

Minutes
State Board of Education
November 10, 2017

The State Board of Education met at 9:03 a.m. on Friday, November 10, 2017, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. All members of the board were present, as follows:

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

Student Performance

The student performance was provided by the A&M Consolidated High School Chorale from College Station Independent School District.

Invocation

Pledge of Allegiance

Approval of Minutes

State Board of Education, September 15, 2017

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the September 15, 2017 meeting of the State Board of Education, as printed.*

1. Resolutions and Presentations

Resolution Honoring Winners of the 2017 National History Day Contest

The State Board of Education, by unanimous consent, adopted a resolution honoring Madeleine Broussard, Brandon Broussard, Havi Nguyen, Danielle Garcia, Priscila Garcia, and Westley Sturhan as 2017 National History Day winners.

(ATTACHMENT 1, page 11)

Public Testimony

The State Board of Education received presentations of public testimony, as follows:

NAME: Deanna Tucker
AFFILIATION: Individual
TOPIC: Attendance for Credit

NAME: Carl Tucker
AFFILIATION: Individual
TOPIC: Instructional Minutes

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) **Proposed Revisions to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapters B, H, J, M, and O (First Reading and Filing Authorization)**

(Board agenda page I-9)
(Committee of the Full Board)

The State Board of Education approved for first reading and filing authorization proposed revisions to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapters B, H, J, M, and O, as recommended by the Committee of the Full Board.

(2) **Adoption of Review of 19 TAC Chapter 74, Curriculum Requirements (Adoption of Review)**

(Board agenda page II-1)
(Committee on Instruction)

The State Board of Education adopted the review of 19 TAC Chapter 74, Curriculum Requirements, as recommended by the Committee on Instruction.

(3) **Approval of Costs to Administer the 2017–2018 State-Developed Assessments to Private School Students**

(Board agenda III-1)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved the per-student costs for administering the state assessments to private school students in 2017–2018, 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 August and September 2017**

(Board agenda page III-25)
(Committee on School Finance/Permanent School Fund)

The State Board of Education ratified the purchases and sales for the months of August and September 2017, in the amount of \$1,149,709,901 and \$756,540,415 respectively, as recommended by the Committee on School Finance/Permanent School Fund.

(5) **Decision on Real Estate Investments**

(Board agenda page III-27)

(Committee on School Finance/Permanent School Fund)

The State Board of Education approved execution of agreements with Pennybacker IV GP, L.L.C., Berkshire Multifamily Debt Fund II GP, L.L.C., and Ares Management, 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.)

(6) **Proposed Amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.65, Bond Guarantee Program for School Districts, and §33.67, Bond Guarantee Program for Charter Schools**

(First Reading and Filing Authorization)

(Board agenda page III-29)

(Committee on School Finance/Permanent School Fund)

The State Board of Education approved for first reading and filing authorization proposed amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.65, Bond Guarantee Program for School Districts, and §33.67, Bond Guarantee Program for Charter Schools, as recommended by the Committee on School Finance/Permanent School Fund.

(7) **Management of Charter District Bond Guarantee Reserve Fund**

(Board agenda page III-55)

(Committee on School Finance/Permanent School Fund)

The State Board of Education directed the Texas Education Agency to invest and manage the charter district bond guarantee reserve fund in the same manner that the Permanent School Fund is invested and managed under Texas Administrative Code, Title 19, Chapter 33, and in accordance with the Investment Procedures Manual and the investment standard described by Section 404.024(j), Government Code, as recommended by the Committee on School Finance/Permanent School Fund.

(8) **Review of SB 253 and HB 89 of the 85th Legislative Session**

(Board agenda page III-57)

(Committee on School Finance/Permanent School Fund)

The State Board of Education took no action on this item.

- (9) **Presentation on the Commodities Asset Class for the Permanent School Fund**
(Board agenda page III-59)
(Committee on School Finance/Permanent School Fund)

The State Board of Education took no action on this item.

