio Independent School District; Stanton-Smith Elementary School in the Whitehouse Independent School District; RF Hartman Elementary School in the Wylie Independent School District; and Valle Verde Early College High School in the Ysleta Independent School District for being nominated by Texas and named by the United States Department of Education as National Blue Ribbon Schools.

(ATTACHMENT 1, page 11)

Student Heroes Awards

The State Board of Education, by unanimous consent, adopted a resolution recognizing each of the following students and commending them for their unselfish acts of kindness, charity, and service and for modeling caring and compassion in their communities: Mayely Carrasco, Horacio Garcia-Rojas, Crystal Pacheco, Caleb Elam, Samantha Sanchez, Hannah Keller, Callie Jourdan, Kathryn Fouch, Damiano “D.J.” Sanders, Lance White, Ella Pursley, Braden Munn, Eghosa Egbenoma, Blake Travis, and Tinsley Drake.

(ATTACHMENT 2, page 13)

Public Testimony

The State Board of Education received no presentations of public testimony.

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) Review and Adoption of the Long-Term Strategic Asset Allocation Plan of the Permanent School Fund

(Board agenda page I-9)

(Committee of the Full Board)

The State Board of Education adopted the recommendation of the NEPC and staff to approve the long-term strategic asset allocation plan of the Permanent School Fund, as recommended by the Committee of the Full Board.

(ATTACHMENT 3, page 15)

- (2) **Review of the Report on Permanent School Fund Percentage Distribution Rates Under Consideration for Fiscal Years 2020 and 2021**
(Board agenda page I-11)
(Committee of the Full Board)

The State Board of Education approved a range for the distribution rate of between 2.38% and 4.01% for fiscal years 2020 and 2021, as recommended by the Committee of the Full Board.

- (3) **Per Capita Apportionment Rate for the 2017-2018 School Year**
(Board agenda page III-1)
(Committee on School Finance/Permanent School Fund)

The State Board of Education adopted a per capita apportionment rate of \$206.566 for the 2017–2018 school year, as recommended by the Committee on School Finance/Permanent School Fund.

- (4) **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of March and April 2018**
(Board agenda page III-5)
(Committee on School Finance/Permanent School Fund)

The State Board of Education ratified the purchases and sales for the months of March and April 2018, in the amounts of \$685,678,377 and \$820,449,474 respectively, as recommended by the Committee on School Finance/Permanent School Fund.

- (5) **Decision on Real Estate Investments**
(Board agenda page III-7)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved execution of agreements with Angelo, Gordon & Co., L.P., necessary to make an investment commitment of up to \$75 million in AG Realty Value Fund X, L.P.; Harrison Street Real Estate Capital LLC, necessary to make an investment commitment of up to €51 million in Harrison Street European Property Partners II, L.P.; and PAG Enhanced Credit Management Limited, necessary to make an additional commitment of up to \$21 million in PAG Enhanced Credit Fund L.P., subject to continued due diligence and negotiation of fund terms, and authorization for contract execution by the Commissioner of Education, as recommended by the Committee on School Finance/Permanent School Fund.

(Mrs. Miller recused herself from the vote on item (5).)

- (6) **Review of the Permanent School Fund Real Estate Annual Tactical Plan**
(Board agenda page III-9)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved proposed changes to the Real Estate Annual Tactical Plan, Appendix B, of the Real Estate Investment Policy that was initially approved by the State Board of Education in June 2017, as recommended by the Committee on School Finance/Permanent School Fund.

- (7) **Review of the Permanent School Fund Private Equity Investment Policy and Guidelines**
(Board agenda page III-11)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved proposed changes to the Private Equity Investment Policy and Guidelines that were initially approved by the State Board of Education in June 2017, as recommended by the Committee on School Finance/Permanent School Fund.

- (8) **Review of the Bond Guarantee Program Charter Capacity**
(Board agenda page III-13)
(Committee on School Finance/Permanent School Fund)

The committee took no action so this item was removed from the consent agenda.

- (9) **Adoption of Review of 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship**
(Board agenda page IV-1)
(Committee on School Initiatives)

The State Board of Education adopted the review of 19 TAC Chapter 61, School Districts, Subchapter A, Board or Trustees Relationship, as recommended by the Committee on School Initiatives.

(Mr. Bradley was absent for the vote.)

COMMITTEE OF THE FULL BOARD

3. **Approval of Proclamation 2020 Questions and Answers**
(Board agenda page I-1)

MOTION: *It was moved by Mr. Rowley that the State Board of Education approve Proclamation 2020 Questions and Answers, as recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education amend the answer to question #71 to read as follows:*

The word search feature requirement is specific to pre-adoption samples, which are made available to the public through TEA's website. The feature is used to search for specific words and phrases within the student and teacher materials. Publishers may are strongly encouraged to include the word search feature in the final version of teacher materials.

VOTE: *A vote was taken on the motion that the State Board of Education approve Proclamation 2020 Questions and Answers, as amended. The motion carried unanimously.*

(Mr. Bradley was absent for the vote.)

(ATTACHMENT 4, page 17)

4. **Texas Certificate of High School Equivalency**
(Board agenda page I-5)

This item was removed from the agenda.

5. **Proposed New 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.39, Requirements for Instruction on Proper Interaction with Peace Officers**
(Second Reading and Final Adoption)
(Board agenda page I-15)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.39, Requirements for Instruction on Proper Interaction with Peace Officers; and make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.39, Requirements for Instruction on Proper Interaction with Peace Officers, is necessary and shall have an effective date of August 27, 2018, as recommended by the Committee of the Full Board.*

(Mr. Mercer was absent for the vote.)

(ATTACHMENT 5, page 41)

6. **Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: An Overview of Americans of Mexican Descent (One Credit)**

(First Reading and Filing Authorization)

(Board agenda page I-23)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.50, Ethnic Studies: Mexican American Studies (One Credit), as amended and recommended by the Committee of the Full Board.*

COMMITTEE ON INSTRUCTION

7. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination**

(Second Reading and Final Adoption)

(Board agenda page II-1)

MOTION: *It was moved by Mrs. Melton-Malone and seconded by Ms. Perez-Diaz that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination as substituted; and make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination, is necessary and shall have an effective date of August 27, 2018, as amended and recommended by the Committee on Instruction.*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Melton-Malone, and carried unanimously to amend §74.24(c)(5) by adding “Approval may authorize use of the assessment, if the assessment meets all other criteria, during the period authorized by the SBOE to achieve comparable results.”*

(Mr. Allen and Ms. Perez-Diaz were absent for the vote.)

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried unanimously to amend §74.24(a)(4) to read as follows:*

“A school district must have the approval of the school district board of trustees ~~to develop~~ for the development and use of its own tests or to purchase examinations that thoroughly test the essential knowledge and skills in the applicable grade level or subject area.”

(Mr. Allen was absent for the vote.)

VOTE: A vote was taken on the motion that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination as substituted; and make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination, is necessary and shall have an effective date of August 27, 2018, as amended. The motion carried unanimously.

(Mr. Allen was absent for the vote.)

(ATTACHMENT 6, page 43)

8. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders**
(Second Reading and Final Adoption)
(Board agenda page II-11)

MOTION AND VOTE: It was moved by Mrs. Melton-Malone, seconded by Mr. Cortez, and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders as substituted; and make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, is necessary and shall have an effective date of August 27, 2018, as amended and recommended by the Committee on Instruction.

(Mr. Allen was absent for the vote.)

(ATTACHMENT 7, page 47)

9. **Proposed Repeal of 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, §113.69, Other Courses for which Students May Receive Social Studies Credit, and §113.70, Concurrent Enrollment in College Courses**
(First Reading and Filing Authorization)
(Board agenda page II-19)

MOTION AND VOTE: It was moved by Mrs. Melton-Malone and carried unanimously 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 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, §113.69, Other Courses for which Students May Receive Social Studies Credit, and §113.70, Concurrent Enrollment in College Courses, as recommended by the Committee on Instruction.

(Mr. Allen was absent for the vote.)

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

10. Activities Related to a Student Art Competition to Develop a Permanent School Fund Logo

(Board agenda page III-15)

MOTION AND VOTE: *It was moved by Mr. Bradley, seconded by Ms. Hardy, and carried unanimously that the State Board of Education approve the procedures and rules for the PSF Logo Art Contest to include a \$3,000 first place award and a \$1,000 runner-up award, as recommended by the Committee on School Finance/Permanent School Fund.*

(Mr. Allen and Mrs. Miller were absent for the vote.)

(ATTACHMENT 8, page 49)

COMMITTEE ON SCHOOL INITIATIVES

11. Review of the Commissioner of Education’s Generation 23 Charter Proposals

(Board agenda page IV-15)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried that the State Board of Education take no action on the commissioner’s proposed Generation 23 open-enrollment charter school, Elementary School for Education Innovation (Lubbock), as recommended by the Committee on School Initiatives.*

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried that the State Board of Education take no action on three of the commissioner’s proposed Generation 23 open-enrollment charter schools: Bloom Academy Charter School (Houston), Promesa Academy Charter School (San Antonio), and Rêve Preparatory Academy (Houston), as recommended by the Committee on School Initiatives.*

(Mr. Allen was absent for the vote.)

12. Development of a Long-Range Plan for Public Education

(Board agenda page IV-19)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education authorize the Texas Comprehensive Center and the Texas Education Agency staff to move forward with drafting a Long-Range Plan for Public Education based on the vision and recommendations proposed by the Long-Range Plan Steering Committee, as recommended by the Committee on School Initiatives.*

(Mr. Allen and Mr. Bradley were absent for the vote.)

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

Mrs. Melton-Malone did not report on Committee on Instruction discussion items.

Committee on School Finance/Permanent School Fund

Mr. Bradley gave a brief report on PSF investments and the bond guarantee program.

Committee on School Initiatives

Mrs. Cargill did not report on Committee on School Initiatives discussion items.

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

Mrs. Bahorich gave board members an opportunity to provide information regarding agenda items or other relevant information about public education. Brief reports were made.

The meeting adjourned at 12:58 p.m.

A handwritten signature in black ink, appearing to read 'Ruben Cortez, Jr.', written over a horizontal line.

Ruben Cortez, Jr., Secretary

This page has been intentionally left blank.