- (10) **Recommendation for the Appointment to the Randolph Field Independent School District Board of Trustees**
(Board agenda page IV-1)
(Committee on School Initiatives)

The State Board of Education approved the re-appointment of Mr. Jimmy Cornelius to serve a term of office, from November 10, 2017 through November 9, 2019, on the Randolph Field Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

(ATTACHMENT 2, page 13)

COMMITTEE OF THE FULL BOARD

3. **Ratification of Proclamation 2018 Deadline Extension for Publisher affected by Hurricane Harvey**
(Board agenda page I-1)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education ratify the action of the board chair to grant a deadline extension for Kendall Hunt to provide the Publisher's Identification of Factual Errors and Editorial Changes.*

4. **Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Proclamation 2018**
(Board agenda page I-5)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education:*

Require that the publisher of Surviving the Angel of Death: The True Story of a Mengele Twin in Auschwitz make corrections listed in the Report of Required Corrections of Factual Errors;

Require that the adopted instructional material meet established manufacturing standards and specifications;

Approve changes and corrections submitted in response to written comments and public testimony; and

Place Surviving the Angel of Death: The True Story of a Mengele Twin in Auschwitz on the adopted list as indicated on the List of Instructional Materials Eligible for Adoption Under Proclamation 2018.

Mr. Rowley reported that the Committee of the Full Board also took up consideration of the *Mexican-American Studies Toolkit* but did not recommend adoption of that book and, therefore, will not be offering a motion.

5. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**
(First Reading and Filing Authorization)
(Board agenda page I-39)

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 amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, as amended and recommended by the Committee of the Full Board.*

6. **Proposed Amendments to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations**
(First Reading and Filing Authorization)
(Board agenda page I-53)

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 amendments to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations, as amended and recommended by the Committee of the Full Board.*

(Mr. Allen and Ms. Hardy were absent for the vote.)

7. **Proposed Revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Chapter 112, Texas Essential Knowledge and Skills for Science, and Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Concerning International Baccalaureate Courses**
(First Reading and Filing Authorization)
(Board agenda page I-71)

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 revisions to 19 TAC Chapter 110, Texas Essential Knowledge and Skills for English Language Arts and Reading, Subchapter D, Other High School English Language Arts and Reading Courses; Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses; Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter D, Other Science Courses; and Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter D, Other Languages Other Than English Courses, as amended and recommended by the Committee of the Full Board.*

(Ms. Hardy was absent for the vote.)

COMMITTEE ON INSTRUCTION

8. **Proposed Repeal of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter D, Other Science Courses, §112.71, Principles of Technology (One Physics Credit), and §112.72, Other Courses for Which Students May Receive Science Credit**
(Second Reading and Final Adoption)
(Board agenda page II-21)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption proposed repeal of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter D, Other Science Courses, §112.71, Principles of Technology (One Physics Credit), and §112.72, Other Courses for Which Students May Receive Science Credit, with an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on Instruction.*

(ATTACHMENT 3, page 19)

9. **Proposed Amendment to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter C, Arts, Audio/Video Technology, and Communications, §130.121, Extended Practicum in Fashion Design (Two to Three Credits), Adopted 2015**
(Second Reading and Final Adoption)
(Board agenda page II-35)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption proposed amendment to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter C, Arts, Audio/Video Technology, and Communications, §130.121, Extended Practicum in Fashion Design (Two to Three Credits), Adopted 2015, with an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on Instruction.*

(ATTACHMENT 4, page 27)

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

10. **Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract, §109.52, Uniform Depository Bank Contract and Surety Bond Forms**
(First Reading and Filing Authorization)
(Board agenda page III-7)

MOTION AND VOTE: *It was moved by Mr. Bradley and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract, §109.52, Uniform Depository Bank Contract and Surety Bond Forms, as recommended by the Committee on School Finance/Permanent School fund.*

11. **Proposed Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes (First Reading and Filing Authorization)**
(Board agenda page III-17)

MOTION AND VOTE: *It was moved by Mr. Bradley and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes, as recommended by the Committee on School Finance/Permanent School Fund.*

COMMITTEE ON SCHOOL INITIATIVES

12. **Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners (Second Reading and Final Adoption)**
(Board agenda page IV-21)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried that the State Board of Education approve for second reading and final adoption proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners.*

Because the motion did not achieve the support of two-thirds of those members present and voting, the rule will take effect Aug. 27, 2018. Texas Education Code 7.102(f) requires a proposed rule to receive a two-thirds vote in order to have immediate effect.