RESOLUTION

WHEREAS the *National Blue Ribbon Schools* program recognizes elementary, middle, and high schools where students perform at very high levels;

WHEREAS a *National Blue Ribbon Schools* flag overhead is a mark of excellence in education;

WHEREAS in 2017, Texas nominated 26 schools to be recognized for their students' achievement; and

WHEREAS these 26 schools were then named 2017 *National Blue Ribbon Schools* by the United States Department of Education; now, therefore, be it

RESOLVED, That the State Board of Education does hereby extend its congratulations to Whittier Elementary School in the Amarillo Independent School District; to Banquete Elementary School in the Banquete Independent School District; to Smithfield Elementary School in the Birdville Independent School District; to Barack Obama Male Leadership Academy, to Dallas Environmental Science Academy, and to Irma Lerma Rangel Young Women's Leadership School in the Dallas Independent School District; and be it further

RESOLVED, That the State Board of Education does hereby extend its congratulations to Austin Elementary School and Jefferson Elementary School in the Edinburg Consolidated Independent School District; to Green Elementary School and Silva Health Magnet in the El Paso Independent School District; to Austin Middle School in the Galveston Independent School District; and to Gunter Elementary School in the Gunter Independent School District; and be it further

RESOLVED, That the State Board of Education does hereby extend its congratulations to Eastwood Academy and Lyons Elementary School in the Houston Independent School District; to Lawn Elementary School in the Jim Ned Consolidated Independent School District; to Crestview Elementary School in the Judson Independent School District; to KIPP Shine Prep of KIPP Houston; to Jennie Reid Elementary School in the La Porte Independent School District; to Hector J. Garcia Early College High School in the Laredo Independent School District; and to Rancho Verde Elementary School in the Los Fresnos Consolidated Independent School District; and be it further


RESOLVED, That the State Board of Education does hereby extend its congratulations to Montgomery Intermediate School in the Montgomery Independent School District; to Oakwood Elementary School in the Oakwood Independent School District; to Travis Early College High School in the San Antonio Independent School District; to Stanton-Smith Elementary School in the Whitehouse Independent School District; to RF Hartman Elementary School in the Wylie Independent School District; and to Valle Verde Early College High School in the Ysleta Independent School District for being nominated by Texas and named by the United States Department of Education as *National Blue Ribbon Schools*; and be it further

RESOLVED, That this resolution be presented to the principals of the aforementioned schools for being recognized for excellence through the *National Blue Ribbon Schools* program and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this fifteenth day of June, two thousand and eighteen, in Austin, Texas.



Donna Bahorich, Chair



Ruben Cortez, Jr., Secretary



This page has been intentionally left blank.

RESOLUTION

WHEREAS the State Board of Education's Student Heroes Award recognizes Texas public school students who engage in unselfish acts of kindness, charity or service that benefit their fellow students or community; and

WHEREAS the SBOE members reviewed nominations and selected 15 students across the state as recipients of the 2018 Student Heroes Award; and

WHEREAS Mayely Carrasco, a sophomore at Odessa High School in the Ector County Independent School District, provided support and encouragement to classmates through the creation of a suicide prevention support group; and

WHEREAS Horacio Garcia-Rojas, a junior at IDEA McAllen College Preparatory School, has funded 23,000 free chemotherapy treatments by collecting 23 million caps as part of the "Caps for Chemo" program; and

WHEREAS with a simple Christmas wish for a blanket for her brother, Crystal Pacheco, a first-grade student at Monte Cristo Elementary School in Edinburg CISD, became the spark that launched a blanket drive that raised 1,500 blankets; and

WHEREAS Caleb Elam, a junior at Furr High School in Houston ISD, is involved in nearly a dozen community service projects that include food drives, mentoring, tutoring, and assisting non-profit organizations; and

WHEREAS; Samantha Sanchez, a sophomore at Ronald Reagan High School in North East ISD, was so moved to provide blankets to homeless children that she created a non-profit foundation called Sam's Covers and to date has delivered 1,600 fleece blankets; and

WHEREAS Hannah Keller, a junior at Stratford High School in Spring Branch ISD, has found a multitude of ways to help and befriend refugees and under schooled classmates, including creating the One World Club; and

WHEREAS Callie Jourdan, a senior at Port Neches-Groves High School in Port Neches ISD, is a Red Cross volunteer who exhibited leadership and a calm demeanor as she helped staff a shelter after Hurricane Harvey hit the coast; and,

WHEREAS Kathryn Fouch, a sixth-grade student of Pecan Trail Intermediate School in College Station ISD, created the No One Sits Alone Initiative to help all students feel included and appreciated; and

WHEREAS Damiano "D.J." Sanders, a fifth-grade student at Raguet Elementary School in Nacogdoches ISD, takes care of others in need, whether it is carrying their books, giving them a pat on the back, or providing encouragement; and

WHEREAS Lance White, a cancer patient and junior at Cedar Park High School in Leander ISD, used his own experience as a springboard to create Lift Brigade, a charity that provides support for pediatric cancer patients and their families; and

WHEREAS Ella Pursley, a student at North Ridge Middle School in Birdville ISD; has provided more than 700 hours of community service, hosting birthday parties for homeless children and serving as a buddy to special needs children; and

WHEREAS Braden Munn, a senior at Highland Park High School in Highland Park ISD, heads the Community Service Council, provides math tutoring, serves as an orientation counselor, and is a liaison between the school and community; and

WHEREAS Eghosa Egbenoma, a sophomore at James Bowie High School in Arlington ISD, has volunteered in every aspect of the DFW Metroplex Toys for Tots program for the past four years; and

WHEREAS Blake Travis, a fifth-grade student at Dagan Elementary School in Lewisville ISD, launched and has rapidly grown a toy drive that provides gifts for hospitalized children; and

WHEREAS Tinsley Drake, a fourth-grade student at Jose S. Ramirez Elementary School in Lubbock ISD, handcrafts jewelry that she sells to raise funds to support Open Door, a charity that assists homeless people; and

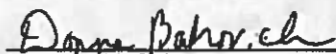
WHEREAS these amazing students have modeled caring and compassion in their communities; now, therefore be it

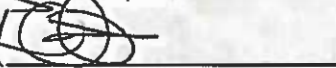
RESOLVED, That the State Board of Education extends its heartfelt thanks to each of these kind students and commends them for their unselfish volunteerism, good character and integrity; and be it further

RESOLVED, That this resolution be presented to each of them and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this fifteenth day

of June, two thousand and eighteen, in Austin, Texas.


Donna Bahorich, Chair


Ruben Cortez, Jr., Secretary



This page has been intentionally left blank.

Long-Term Strategic Asset Allocation Plan of the Permanent School Fund

- US Large Cap Equities 13%
- US Small/Mid Cap Equities 5%
- Int'l Equities 14%
- Emerging Int'l Equities 3%
- Core Bonds 12%
- Emerging Market Debt (Local Currency) 7%
- Private Equity 13%
- Real Return 6%
- Real Estate 10%
- Absolute Return 10%
- Risk Parity 7%

This page has been intentionally left blank.

STATE BOARD OF EDUCATION

PROCLAMATION 2020

QUESTIONS AND ANSWERS

Issued June 2018

Copyright © Notice:

The materials are copyrighted © and trademarked ™ as the property of the Texas Education Agency (TEA) and may not be reproduced without the express written permission of TEA, except under the following conditions:

1. Texas public school districts, charter schools, and education service centers may reproduce and use copies of the Materials and Related Materials for the districts' and schools' educational use without obtaining permission from TEA.
2. Residents of the state of Texas may reproduce and use copies of the Materials and Related Materials for individual personal use only without obtaining written permission of TEA.
3. Any portion reproduced must be reproduced in its entirety and remain unedited, unaltered, and unchanged in any way.
4. No monetary charge can be made for the reproduced materials or any document containing them; however, a reasonable charge to cover only the cost of reproduction and distribution may be charged.

Private entities or persons located in Texas that are **not** Texas public school districts, Texas education service centers, or Texas charter schools or any entity, whether public or private, educational or non-educational, located **outside the state of Texas** *MUST* obtain written approval from TEA and will be required to enter into a license agreement that may involve the payment of a licensing fee or a royalty.

For information contact

**Office of Copyrights, Trademarks, License Agreements, and Royalties,
Texas Education Agency,**

1701 N. Congress Ave., Austin, TX 78701-1494

phone: (512) 463-9270 or (512) 463-7822

Email: copyrights@tea.texas.gov

Table of Contents

General Questions	1
Correlations and Breakouts	3
Texas Essential Knowledge and Skills (TEKS) Coverage	4
English Language Proficiency Standards (ELPS)	9
Bids and Pricing	9
Samples	12
Ancillaries	17
Updates to Adopted Instructional Materials	17
Accessibility Requirements and Manufacturing Standards	18
Glossary of Acronyms	21

Questions and Answers

General Questions

- Question** If a publisher is interested in printing TEKS standards within a program, does it need permission from TEA?

Answer Since the TEKS are in the public domain, publishers do not need permission to print them in products.
- Question** Will there be separate committees that review each course?

Answer Committees will be formed based on the number of products submitted for each course. It is possible that a single committee could review products for various courses if the members of the committee are qualified to do so.
- Question** If a product is available digitally and in print, is there a requirement that every student have a print copy?

Answer No. Schools must provide each student with instructional materials that cover 100% of the TEKS (Texas Administrative Code [TAC], Title 19, [§66.105](#)). Each district establishes a local policy that determines whether materials are physically issued to students and whether materials are available in print or digitally.
- Question** What options do publishers have to protect copyrighted material during the review?

Answer Publishers are encouraged to add a draft watermark across pre-adoption samples to protect copyrighted materials.
- Question** How should the TEKS be cited in instructional materials?

Answer Identify standards and parts of standards by referencing the appropriate rule from the TAC.

Examples: *Students understand how English is written and printed. Students are expected to: recognize that spoken words can be represented by print for communication (TAC §110(b)(1)(A)).*

Or, if the grade level or course is clear from the context: *Biology (c)(1)(a) requires students to demonstrate safe practices during laboratory and field investigations.*
- Question** What are machine-readable TEKS and what is the purpose of this new requirement?

Answer TEKS are currently published in HTML and a static PDF document. A machine-readable version provides standards in a specific electronic framework for publishing electronic materials. The purpose of machine-readable TEKS is to give districts a clear and consistent way to search resources from different sources by TEKS and keywords.
- Question** How are publishers expected to incorporate machine-readable TEKS?

Answer The machine-readable TEKS must be used in all electronic instructional materials. They are available at <https://teks.texasgateway.org/>. TEA is in the process of preparing guidance and training materials for using them. Publishers will be provided with additional information as soon as it is available.
- Question** Are the ELPS required to be machine-readable?

Answer No. The use of machine-readable ELPS is not a requirement for *Proclamation 2020*.

9. **Question** Can publishers use the STAAR® logo in adopted materials?
- Answer** Under certain circumstances, yes. The STAAR logo and artwork belong to the Texas Education Agency (TEA). Publishers may not use STAAR® as part of their company or product name nor can they use it to describe a product.
- Publishers may refer to STAAR® if they
- use the registered trademark symbol ® next to it (i.e., STAAR®);
 - indicate that STAAR® is a federally registered mark owned by TEA; and
 - state that their product is not sponsored by, endorsed by, or affiliated with TEA (e.g., *Company X is not sponsored by, endorsed by, or affiliated with the Texas Education Agency*).
- Publishers may also use phrases like “similar to the Texas assessment program” or “based on Texas state assessments” to describe their products and may refer to Texas state assessments in generic terms in their products.
10. **Question** *Proclamation 2020* states that publishers who submit new products must also provide new correlations to any currently adopted materials if they plan to continue selling those materials. Can we assume that currently adopted materials will continue to be available for purchase in EMAT as long as a new correlation to the revised TEKS is submitted?
- Answer** Yes, if the state review panel determines that the currently adopted materials meet the eligibility requirements for adoption and the materials are adopted by the SBOE under *Proclamation 2020*.
11. **Question** What is the *Report of Interoperability and Ease of Use* due on Friday, April 5, 2019?
- Answer** The report gathers information from publishers regarding their program’s ability to work in different operating systems. The *Report of Interoperability and Ease of Use* is available on the [Publisher Portal](#). This information will be provided to the SBOE and districts.
12. **Question** Regarding the *Report on Interoperability and Ease of Use*, which standards of interoperability does this requirement refer to? Or, are we simply required to document whether our product(s) are capable of integrating with other software?
- Answer** There are currently no specific interoperability standards with which products must comply. Publishers are simply being asked to provide information related to interoperability.
13. **Question** Why were so many courses added to *Proclamation 2020* after it was presented to the SBOE for discussion in January 2018?
- Answer** *Proclamation 2020* originally included English I–IV, English I and II for Speakers of Other Languages and English Language Development and Acquisition. It was determined that the materials currently adopted for the remaining English courses, such as Debate, Public Speaking, and Journalism, do not align with the revised TEKS that were implemented in the 2011–12 school year. English Learners Language Arts for grades 7 and 8 was also added to this proclamation because TEA did not receive any submissions for these courses after including them in *Proclamation 2019*.

14. **Question** Have the TEKS been newly revised for the additional English courses added to *Proclamation 2020*?
- Answer** No. The TEKS for those courses were last revised in 2010 and implemented in the 2011–12 school year.

Correlations and Breakouts

15. **Question** How do you expect correlated content for digital course submissions to be referenced on the correlation document?
- Answer** Publishers must provide the component ISBN, page number, and a hyperlink that directs users to the exact locations of the content that the publisher believes sufficiently addresses the breakouts of the student expectations (SE). The correlations of online products must also be embedded in the product.
16. **Question** When you say that publishers must embed correlations, do you mean that the correlations must be on our native site, that we must put a direct link on the correlation document, or both?
- Answer** Both. Links are required on the correlation document, but providing them does not meet the embedding requirement unless the document is integrated into the digital program. Publishers can choose how they embed the correlations.
17. **Question** Does the state review panel use the publisher-supplied correlation document as its primary references for locating coverage of the TEKS, or is the publisher correlation only a secondary aid?
- Answer** The state review panels use the publisher-supplied correlation document as their primary references as they review the instructional materials. The importance of carefully constructed and accurate correlations cannot be overstated.
18. **Question** If an SE has eight individual breakouts, then does that mean you must have 16 citations (two for each breakout) for that one original SE?
- Answer** Yes. SEs must be covered in their entirety two times in the material intended for student use and two times in the material intended for teacher use. However, the citations provided for the material intended for student use can be used to satisfy the requirement for the material intended for teacher use.
19. **Question** Can the same citation be provided for more than one breakout and/or SE?
- Answer** Yes. The breakouts are created to make the review of materials easier for state review panels. They are not intended to imply that individual breakouts or even individual SEs require unique content.
20. **Question** Can the same citation be provided for both the teacher materials and the student materials?
- Answer** Yes. The best, most closely aligned content should be provided in both sets of correlations for each breakout. Providing different citations for the material intended for teacher use and the material intended for student use can be confusing for review panelists and should be avoided.

Texas Essential Knowledge and Skills Coverage

21. **Question** Do literary and non-fiction texts need to be included in the submissions for this proclamation?
- Answer** No. Publishers are not required to include actual literary and non-fiction texts in submissions. Products that cover at least 50% of the required TEKS and meet all other requirements can be eligible for adoption without including specific fiction/non-fiction works. Such products must include recommendations of appropriate texts (e.g., reading lists) or links to open-education-resource materials.
22. **Question** Can content in material intended for teacher use be used to meet the requirement to address the TEKS in the material intended for student use?
- Answer** Yes, in certain circumstances. If there is content that is intended for use primarily by the student, and the publisher chooses to offer that content in the material intended for teacher use (e.g., digital teacher product with pages intended to be shared with students), then that content may be used to meet the requirement to address the TEKS in the material intended for student use. State review panels have the discretion to determine whether content is intended primarily for student use.
23. **Question** Can content in the material intended for student use be used to meet the requirement to address the TEKS in the material intended for teacher use?
- Answer** Yes, the teacher has access to content that is intended for teacher use, content that is intended for student use, and content that is intended for both. Therefore, citations for content in materials intended for student use may meet the requirement to address the TEKS in the teacher materials.
24. **Question** Will the state review panels accept products that are not assembled in a specific scope or sequence?
- Answer** There is no scope and sequence requirement in the SBOE adoption process.
25. **Question** Can you please define the term *student text narrative*?
- Answer** The *student text narrative* is the part of the instructional material that instructs the student or provides an opportunity for the student to acquire knowledge or learn a skill. Any content in the instructional material that is both intended for use by the student and provides an opportunity for the student to acquire knowledge or learn a skill could be considered *student text narrative*.
26. **Question** Please define material intended for student use and the material intended for teacher use.
- Answer** The material intended for student use encompasses all the components of an instructional materials submission that are intended for use by the student (e.g., workbooks, reading passages, lessons). The material intended for teacher use encompasses all the components of an instructional materials submission that are intended for use by the teacher and can include material intended for use by the student.
27. **Question** Are the terms *student text narrative*, *student version*, and *student component* synonymous?
- Answer** No. The term *student text narrative* describes the part of the instructional material

that instructs the student or provides an opportunity for the student to acquire knowledge or learn a skill. This contrasts with the part of the instructional material that checks for understanding or asks a student to demonstrate knowledge or practice a skill. The term *student version* encompasses all the components of an instructional materials submission that are intended for use by the student. Material intended for student use can be comprised of several student components. An instructional material submission that includes only a student textbook has a student version comprised of one student component. An instructional materials submission that includes a student textbook, a student workbook, and a digital resource for the student has material intended for student use comprised of three student components. Another way to understand the three terms is as follows: student text narrative is specific content within a student component. A student component is a specific element (workbook, textbook, website, etc.) of the student version of a product.

28. **Question** Should coverage of an SE be only in the printed content or can one be covered by accessing a companion website or other digital resource?

Answer TEKS coverage may occur in any component of a submission, including a companion website or other digital resource. Links to outside resources should be direct, and the content should be easy for users to access.

Before including links to outside web resources, publishers should remember that, if the product is adopted, they will be required to sign a contract that requires the content to be available for at least eight years. They should also be aware of other website restrictions found in 19 TAC §[66.29](#).

29. **Question** 19 TAC §[66.27](#)(h) requires a content SE to be covered “once in either an end-of-section review exercise, an end-of-chapter activity, or a unit test or their electronic equivalents.” 19 TAC §[66.36](#)(b)(1)(c) says, “TEKS standards are not considered covered if only included in side bars, captions, or questions at the end of a section or chapter.” Please confirm and/or clarify: Questions at the end of a section or chapter *will* count for this second instance of coverage?

Answer Yes, but they cannot be the only kind of citation provided. To be considered covered, the SE must also be adequately addressed in the student text narrative.

30. **Question** Are we required to print the TEKS on any student materials or on any teacher materials?

Answer No. Printing the actual text of the TEKS is not required in student or teacher materials.

31. **Question** Regarding the nature of the content coverage in teacher and student instructional materials: Instructional materials must meet at least 50% of TEKS in the materials intended for student use and 50% of TEKS in the materials intended for teacher use; does it have to be the same 50% (i.e., coverage for some TEKS standards only appears in the materials intended for teacher use, coverage for some TEKS standards only appears in the materials intended for student use, but both student and teacher versions are covering at least 50%)?

Answer Yes. To determine eligibility for adoption, only those SEs that are addressed in both the student and teacher materials can be considered.