(ATTACHMENT 5, page 29)

13. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, and Subchapter E, Grades 9-12 Assignments**
(Board agenda page IV-29)

MOTION AND VOTE: *It was moved by Mrs. Cargill that the State Board of Education take no action on proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, and Subchapter E, Grades 9-12 Assignments. The motion failed.*

MOTION AND VOTE: *It was moved by Mr. Maynard and seconded by Dr. Ellis that the State Board of Education reject proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, and Subchapter E, Grades 9-12 Assignments. The motion did not achieve a two-thirds vote.*

MOTION AND VOTE: *It was moved by Ms. Pérez and seconded by Mr. Cortez that the State Board of Education schedule a special meeting prior to December 15, 2017 to consider action on proposed revisions to 19 TAC Chapter 231, Requirements for Public*

School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, and Subchapter E, Grades 9-12 Assignments. The motion failed.

Under Texas law, two-thirds of the SBOE members present and voting must vote to reject the proposed SBEC rule or it takes effect. Although a majority of board members voted to reject the rule, the SBOE did not reach the two-thirds threshold, and the SBEC rule will take effect.

- 14. Review of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**
(Board agenda page IV-77)

In accordance with TEC, §21.042, the State Board of Education took no action on the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans.

- 15. Review of Proposed Revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate**
(Board agenda page IV-89)

In accordance with TEC, §21.042, the State Board of Education took no action on the proposed revisions to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, and Subchapter C, Educational Diagnostician Certificate.

REPORTS OF COMMITTEES 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 Committee on School Finance/Permanent School Fund consent agenda items.

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 1:01 p.m.

Ruben Cortez, Jr., Secretary

R E S O L U T I O N

WHEREAS the State Board of Education considers high academic standards as the foundation of public education in Texas; and

WHEREAS the National History Day program fosters academic achievement and intellectual growth, requires student participants to conduct extensive primary and secondary source research on a topic of historical significance, and promotes pride in each student participant's heritage and in our nation's history and place in the world; and

WHEREAS the annual National History Day contest with the theme of *Taking a Stand in History* was held in College Park, Maryland, on June 11-15, 2017; and

WHEREAS Madeleine Broussard and Brandon Broussard of Gentry Junior High School in Baytown, Texas, won First Place in the Junior Division Group Performance category with their performance titled *Fanning the Flame and Inspiring the Fourth*; and

WHEREAS Havi Nguyen of Ross S. Sterling High School in Baytown, Texas, won Second Place in the Senior Division Individual Exhibit category with her exhibit titled *Lewis Hine: Capturing the Injustice of Child Labor*; and

WHEREAS Danielle Garcia and Priscila Garcia of Ross S. Sterling High School in Baytown, Texas, won Second Place in the Senior Division Group Exhibit category with their exhibit titled *Freedom Riders: Freedom's Wheels Are Rolling*; and

WHEREAS Westley Sturhan of Highland Park High School in Dallas, Texas, won Third Place in the Senior Division Individual Performance category with his performance titled *Alternating Current: Powering the Future*; now, therefore, be it

RESOLVED, That the State Board of Education does hereby congratulate these *2017 National History Day* winners from the Goose Creek Consolidated Independent School District and Highland Park Independent School District; and be it further

RESOLVED, That this resolution be presented to the aforementioned students for their winning projects at the *2017 National History Day* contest and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this tenth day of November, two thousand and seventeen, in Austin, Texas.

Donna Bahorich, Chair

Ruben Cortez, Jr., Secretary