32. **Question** May the correlation for the student version and the correlation for the teacher version have different TEKS percentages if they are both over 50% (e.g., correlation says student version meets 80%, teacher version meets 100%), or must there be coverage in both student and teacher version to meet a given TEKS standard?
- Answer** To determine eligibility for adoption, only those SEs that are addressed in both the student and teacher materials will be considered. Once a product has met the requirement of at least 50% coverage of the same SEs in both the teacher materials and the student materials, additional citations can be provided for one or the other or both sets and the final TEKS coverage for each may be different. The TEKS coverage percentage that will be published in EMAT will be the percentage of coverage in the student materials.
33. **Question** Is it correct that if a publisher misses one breakout of an SE that has several breakouts, the whole SE is considered “not met,” and even the breakouts that *were* met are discounted and do not count toward the 50%?
- Answer** That is correct. The 50% requirement refers to SEs, not breakouts. The purpose of parsing each SE into breakouts is to ensure that each portion of an SE is addressed. Accordingly, if all the breakouts of an SE are not sufficiently covered, then the entire SE is considered not addressed and does not count toward the 50%.
34. **Question** Each of the TEKS is comprised of a knowledge and skills statement and SEs. Must each of the SEs in a given standard (related to the same knowledge and skills statement) be addressed for the other SEs within the same standard to be considered addressed?
- Answer** No. Each SE is considered addressed or not addressed individually, without respect to any other SEs. The 50% requirement refers to SEs, not knowledge and skills statements. For example, if a standard has a knowledge and skills statement and three SEs, and a product addresses all the breakouts in two of those SEs (essentially meeting only two of the three SEs), those two SEs will still count toward the 50% requirement for eligibility for adoption.
35. **Question** How is it determined that a submitted product is at least 50% compliant with the TEKS? Does a book need to reach 50% compliance in each strand, or can the percentages vary from strand to strand, if they add up to 50%?
- Answer** A product does not need to meet 50% of the SEs in each strand. A product only needs to meet 50% of all the SEs. The percentage of coverage within each strand will not be calculated as part of this process.
36. **Question** Please confirm that the requirement to address TEKS in the student text narrative can be met through a variety of instructional materials that students work with, not just by reading a passage in a student textbook narrative (or e-textbook narrative), including, for example, by
- a. conducting or participating in a hands-on investigation/experiment;
 - b. reading and/or completing a student copy master/worksheet;
 - c. participating in a classroom discussion;
 - d. completing an electronic interactive activity or simulation; or
 - e. viewing and discussing a video.
- Answer** Any instructional material that is both intended for use by the student and provides

an opportunity for the student to acquire knowledge or learn a skill *could* be considered student text narrative. Content in a student textbook, student workbook, or digital resource for the student could be considered part of the student text narrative. Whether specific examples such as those provided in the question above will be accepted as part of the student text narrative will be determined by the state review panel.

37. **Question** If a publisher submits both online and print materials as a package, does the TEKS coverage percentage have to be identical? Will the evaluators look at each product separately? For example, if our online curriculum covers 100%, does our printed material included in the package have to cover 100%?
- Answer** Online and print materials are not required to have identical TEKS coverage. If both online and print materials are submitted as a package in one *Complete Description*, the TEKS coverage percentage will reflect the entire product rather than the print and online portions individually. If print and online materials are submitted separately and the publisher indicates that the content in each version is different, the materials can be reviewed for TEKS coverage individually.
38. **Question** If an instructional material contains only one instance of a breakout, should that instance be recorded on the correlation form?
- Answer** An SE must be met at least twice in the material intended for student use—as described in 19 TAC §66.36(b)(1)—and at least twice in the material intended for teacher use in order for that SE to count toward the 50% requirement for eligibility for adoption. If, in its correlations, a publisher lists either one or no citations of a breakout, the associated SE will not be met.
39. **Question** If there is an activity, must it come at the end of the chapter, or can it be included at the point where the material is covered?
- Answer** Activities can be included at any point the publisher deems is most instructionally appropriate.
40. **Question** Given that “Any instructional material that is intended for use by the student and provides an opportunity for the student to acquire knowledge or learn a skill could be considered student text narrative,” it seems logical to assume that any material in a student text that imparts knowledge—such as introductions, essays on specific topics, appendices that provide information—are considered student text narrative. Is that correct?
- Answer** Subject to the findings of the state review panels, content in introductions and essays on specific topics could be used to satisfy the requirement for TEKS coverage in the student text narrative. However, content in the table of contents, appendices, or other front- or end-matter is not considered part of the student text narrative, and, therefore, cannot be used to satisfy the requirements for TEKS coverage.
41. **Question** If a publisher inserts questions for the students in photo and art captions and those questions address TEKS breakouts, will those questions count toward meeting TEKS requirements?
- Answer** No. A question in an art illustration or photo caption cannot count toward meeting the required coverage of the content standards.

42. **Question** Can content in a photo/art caption or a sidebar be used to address the TEKS?
- Answer** No, content in a caption or sidebar cannot be used to satisfy the requirements for coverage of the content standards. Art, photo captions, and sidebars are not considered student text narrative, nor are they considered end-of-section review exercises, end-of-chapter activities, or unit tests.
43. **Question** What constitutes a citation? The mention of the word on a page? What about a definition followed by two examples? Can that count as three citations even though it is all on one page?
- Answer** The proclamation defines citation as “The identification of . . . a specific example of content that covers one of the Texas Essential Knowledge and Skills (TEKS).” To be an example of content that covers one of the TEKS, the content must provide 1) an opportunity for the teacher to teach the knowledge or skill, 2) an opportunity for the student to learn the knowledge or skill, or 3) an opportunity for the student to demonstrate the knowledge or practice the skill. It is permissible to have more than one citation on a page or screen. The mention of a word on a page does not constitute coverage.
44. **Question** Does a definition of the word in the glossary count in either the student or teacher edition?
- Answer** No. Content in the table of contents, appendices, including glossaries, or other front- or end-matter is not considered part of the student text narrative, an end-of-section review exercise, an end-of-chapter activity, or a unit test and, therefore, cannot be used to satisfy the requirements for TEKS coverage.
45. **Question** If a publisher provides a print textbook and an eBook, as well as additional digital materials, do all TEKS and ELPS need to be met both in the print textbook and the eBook, or can some standards be met in the print materials and some in the eBook if they are all available to the student and cited accordingly in the correlations?
- Answer** If the print textbook and eBook are both included on the *Complete Description* and the publisher cites each one accordingly in the correlations, they do not each need to meet the same TEKS and ELPS. The publisher must include both on all bids. If the publisher wishes to sell the print textbook and eBook separately, each should be submitted on a separate *Complete Description* and correlated individually.

English Language Proficiency Standards (ELPS)

46. **Question** Recent proclamations have required materials submitted for adoption to address the ELPS. Is coverage of the ELPS required by *Proclamation 2020*?
- Answer** Yes. Coverage of the ELPS is required for each course included in *Proclamation 2020*.
47. **Question** Are the ELPS related to the English for Speakers of Other Languages (ESOL) I and II courses only?
- Answer** No. The ELPS are required for each course included in this proclamation.

Bids and Pricing

48. **Question** Are teacher materials required to be included with submissions?
- Answer** Teacher-only materials are not required.
49. **Question** How will a publisher be notified when a district purchases an adopted material?
- Answer** How a publisher is notified when a district purchases one of its materials is directly related to how the publisher plans to process its orders. A publisher may process orders manually through the EMAT system, through a depository, or in EMAT through an Electronic Data Interchange (EDI) system. If a publisher chooses not to use a depository, it must use EMAT. Publishers are required to complete the *Order Processing Information Form* prior to submitting their *Official Bids*.
50. **Question** There is no mention of a printed teacher edition in the “Schedule of Adoption Procedures.” Are publishers not required to provide teachers with printed teacher editions (in cases where printed texts exist)? If not required, may publishers provide teachers with printed teacher editions if publishers so desire?
- Answer** Publishers are not required to provide a printed teacher edition for the purposes of the state review panel. However, should a braille or large-print teacher edition be required by a district, publishers must provide TEA with two printed teacher editions. Publishers may choose the specific media formats of each component.
51. **Question** Will annual renewals on online licenses be allowed, or must districts purchase the materials for the life of the adoption all at once?
- Answer** Annual renewals of online licenses are allowed.
52. **Question** In previous adoptions replacement consumable materials were required to be provided for free throughout the life of the adoption. Will this be a requirement of *Proclamation 2020*?
- Answer** *Proclamation 2020* did not call for consumables, but if the pricing option includes consumables, the bid price must include the price of the consumable for the term of the contract.
53. **Question** Is it permissible to bid the same program in multiple courses across the same subject area in *Proclamation 2020*?
- Answer** Yes. It is permissible to submit one program in multiple subjects and/or courses. In such cases, the publisher should submit a separate *Statement of Intent to Bid*, *Complete Description*, and correlation for each course, and the product will be

reviewed against each set of TEKS. The SBOE’s adoption of the product in one subject or course does not guarantee adoption in any other subject or course.

54. **Question** Must each product have its own unique ISBN?
- Answer** Yes. Each product and each component must have its own unique ISBN or ISSN. These numbers are used to track the products as they progress through the review and adoption process. Following the adoption, districts use these numbers to order the products in the EMAT system.
55. **Question** If a publisher submits an updated version of a bid, can it add components to those listed in the previous version of a bid?
- Answer** Yes, as long as the components that were reviewed are also on the bid. If the additional component is a print student component that was not previously bid, publishers also must submit NIMAS files. It may take longer to get new print components listed in EMAT because of the requirement to have accessible materials enter the classroom at the same time as materials intended for use by students without visual impairments.
56. **Question** *Proclamation 2020* lists Friday, September 27, 2019, as the deadline for submitting initial *Official Bids*. Can you please explain what is meant by the word *initial*? Must publishers submit bids by this deadline?
- Answer** Submitting *Official Bids* by the September 27th deadline is required. Bids for adopted products that are submitted by the initial deadline of September 27th will be incorporated into contracts and put into EMAT by the time EMAT opens for the 2020–21 school year. After the September 27th deadline, a publisher can add additional bids, and TEA will work as quickly as internal processes allow to get the products incorporated into contracts and into EMAT, but TEA may not have those products in EMAT when EMAT opens for the 2020–21 school year. Meeting the initial bid deadline will permit TEA to begin working to produce accessible materials, develop contracts, and get products into EMAT by the time it opens for the new school year. The option to submit supplemental bids by the supplemental bid deadline of Friday, January 24, 2020, allows publishers to respond to the needs of districts. The prices listed in supplemental bids may not exceed those that were provided in the initial bids.
57. **Question** Can a publisher submit supplemental bids by the January 24, 2020, deadline if it did not submit *Official Bids* by the September 27, 2019, deadline?
- Answer** No.
58. **Question** Can you please explain the concept of “core content” as it relates to submitting a *Complete Description for Proclamation 2020*?
- Answer** Core content—sometimes referred to as TEKS-bearing content—refers to the components of a product that a publisher indicates will be used during the review to meet the required TEKS. A publisher may choose to provide additional components on a bid, but the component(s) used to provide required TEKS coverage must always be included.

59. **Question** When will publishers be required to provide information about the components that will be sold to districts and are not part of the core content?
- Answer** Publishers are required to provide information about the components that are not part of the core content when they submit *Official Bids* in September 2019. The *Official Bids* require publishers to provide information about each component the publisher intends to sell in EMAT. Publishers must submit one bid for each pricing option and/or product offering, and each *Official Bid* must include the core content.
60. **Questions** How will bids that include an eight-year pricing option be handled if a district chooses to order the eight-year option after the first year of adoption?
- Answer** Publishers are required to include the subscription length of programs using “through school year” rather than indicating a specific number of years in the program title of bids for eight-year options. For example, an eight-year program title could be *English I (Through SY 2027–28)*. Publishers are given the opportunity to lower prices after the first year of adoption.
61. **Questions** What is a *component requisition*?
- Answer** In accordance with 19 TAC §[66.28](#), publishers are required to allow individual purchase of each component included in their programs. The individual components must be available for the entire contract period. Districts complete a component requisition in the EMAT system to purchase an individual item.
62. **Question** Using a publisher submitting a print product as the scenario, can you please describe the process of submitting these forms?
- Answer** A publisher with an adopted product that contains a student book and a teacher book that comprise the core content, along with several additional resources and other options, could submit the information as follows:
- i. By Friday, December 7, 2018, the publisher submits one *Statement of Intent to Bid* that provides only general product information, such as the name of the publisher, name of the product, system requirements, media formats, and preliminary price information.
 - ii. By Friday, January 25, 2019, the publisher submits one *Complete Description* of the product that provides specific information about the student book and the teacher book (core content) only.
 - iii. By Friday, September 27, 2019, the publisher submits its *Official Bids*. The number of *Official Bids* this publisher submits depends on the number of different ways it would like to offer or “bundle” the core content with any additional resources. For instance, the publisher could offer simply the core content at one price and offer the core content with certain additional components at a different price. Each of these offerings requires a separate *Official Bid*, and each *Official Bid* must include the core content.
63. **Question** Using a publisher submitting a subscription-based online product as the scenario, can you please describe the process for submitting these forms?
- Answer** A publisher that would like to submit an online product with different options for subscriptions could submit the information as follows:
- i. By Friday, December 7, 2018, the publisher submits one *Statement of Intent to*

Bid that provides only general product information, such as the name of the publisher, name of the product, system requirements, media formats, and preliminary price information.

- ii. By Friday, January 25, 2019, the publisher submits one *Complete Description* of the product that provides specific information about the digital student and teacher components that comprise the core content only.
- iii. By Friday, September 27, 2019, the publisher submits its *Official Bids*. The number of *Official Bids* this publisher submits depends on the number of different ways it would like to offer or “bundle” the core content with any additional resources. For instance, the publisher could offer an eight-year subscription, a four-year subscription, a two-year subscription, and a one-year subscription—each with its own price. The publisher could offer even more options if it chooses to bundle the subscriptions with a tablet, laptop, or other equipment. Each of these options requires a separate *Official Bid*, and each *Official Bid* must include the core content.

Samples

64. **Question** Are there specific technical requirements for the pre-adoption samples?
- Answer** Yes. If the sample is provided as a PDF, the PDF must meet the requirements of the [Web Content Accessibility Guidelines \(WCAG\) 2.0 AA](#). Publishers can find more information about PDF accessibility on the [World Wide Web Consortium \(W3C\)](#) and [Adobe](#) websites. If the sample will be hosted on a website, the website may not contain any sales or marketing content, including links to such content.
65. **Question** Are there any system requirements for the platform or media types used by publishers for digital delivery?
- Answer** Instructional materials delivered digitally must meet the technical standards of the Federal Rehabilitation Act, Section 508, and all materials delivered online must meet minimum web-based standards, available at <http://www.w3.org/TR/WCAG20>. Aside from these standards, there are no specific system requirements for the platform of electronically delivered instructional materials. However, on the *Statement of Intent to Bid* and *Complete Description*, a publisher must disclose the system requirements of the product.
66. **Question** Is it permissible to provide third-party software with an instructional materials submission?
- Answer** There is no restriction on including third party software in an instructional materials submission. However, a publisher of adopted products is required to sign a contract agreeing to make its product available for an initial eight-year contract period. In signing the contract, publishers affirm that the state’s or a district’s use of the product will not infringe on any third-party rights for the full eight-year period.
67. **Question** May we submit materials that require Flash (i.e., electronic materials that are not necessarily compatible with all mobile devices)?
- Answer** Yes. A publisher may submit materials that work on only certain devices. There are no specific platform requirements at the state level. However, school districts or charter schools may have different expectations for local adoption. On the *Statement of Intent to Bid*, publishers must indicate the specific system requirements or technology

needed to make full use of the program.

68. **Question** *Proclamation 2020* includes the requirement to provide additional copies of all new content previously provided to the state review panels in response to a report of TEKS not addressed. Can you explain the purpose of this requirement?

Answer The purpose of this requirement is to ensure the transparency of the review and adoption process by allowing members of the public to review the changes that publishers make in response to feedback from the state review panels. In addition to the new content, the public must also have access to the original version of the pre-adoption sample. Publishers should not make content changes to their submitted pre-adoption samples. Changes in content must be provided separately.

69. **Question** What are the requirements for the word search feature that must be included in digital samples?

Answer Each digital pre-adoption sample must be equipped with a word search feature that allows users to search for specific words, such as important terms, within the text.

70. **Question** What is the extent to which the word search feature must function in the digital sample? Must each component be searchable individually or must the word search span all the products and components we have submitted in a subject area across grade levels?

Answer Each component must be searchable individually.

71. **Question** Is the need for a word search feature specifically for the state review panels or should the word search be customer facing? If it must be customer facing, must the word search feature be included in both teacher and student materials?

Answer The word search feature requirement is specific to pre-adoption samples, which are made available to the public through TEA's website. The feature is used to search for specific words and phrases within the student and teacher materials. Publishers are strongly encouraged to include the word search feature in the final version of teacher materials.

72. **Question** Do videos need to be included in the word search feature?

Answer Yes, a specific phrase or word search should yield all applicable results that contain the content, including videos.

73. **Question** Will various formats, e.g., print, software, and/or a combination of both, be permitted in *Proclamation 2020*?

Answer Yes. Publishers may submit print materials, digital materials, or a combination of print and digital materials.

74. **Question** For adopted electronic materials, how will TEA and/or school districts assist publishers in preventing digital piracy, or unauthorized copying of proprietary materials and posting them on the Internet with open access?

Answer Preventing the unauthorized use of instructional materials in schools is the responsibility of each district or charter school and the publisher of the materials. TEA encourages both districts/charters and publishers to take a proactive approach to protect their proprietary materials against piracy.

75. **Question** When the content is identical in the digital and print versions of the instructional materials submitted for adoption, can the layout of the content be different? For example, if a two-column format is deemed most efficient and readable for a printed text, but a one-column format is considered most effective for online reading, could a publisher provide the exact same content in different layout formats in the printed and electronic versions of the instructional material?
- Answer** Yes, a publisher may provide the exact same content in different layouts in the printed and electronic versions. The publisher should list all available formats when submitting its *Statement of Intent to Bid*.
76. **Question** The first mention of printed student materials in the *Proclamation 2020 Schedule of Adoption Procedures* is in the deadline for Friday, January 24, 2020. Is this the first time that publishers are required to submit printed copies of their instructional materials?
- Answer** Yes. These printed copies are to aid in the production of braille and large-print materials.
77. **Question** Please confirm that the publisher can select the platform/media type used for the submission of the pre-adoption electronic sample due on Friday, April 5, 2019.
- Answer** Yes. The publisher can select the platform/media type used for the submission of the pre-adoption electronic samples. If the sample will be hosted on a website, the website may not contain any sales or marketing content, including links to such content. To meet the requirements of the adoption process, a publisher must submit electronic samples (in either an open or closed format) to TEA, each of the 20 education service centers (ESCs), and to a school district or charter school that requests a sample.
78. **Question** What information should the “complete description of all items included in a product” include?
- Answer** The complete description of all items included in a product should include a comprehensive list of every component included in an instructional materials submission being used to address the TEKS. It should specify for whose use each component is intended (student, teacher, or both), the media type (print, online, etc.) of each component, the system requirements for each component if different from the overall product, and whether each component is consumable. This information will be submitted using a specific format provided by TEA.
79. **Question** What format is required for the state review panel samples?
- Answer** In accordance with 19 TAC §66.28(c)(7), publishers have the option to provide print samples, electronic samples in an open or closed format, or galley proofs to the state review panels. If the sample will be hosted on a website, the website may not contain any sales or marketing content, including links to such content.
80. **Question** Can you please define *galley proof*?
- Answer** Yes. A *galley proof* is a complete (as to content), print sample that is bound (e.g., in a 3-ring binder or as a spiral). It is representative of the final pagination, layout, and organization of the product. A galley proof shows the actual size of the product (either by the trim size of the galley pages or with crop marks), resembles an advance reading copy of the final material rather than a proofreading or copyediting copy, and provides the state review panel an accurate depiction of what the final bound or

online product will look like. For example, color laser proofs of final files to be used for “A-printing” that are bound in a 3-ring binder are acceptable as galley proofs. Printed signatures (also called “folds and gathers”) that are bound together in a spiral binding is another example of an acceptable galley proof. A galley proof is not simply a raw or edited manuscript. The option to provide galley proofs is specific to samples for the state review panels.

81. **Question** “Electronic instructional materials, including internet-based products, must be completely functional.” Does this pertain only to digital-only materials as opposed to a website that accompanies a textbook program?

Answer This requirement applies to all electronic instructional materials including websites.

82. **Question** Are there any rules surrounding district sampling?

Answer At the request of a school district, a publisher must provide an electronic sample of instructional materials submitted for adoption. These samples must be complete as to content and functional for review purposes and may be in an open or closed format.

Once this requirement has been met, upon request of a school district or charter school and at the publisher’s discretion, a publisher may also provide print sample copies. Print samples provided to districts must be clearly labeled *Sample Copy—Not for Classroom Use*. Samples must be provided at no charge.

83. **Question** Must district samples be provided electronically?

Answer Yes.

84. **Question** Are we required to provide districts with print samples?

Answer No. Publishers are only required to provide districts with electronic samples but can also provide print samples at their discretion. Print samples provided to districts must be clearly labeled *Sample Copy—Not for Classroom Use*. Samples are provided and distributed at the publisher’s expense.

85. **Question** Some classroom kits include several components like game boards, card sets, manipulatives, or posters. We do not believe any of these are necessary for evaluating the merits of the curriculum. Would it be acceptable to present photos of these materials, preferably on our website, rather than sending them to the state or ESCs?

Answer Participants submitting instructional materials for adoption must submit electronic samples of each product bid. The format by which the electronic samples are submitted is at the discretion of each individual publisher. Publishers may submit photos of manipulatives or links to images but should keep in mind that providing only an image of a manipulative may make determining TEKS coverage more difficult for the state review panel.

86. **Question** Should all submissions of instructional material be in full color or black and white?

Answer The samples must be fully representative of the final product. A black and white sample would only be acceptable if the final product will be black and white.

87. **Question** If *Proclamation 2020* materials are submitted in print format, is there a requirement to have an electronic version for any reason, e.g., sampling?

Answer Yes. Participants submitting instructional materials for adoption must submit

electronic samples of each product bid. Electronic samples may be in either an open or closed format.

88. **Question** Can you please define *open-file* and *closed-file format*?

Answer Open-file formats are published and free to be used by anyone. Examples of open-file formats are HTML and PDF. Closed formats require the user to download and install proprietary software. If samples are provided in a closed-file format, users must be able to download all necessary files for free.

89. **Question** Are galley proofs the only option with respect to print samples (i.e., please confirm that we cannot provide final format print samples to the state, review panels, and 20 ESCs, only galley proofs)?

Answer Publishers may provide final-format print samples to the state review panels. Publishers may not provide final-format print samples to TEA or ESCs. The acceptable format of samples is dependent on the recipient of the samples.

The table below indicates the sampling options.

	Pre-Adoption Samples	Post-Adoption Samples
Texas Education Agency	Electronic samples in open or closed format	Electronic samples in open or closed format
Education Service Centers	Electronic samples in open or closed format	Electronic samples in open or closed format
School Districts*	<ul style="list-style-type: none"> • Electronic samples in open or closed format • Print Samples* 	<ul style="list-style-type: none"> • Electronic samples in open or closed format* • Print Samples*
State Review Panels	<ul style="list-style-type: none"> • Electronic samples in open or closed format • Print Samples • Galley Proofs 	N/A
*Samples are provided to Texas public schools upon request; they must be electronic. If a district also requests a print sample, the publisher may choose to provide it as well.		

90. **Question** Are we allowed to require reviewers (including state review panel members, districts, general public, etc.) to register in order to view our online samples?

Answer Yes. However, it is not permissible for publishers to require users to provide personal information (including name, address, phone number, district or school name, and email address) to view online samples, and publishers must not gather personal information from those viewing the samples. A publisher may require a user to choose a username and password to register, but the publisher cannot require that the username be an email address.

Ancillaries

91. **Question** If print ancillaries are not allowed for submission, are online ancillaries acceptable?
- Answer** Ancillaries are defined as materials that are not included in the review and are not adopted but that publishers intend to provide along with adopted products. There is no restriction on print or online ancillaries for *Proclamation 2020*.
92. **Question** Will TEA require publishers to provide any free materials with program bids (e.g., free teacher editions)?
- Answer** No. There are no requirements that publishers provide free materials with program bids. If free materials are included in program bids, those materials must also be available for individual purchase.

Updates to Adopted Instructional Materials

93. **Question** 19 TAC §[66.29\(f\)](#) states, in part, “The publisher may not add any internet links to the materials without the approval of the commissioner of education, [and] will not redirect any user accessing the web-based or online instructional materials to other internet or electronic sites that are not directly related to the content, and may not collect any information about the user or computer accessing the materials that would allow determination of personal information, including email addresses.” Would a product violate this condition if it includes links from the support section of the product which direct users to outside educational resources or links for research purposes that send users to reputable .edu/.gov/.org websites that are free?
- Answer** No. Products submitted for adoption may have links to outside resources and redirect users to other internet or electronic sites. Once the materials are adopted, publishers may not *add* new internet links or redirect users without the approval of the commissioner of education. Publishers may not make any changes to content in adopted instructional materials without the prior approval of the commissioner or the SBOE.
94. **Question** One of the great advantages of digital products is the ability to update components and content over time. Once a digital product has been approved and adopted, will publishers be allowed to update functionality and interactivity over the lifetime of the contract? Will publishers be allowed to revise and update content? Will the publisher be able to add new content? If updates either to functionality or to content are allowed, will changes have to be submitted to TEA for approval before being implemented in the product?
- Answer** In accordance with 19 TAC §[66.75](#), all requests for updates involving content in state-adopted instructional materials must be submitted to TEA. If the change impacts TEKS coverage, it must be approved by the SBOE prior to its introduction into state-adopted instructional materials. In accordance with 19 TAC §[66.29\(d\)](#), publishers must agree that their electronic, web-based, or online instructional adopted materials will not be altered in any way that removes content or that changes content without prior SBOE approval. Publishers, however, are permitted to make changes to functionality or interactivity without first seeking the approval of the commissioner or the SBOE.

95. **Question** Regarding program interactivity, is it permissible to embed blogging and synchronous communication exchange between users of the program or does the curriculum have to be static?

Answer It is permissible to embed blogging and synchronous communication exchange between users. Publishers are encouraged to pay special attention to 19 TAC §[66.29](#) regarding the maintenance requirements for web-based materials.

96. **Question** Once a digital product has been approved and adopted, will publishers be allowed to update functionality and interactivity over the lifetime of the contract?

Answer Yes.

Accessibility Requirements and Manufacturing Standards

97. **Question** *Proclamation 2020*: “Instructional materials delivered electronically must meet the technical standards of the Federal Rehabilitation Act, Section 508.” Please confirm that this does not apply to electronic pre-adoption samples of print products.

Answer Although pre-adoption electronic samples are not required to comply with specific technical standards, the samples provided to TEA, ESCs, and state review panels should be accessible to individuals with disabilities. Publishers are strongly encouraged to develop their products with the required accessibility in place rather than attempting to bring a fully developed product into compliance with accessibility standards.

98. **Question** Regarding the electronic format of the instructional materials, does Texas outline a set of technical requirements that publishers are required to meet and/or do districts each have their own set of technical requirements?

Answer The format in which the electronic instructional materials are submitted is determined by each individual publisher. However, to be eligible for state adoption, materials must meet Section 508 Refresh standards, published on January 17, 2018. These standards include WCAG 2.0, now applies to not only web-based content, but to all electronic content. Each district or charter school may have its own additional requirements.

99. **Question** Most curricula now have online and print components which are comprised of essentially the same content, e.g., printed teacher’s guides and almost identical online versions. For the purposes of interpreting the code and regulations, do these programs need to meet both sets of requirements and expectations (print and electronic) or do they generally fall under the print category?

Answer Printed materials intended for use by the student must comply with the standards in the latest edition of *MSST*, approved by the Advisory Commission on Textbook Specifications. Instructional materials delivered electronically must meet Section 508 Refresh standards, published on January 17, 2018, which include WCAG 2.0, Level AA. Including both print and online components with identical content does not exempt a publisher from these requirements.

100. **Question** Is 508 and W3C compliance required of *all* student components included on a bid, even if the component is provided simply for extra practice (i.e., not the primary mode of instruction)?

Answer Yes. Just as all print student components included in a bid must meet *MSST*, all electronic components included in a bid must meet the 508 and W3C standards.

101. **Question** *Proclamation 2020* states that instructional materials delivered electronically must meet the technical standards of the Federal Rehabilitation Act, Section 508, and that materials delivered online must conform to WCAG 2.0, Level AA, available at <http://www.w3.org/TR/WCAG20/>.

The W3C standards contain 7 broad categories of standards:

- a. Web Design and Applications
- b. Web Architecture
- c. Semantic Web
- d. XML Technology
- e. Web of Services
- f. Web of Devices
- g. Browsers and Authoring Tools

Within these broad categories, there are over 100 different technologies listed, and within the different technologies, there are even more standards. It is our understanding that TEA is looking for publishers to document conformance around the accessibility of the content within the product, not over all the different standards. In particular, there is a Web Content Accessibility Guideline in the W3C. Is this the guideline that we should be focused on?

Answer To fulfill this requirement, a publisher's product must meet the standards that are applicable to the product. If the product is electronic, it must meet the Federal Rehabilitation Act, Section 508 Refresh standards, published on January 17, 2018, which include WCAG 2.0, Level AA.

102. **Question** What information needs to be included in the accessibility report due on Friday, May 8, 2020?

Answer Publishers with electronic instructional materials are required to complete the *Accessibility Compliance* form and provide a report for each electronic component included in their program that verifies the components follow WCAG 2.0 AA standards and Section 508. The report must, at a minimum, include the following:

- Third-party vendor cover page that includes the publisher name, program title, program ISBN, subject area, and course/grade level of adopted material
- Third-party vendor contact information
- Date report was started and completed
- Total number of pages tested, including the home page used to enter the site, one randomly selected page with at least one table or form, one randomly selected page with at least one informative image, such as a map or graph, and at least one page from each component within the program

- List of issues identified (if any) and how publisher is working toward correcting them
- Confirmation from publisher that the third-party vendor conducted the activities outlined on page 15 of *Proclamation 2020*

103. **Question** How soon should we get started on the accessibility report due on Friday, May 8, 2020?

Answer Publishers of electronic instructional materials should build accessibility into their programs from the beginning. Third-party vendors typically take at least 3 to 4 weeks to complete an accessibility report. Publishers are encouraged to begin searching for a third-party vendor to complete their report at least 2 to 3 months prior to the deadline. Publishers that fail to provide the accessibility report that verifies the required accessibility standards have been met by the deadline will have their products removed from the adopted list.

104. **Question** Please explain the NIMAS files requirement.

Answer NIMAS files are required for all student print components included on the *Official Bid* to facilitate the production of braille, large-print, and audio versions. NIMAS files, along with three print copies of the adopted student material must be submitted to the designated braille producer by Friday, January 24, 2020. Corrected samples and updated NIMAS files must be submitted to the braille producer by Friday, May 8, 2020. If no changes are necessary to a publisher's NIMAS files, publishers are required to notify the braille producer and TEA by the deadline.

NIMAS files must be submitted to the designated large-print and audio producers by Friday, May 8, 2020, along with corrected samples of adopted materials. Failure to provide any of these deliverables will result in the product's removal from the adopted list.

TEA will inform publishers of the specific contact information for each of the designated producers after contracts have been finalized.

Glossary of Acronyms

EDI – Electronic Data Interchange

ESC – education service center

ELPS– English Language Proficiency Standards

ISBN – International Standard Book Number

ISSN – International Standard Serial Number

MSST – Manufacturing Standards and Specifications for Textbooks

NIMAS – National Instructional Materials Accessibility Standard

SBOE – State Board of Education

TEA – Texas Education Agency

TEKS – Texas Essential Knowledge and Skills

WCAG – Web Content Accessibility Guidelines

W3C – World Wide Web Consortium

ATTACHMENT II
Text of Proposed New 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.39. Requirements for Instruction on Proper Interaction with Peace Officers.

- (a) A school district or open-enrollment charter school shall provide instruction in one or more courses to students in Grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction:
- (1) may be provided as a part of any course or courses; and
 - (2) must be provided to each student at least once before graduation from high school.
- (b) The instruction must include all of the following information:
- (1) the role of law enforcement and the duties and responsibilities of peace officers;
 - (2) a person's rights concerning interactions with peace officers;
 - (3) proper behavior for civilians and peace officers during interactions;
 - (4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and
 - (5) how and where to file a complaint against or a compliment on behalf of a peace officer.
- (c) A school district or open-enrollment charter school shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the State Board of Education, and the Texas Education Agency.
- (d) A school district or open-enrollment charter school may tailor the instruction developed under this section as appropriate for the district's or school's community. In tailoring the instruction, the district or school shall solicit input from local law enforcement agencies, driver training schools, and the community.
- (e) In accordance with §74.5 of this title (relating to Academic Achievement Record (Transcript)), a school district or an open-enrollment charter school shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.
- (f) This section applies to any student who enters Grade 9 in the 2018-2019 school year and thereafter.

This page has been intentionally left blank.

ATTACHMENT II
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.24. Credit by Examination.

- (a) General provisions.
- (1) A school district must provide at least one window to test between January 1 and March 31, one window to test between April 1 and June 30, one window to test between July 1 and September 30, and one window to test between October 1 and December 31 annually when each examination for acceleration for each primary school grade level and for credit for secondary school academic subjects required under Texas Education Code, §28.023, shall be administered in Grades 1-12 unless the examination has an administration date that is established by an entity other than the school district. A student may take a specific examination only once during each window. The testing window must be designed to meet the needs of all students. The dates must be publicized in the community.
 - (2) A school district shall provide opportunities for a student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year.
 - (3) A school district shall not charge for an examination for acceleration for each primary school grade level or for credit for secondary school academic subjects. If a parent requests an alternative examination, the district may administer and recognize results of a test purchased by the parent or student from Texas Tech University or The University of Texas at Austin.
 - (A) For each grade level or course, Texas Tech University and The University of Texas at Austin shall ensure that the assessments they provide for the purposes of this section are aligned to and address all assessable ~~[with and contain appropriate breadth of coverage of the]~~ Texas Essential Knowledge and Skills (TEKS) at ~~[for]~~ the appropriate level of rigor ~~[course]~~ .
 - (B) Texas Tech University and The University of Texas at Austin shall arrange for a third party to conduct an audit, on a rotating basis, of at least 20% of the assessments they provide for the purposes of this section. The audit shall be conducted annually.
 - (C) The results of each audit shall be provided to the Texas Education Agency in the form of a report to be delivered no later than May 31 of each year.
 - (4) A school district must have the approval of the school district board of trustees to develop its own tests or to purchase examinations that thoroughly test the essential knowledge and skills in the applicable grade level or subject area.
 - (5) A school district may allow a student to accelerate at a time other than one required in paragraph (1) of this subsection by developing a cost-free option approved by the school district board of trustees that allows students to demonstrate academic achievement or proficiency in a subject or grade level.
- (b) Assessment for acceleration in kindergarten through Grade 5.
- (1) A school district must develop procedures for kindergarten acceleration that are approved by the school district board of trustees. The board of trustees shall approve an audit process to be completed for assessments for acceleration.
 - (2) A student in any of Grades 1-5 must be accelerated one grade if he or she meets the following requirements:

- (A) the student scores 80% on a criterion-referenced test for the grade level he or she wants to skip in each of the following areas: language arts, mathematics, science, and social studies;
 - (B) a school district representative recommends that the student be accelerated; and
 - (C) the student's parent or guardian gives written approval for the acceleration.
- (c) Assessment for course credit in Grades 6-12.
- (1) A school district board of trustees shall approve for each high school course, to the extent available, at least four examinations. The board of trustees shall approve an audit process to be completed for examinations under subparagraph (B)(iii) of this paragraph.
 - (A) The examinations shall include the following, which are not subject to the requirements in paragraphs (2)-(7) [(2)-(5)] of this subsection :
 - (i) College Board advanced placement examinations; and
 - (ii) examinations administered through the College-Level Examination Program.
 - (B) The examinations may include examinations developed by:
 - (i) Texas Tech University;
 - (ii) The University of Texas at Austin;
 - (iii) the school district; and
 - (iv) another entity if the assessment meets all of the requirements in paragraph (2) of this subsection.
 - (2) In order for a school district to administer an [a district developed] examination [or an examination under paragraph (1)(B)(iv) of this subsection] for credit, prior to the first administration, the school district or the provider of the assessment must certify that the examination:
 - (A) is aligned to [covers] all assessable TEKS [Texas essential knowledge and skills (TEKS)] for the course;
 - (B) has not been published and is not publicly available;
 - (C) will only be administered in a secure environment under standardized conditions by a school district or institution of higher education; and
 - (D) has been [externally] evaluated to ensure [validity and reliability. For an examination that is evaluated for this purpose, a school district or the provider of the assessment must make public] :
 - (i) test scores can be interpreted as indicators of what the test is intended to measure;
 - (ii) consistency of test results across testing conditions.
 - ~~[(i) — the test development process; and]~~
 - ~~[(ii) — a statement certifying that the examination meets the development and validation criteria in this paragraph.]~~
 - ~~[(D) — has been externally validated;]~~
 - ~~[(E) — is equivalent to state level end-of-course assessment instruments in terms of content coverage, item difficulty, and technical quality;]~~
 - ~~[(F) — yields comparable results for all subgroups; and]~~

- ~~[(G) — if for a course that has a state level end-of-course assessment instrument, is validated against the applicable end-of-course assessment. For an examination that is validated for this purpose, a school district must make public:]~~
- ~~[(i) — the test development process; and]~~
- ~~[(ii) — the results of the validation efforts.]~~
- (3) A school district or the provider of the assessment must make public an annual report, including:
- (A) the test development process;
- (B) a statement certifying that the examination meets the criteria in paragraph (2)(D) of this subsection;
- (C) the number of students who took each examination;
- (D) the number of students who scored 70% or above on each examination;
- (E) the number of students who scored 80% or above on each examination; and
- (F) the average score for all students who took the examination for each examination.
- (4) ~~[(3)]~~ In order for a school district to administer an examination for credit for a course that has a state end-of-course assessment instrument, the school district or the provider of the assessment must certify, prior to the first administration, that the examination:
- (A) meets the requirements of paragraph (2) of this subsection;
- (B) has been externally validated and determined to:
- (i) align to and appropriately address all assessable TEKS for the course;
- (ii) assess the appropriate level of rigor for each student expectation; and
- (iii) ~~[(ii)]~~ yield comparable distribution of results across tested ~~[for all]~~ subgroups ~~;~~ ~~and~~
- ~~[(iii) — have comparable item difficulty to the relevant state end-of-course assessment instrument as defined by the Texas Education Agency approved psychometric measurement characteristics.]~~
- (5) If the number of students who take an examination in a given year is not sufficient to determine comparable results among subgroups, the provider may obtain approval from the State Board of Education to demonstrate comparable results over a specified number of years.
- (6) ~~[(4)]~~ For an examination that is validated in accordance with paragraph (4) ~~[(3)]~~ of this subsection, a school district or the provider of the assessment must make public:
- (A) the annual report required by paragraph (3) of this subsection;
- ~~[(A) — the test development process;]~~
- (B) all relevant test development specifications;
- ~~[(C) — a statistical analysis of the information required by paragraph (3)(B) of this subsection; and]~~
- ~~[(D)]~~ a statement certifying that the examination meets the ~~[development and validation]~~ criteria in paragraph (4)(B) ~~[(3)]~~ of this subsection ~~;~~ and ~~[(2)]~~
- (D) results for all tested subgroups disaggregated by students who receive prior instruction and students with no prior instruction and including descriptive data for small subgroups.
- (7) ~~[(5)]~~ Examinations for courses that do not have a state end-of-course assessment shall meet all requirements in paragraph (2) of this subsection no later than the 2019-2020 school year.

~~[(3) Examinations developed by Texas Tech University and The University of Texas at Austin for courses that do not have a state end-of-course assessment shall meet all requirements of paragraph (2) of this subsection not later than the 2018-2019 school year for each of its examinations offered for credit.]~~

~~[(4) District-developed examinations for courses that do not have a state end-of-course assessment shall meet all requirements of paragraph (2) of this subsection no later than the 2018-2019 school year for each of its examinations offering credit.]~~

(8) ~~[(6)]~~ ~~[(5)]~~ A student in any of Grades 6-12 must be given credit for an academic subject in which he or she has had no prior instruction if the student scores:

- (A) a three or higher on a College Board advanced placement examination that has been approved by the school district board of trustees for the applicable course;
- (B) a scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the school district board of trustees for the applicable course; or
- (C) 80% on any other criterion-referenced test approved by the school district board of trustees for the applicable course.

(9) ~~[(7)]~~ ~~[(6)]~~ A student may not attempt to earn credit by examination for a specific high school course more than two times.

(10) ~~[(8)]~~ ~~[(7)]~~ If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit.

(11) ~~[(9)]~~ ~~[(8)]~~ If a student is given credit in accordance with paragraph (8) ~~[(6)]~~ ~~[(5)]~~ of this subsection in a subject on the basis of an examination on which the student scored 80% or higher, the school district must enter the examination score on the student's transcript, and the student is not required to take an applicable end-of-course assessment instrument for the course.

(12) ~~[(10)]~~ ~~[(9)]~~ In accordance with local school district policy, a student in any of Grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction if the student scores 70% on a criterion-referenced test approved by the school district board of trustees for the applicable course.

ATTACHMENT II
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.28. Students with Dyslexia and Related Disorders.

- (a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open-enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.
- (b) ~~(a)~~ The board of trustees of a school district or the governing body of an open-enrollment charter school must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to the student are implemented in the district. ~~[These procedures will be monitored by the Texas Education Agency with on-site visits conducted as appropriate.]~~
- (c) ~~(b)~~ A school district's or open-enrollment charter school's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," a set of ~~[flexible]~~ guidelines for school ~~[local]~~ districts and open-enrollment charter schools that may be modified by the SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. ~~[Screening should only be done by individuals/professionals who are trained to assess students for dyslexia and related disorders.]~~
- (d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.
- (e) ~~(c)~~ A school district or open-enrollment charter school shall purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use ~~[which utilize]~~ individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each open-enrollment charter school and district and/or campus planning and decision making committee shall include these instructional strategies.
- (f) ~~(d)~~ At least five school days before any ~~[Before an]~~ ~~[identification or]~~ evaluation or identification ~~[assessment]~~ procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to ~~[notify]~~ the student's parent or guardian or another person standing in parental relation to the student of the proposed identification or evaluation. The notice must be in English, or to the extent practicable, the individual's native language and must include the following: ~~[:]~~
- (1) a reasonable description of the evaluation procedure to be used with the individual student;
 - (2) information related to any instructional intervention or strategy used to assist the student prior to evaluation;
 - (3) an estimated time frame within which the evaluation will be completed; and
 - (4) specific contact information for the campus point of contact, relevant Parent Training and Information Projects, and any other appropriate parent resources.
- (g) Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), the school district or open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to

the student of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503, provide all information required under subsection (f) of this section, and provide:

- (1) a copy of the procedural safeguards notice required by 34 CFR, §300.504;
- (2) an opportunity to give written consent for the evaluation; and
- (3) a copy of information required under Texas Education Code (TEC), §26.0081.

(h) ~~(e)~~ Parents/guardians of a student with dyslexia or a related disorder ~~[students eligible under the Rehabilitation Act of 1973, §504.]~~ must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by TEC, §26.0081(d), and options under ~~[that]~~ federal law, including IDEA and the Rehabilitation Act, §504 ~~[statute]~~.

(i) ~~(f)~~ Each school or open-enrollment charter school must provide each identified student access at his or her campus to instructional programs required in subsection ~~(e)~~ ~~(e)~~ of this section and to the services of a teacher trained in dyslexia and related disorders. The school district or open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.

(j) ~~(g)~~ Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district and open-enrollment charter school as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." School districts and open-enrollment charter schools may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

(k) ~~(h)~~ Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must ~~[should]~~ include:

- (1) awareness and ~~(e)~~ characteristics of dyslexia and related disorders;
- (2) information on testing and diagnosis of dyslexia and related disorders ;
- (3) information on effective strategies for teaching ~~(dyslexic)~~ students with dyslexia and related disorders ; ~~(and)~~
- (4) information on qualifications of those delivering services to students with dyslexia and related disorders;
- (5) ~~(4)~~ awareness of information on accommodations and modifications ~~(modification)~~, especially those ~~(modifications)~~ allowed for ~~(on)~~ standardized testing ; ~~(7)~~
- (6) ~~(5)~~ information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process ; and
- (7) ~~(6)~~ contact information for the relevant regional and/or school district or open-enrollment charter school specialists.

(l) School districts and open-enrollment charter schools shall provide to parents of children suspected to have dyslexia or a related disorder a copy or a link to the electronic version of the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."

(m) ~~(4)~~ School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section.

State Board of Education
“BRAND THE FUND”
PSF Branding Art Student Competition

1. The purpose of this competition is to provide Texas public school students the opportunity to design a seal or logo to represent the Texas Permanent School Fund (PSF). The artwork should reflect the mission and history of the PSF.
2. Eligibility: Texas public school students enrolled in grades 9-12 for the 2018-19 academic year are eligible to participate. Children and grandchildren of current State Board of Education members and children and grandchildren of the Permanent School Fund staff are ineligible to participate in the contest.
3. Entry fees: There are no entry fees for this competition.
4. Deadline: The entry deadline is November 1, 2018. No entries will be accepted after 11:59 p.m. Central Daylight Time. Any questions arising about the eligibility of an entry shall be settled by the State Board of Education chair or her designee.
5. Entry shall be made via the Texas Education Agency web portal, the URL of which shall be on the webpage designated for this competition. All entries must be submitted in one of the following formats, not to exceed 20MB:
 - High resolution PDF
 - 300 dpi Photoshop JPG
 - EPS or Adobe Illustrator file with text converted to outlines

The portal shall be made available to receive entries not later than October 1, 2018.

6. Criteria for judging: Submitted artwork shall be evaluated on the basis of
 - a. Creativity: The extent to which the artwork integrates PSF’s history and mission.
 - b. Design Principles: Artwork demonstrates key design concepts through effective synergies of visual elements, typography and layout of space.
 - c. Scalability: Effectiveness in any size (i.e. letterhead vs billboard).
 - d. Transferability: Effectiveness to be used in full color, a single color or black and white.
 - e. Arrangement: Ability to be used in multiple ‘shape’ orientations (i.e. horizontal vs vertical vs square layout).
7. Judging Process and Selection: Entries will be initially judged by a panel appointed by the State Board of Education chair, which includes a member of the State Board of Education, a member of the PSF staff and three professional graphic artists or branding professionals. The judging panel, using a scoring rubric it designs, shall select no more than 10 finalists to be considered by the State Board of Education. Final selection shall be made by the State Board of Education at its November 2018 meeting. Neither the

identity of student artist nor the school in which the entrant is enrolled shall be known to the judging panel or State Board of Education during the selection process. Students, parent/guardians, teachers and others associated with any submitted artwork may not contact members of the judging panels or members of the State Board of Education regarding a submitted entry.

8. Notification: The superintendent of the district or charter school which the winning student attends will be notified when the entry is confirmed as the selected artwork. The student will be notified via postal mail by the State Board of Education chair. All finalists will be notified of their status as a finalist after the final selection is made.
9. Originality of Work: While it is understood that student artists will receive guidance from supervising teachers, submitted artwork must be conceived and created by the student entrant. Each student shall submit a statement of originality with his or her entry. Additionally, submitted artwork must not be confusingly similar to other copyrighted brands, logos or seals. Entries which are deemed to create a potential copyright infringement shall be disqualified from consideration.
10. Transferal of Rights: Artwork selected through this competition shall be used to represent the Permanent School Fund in physical, print and digital media at the discretion of the State Board of Education, Commissioner of Education and the PSF staff. The student who submits the winning entry agrees to transfer all rights to the artwork to the State Board of Education and the Permanent School Fund.
11. Recognition: Artwork being considered in the final round of judging shall be displayed for public viewing at the William B. Travis Building during the November 2018 board meeting, but without revealing student or school identities. Finalist entries with student and school names will later be displayed in the William B. Travis Building the week of January 28-February 1, 2018. Additionally, each finalist shall be issued a certificate of recognition. The student who submits the winning entry shall be recognized at the State Board of Education's February 1 meeting in Austin and shall receive the following:
 - a. A \$3,000 award;
 - b. A physical rendering of the final artwork;
 - c. A congratulatory resolution from the State Board of Education.

A plaque recognizing the winning student artist and school shall be placed in the PSF offices in close proximity to the displayed wall art.

The runner-up will receive a \$1,000 award and a congratulatory resolution from the board.

12. The winning entry may be modified by a professional graphic artist designated by the State Board of Education facilitate rendering of the final product.

**STATE BOARD OF EDUCATION
PERMANENT SCHOOL FUND ARTWORK COMPETITION
PROCEDURES**

1. This is a project of the State Board of Education (SBOE). All rules and procedures related to this project shall be adopted by the board.
2. Entries shall be submitted, judged and selected pursuant to rules adopted by the State Board of Education. (See attached.)
3. Student Award: Funds to support a \$3,000 award presented to the student who submitted the successful entry and a \$1,000 award for a runner-up will be raised from private sources. Donations will not be accepted from entities that do business with the SBOE. SBOE members are encouraged to make a contribution of at least \$200. Funds will be deposited in an account housed by the Texas Association of School Administrators Texas Leadership Center. The Texas Leadership Center will hold and disburse the funds pursuant to procedures established by this document. Donations will be made payable to the Texas Leadership Center with "PSF Student Contest" in the memo line. Excess funds not to exceed \$250 may be retained by the Texas Leadership Center to offset staff time and audit expenses associated with carrying these funds on the TLC balance sheet. Periodic updates will be provided by the TLC to the SBOE Committee on School Finance/Permanent School Fund until the account is closed. Other excess funds raised may be paid to the campuses from which the winning entry and finalist entries are submitted.
4. Use of Award: Funds will be disbursed directly to the student during the February 1, 2019 State Board of Education meeting. If the student recipient is unable to attend the meeting, a check will be dispersed to the student via certified mail.
5. Promotional and Collateral Materials: To facilitate instruction concerning the mission and history of the PSF, free collateral materials for teachers and students will be made available via the PSF Logo Art Competition page on the Texas Education Agency website.
6. Communication and promotion related to the competition will be requested by, but not limited to:
 - Texas Association of School Administrators
 - Texas Secondary Administrators Association
 - Texas Art Education Association
 - Texas Industrial Vocational Association
 - Career and Technical Association of Texas
 - Texas Association of School Boards
 - Texas Charter Schools Association
 - Education Service Centers

7. The State Board of Education chair will appoint an initial judging panel comprised of a State Board of Education member, a PSF staff member and three graphic artists or branding professionals who shall evaluate the entries and narrow the field to no more than 10 designs using the procedure outlined in the *PSF Branding Art Student Competition*. The State Board of Education shall make the final selection at its November 16, 2018 meeting via a voting process to be determined by the chair in collaboration with the TEA legal staff and the contract parliamentarian.
8. The State Board of Education shall engage the volunteer services of a professional graphic artist to act as an advisor and facilitator to the process and to render the final product into a usable form. Files shall be submitted to the PSF and SBOE staff.
9. TEA legal staff will re-check the selected artwork to ensure there are no infringement issues and file the required documents to trademark the artwork.
10. After final rendering and trademark filing, the final product shall be submitted to a vendor for creation of the wall art--a rendition for display in the PSF office and a smaller rendition for presentation to the student artist.
11. An unveiling shall be staged at the February 1, 2019 State Board of Education meeting. The student shall be recognized at this meeting with the presentation of the finalized artwork, a resolution and a check. A plaque to be affixed in the PSF office near the displayed artwork will be completed by this time as well.