

**Report of the State Board of Education  
Committee of the Full Board  
November 17, 2020**

The State Board of Education Committee of the Full Board met at 9:07 a.m. on Tuesday, November 17, 2020, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley

**Public Testimony**

The Committee of the Full Board heard public testimony on agenda items #1, #2, and #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**DISCUSSION ITEMS**

- 1. Public Hearing on Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40**  
(Board agenda page I-1)

Public testimony was provided by the following individuals:

NAME: Jules Mandel  
AFFILIATION: Texas Freedom Network

NAME: Lori Kuykendall  
AFFILIATION: Medical Institute for Sexual Health

NAME: Karen Krajcer  
AFFILIATION: Self

NAME: Anna Nguyen  
AFFILIATION: Self

NAME: Suzi Nelson  
AFFILIATION: Self

NAME: Jessica Soukup  
AFFILIATION: Self

NAME: Tonya Waite  
AFFILIATION: Self

NAME:	Suzanne Kerns
AFFILIATION:	Self
NAME:	Sarah Anderson
AFFILIATION:	Self
NAME:	Mary Elizabeth Castle
AFFILIATION:	Texas Values
NAME:	Dan Bailey
AFFILIATION:	Just say YES
NAME:	Deborah Simmons
AFFILIATION:	Self
NAME:	Marilyn Henderson
AFFILIATION:	Self
NAME:	Janice Weaver
AFFILIATION:	South Texas Pregnancy Care Center
NAME:	Candace Russell
AFFILIATION:	Self
NAME:	Christy Baca
AFFILIATION:	Self
NAME:	Marcia Lamb
AFFILIATION:	Self
NAME:	Shelly Skeen
AFFILIATION:	Lambda Legal
NAME:	Katherine Goldey
AFFILIATION:	Self
NAME:	Rebecca Jowers
AFFILIATION:	Poima Foundation
NAME:	Caryl Ayala
AFFILIATION:	Self
NAME:	Lorie Meynig
AFFILIATION:	Self
NAME:	Ricardo Martinez
AFFILIATION:	Equality Texas
NAME:	Geoffrey Carlisle
AFFILIATION:	Self

NAME:	Mary Anne Mosack
AFFILIATION:	Ascend
NAME:	Janet Teal
AFFILIATION:	Self
NAME:	Ruth York
AFFILIATION:	Self
NAME:	Ellen Klipp
AFFILIATION:	Self
NAME:	Connie Wyatt-Coleman
AFFILIATION:	Wise Choices PRC
NAME:	Heather Frederick
AFFILIATION:	Texas GSA Network
NAME:	Angela Lutts
AFFILIATION:	National Association of Social Workers, Texas Chapter
NAME:	Lawrence Hulsey
AFFILIATION:	Self
NAME:	Rebecca Hardy
AFFILIATION:	Texans for Vaccine Choice
NAME:	Rev. Angela Williams
AFFILIATION:	Just Texas
NAME:	Audrey Werner
AFFILIATION:	Self
NAME:	Lee Spiller
AFFILIATION:	Citizens Commission on Human Rights-TX
NAME:	Irene Ericksen
AFFILIATION:	The Institute for Research & Evaluation
NAME:	Lauren DeWitt
AFFILIATION:	Self
NAME:	Diana Richards
AFFILIATION:	Self
NAME:	Rosann Mariappuram
AFFILIATION:	Jane's Due Process
NAME:	Madeleine Croll
AFFILIATION:	GENTEx

NAME: Karole Fedrick  
AFFILIATION: Self

NAME: Lydia Ayala  
AFFILIATION: Self

NAME: Becky Baker  
AFFILIATION: Self

NAME: Bob Tupin  
AFFILIATION: Self

NAME: Ginger Bloomer  
AFFILIATION: Self

NAME: Shannon Jaquette  
AFFILIATION: Texas Catholic Conference of Bishops

NAME: Rachana Chhin  
AFFILIATION: Texas Catholic Conference of Bishops

NAME: Susie Roselle  
AFFILIATION: Self

2. **Public Hearing on Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64**  
(Board agenda page I-3)

No public testimony was provided during this item.

3. **Public Hearing on Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45**  
(Board agenda page I-5)

Public testimony was provided by the following individuals:

NAME: Juli Berwald  
AFFILIATION: Self

NAME: Suzi Nelson  
AFFILIATION: Self

NAME: Christopher Garcia  
AFFILIATION: Self

NAME: Carisa Lopez  
AFFILIATION: Texas Freedom Network

NAME:	Michael Clayton
AFFILIATION:	Self
NAME:	Geoffrey Carlisle
AFFILIATION:	Self
NAME:	Olivia Harris
AFFILIATION:	Self
NAME:	Ann Mulvihill
AFFILIATION:	Texas Science Educator Leadership Association
NAME:	Abigail Milam
AFFILIATION:	Self
NAME:	Tony Halstead
AFFILIATION:	Self
NAME:	Susan Barnum
AFFILIATION:	Self
NAME:	David Bonnette
AFFILIATION:	Self
NAME:	Maxine Jenks
AFFILIATION:	Self
NAME:	Eliza Epstein
AFFILIATION:	Self
NAME:	Gregory Alvord
AFFILIATION:	Self
NAME:	Linda Cook
AFFILIATION:	Self
NAME:	John Geissman
AFFILIATION:	Self
NAME:	Myriah Gossett
AFFILIATION:	Self
NAME:	Selena Wilson
AFFILIATION:	DFW Science Supervisors (MASS)
NAME:	Ashley Carter
AFFILIATION:	DFW Science Supervisors (MASS)
NAME:	Deyadira Arellano
AFFILIATION:	Self

NAME:	Sharon Mineo
AFFILIATION:	Self
NAME:	Crystal Lantrip
AFFILIATION:	Self
NAME:	Hadia Noor
AFFILIATION:	Self
NAME:	Leila Cornelius
AFFILIATION:	Self
NAME:	Robert Martinez
AFFILIATION:	Self
NAME:	Kenric Davies
AFFILIATION:	TX Section of American Association of Physics Teachers
NAME:	Jennifer Meyer
AFFILIATION:	Texas Science Teachers Association
NAME:	Daniela De Urioste
AFFILIATION:	Self
NAME:	Marilyn Kortum
AFFILIATION:	Self
NAME:	Shane Woods
AFFILIATION:	Self
NAME:	Kathlene Sheets
AFFILIATION:	Self
NAME:	Adrienne Abrahamson
AFFILIATION:	Self
NAME:	Nalleli Hidalgo
AFFILIATION:	TX Environmental Justice Advocacy Services
NAME:	Sandra West
AFFILIATION:	Self
NAME:	Ashley-Meggan Bowie
AFFILIATION:	Self
NAME:	Jennifer Bernabo
AFFILIATION:	Self
NAME:	Kathy Shannon
AFFILIATION:	Petroleum Museum

NAME: Jason Isaac  
AFFILIATION: Self

NAME: Stephanie Thomas  
AFFILIATION: Self

NAME: Marlene Plua  
AFFILIATION: Self

NAME: Taren Hodges  
AFFILIATION: Self

NAME: Michael Link  
AFFILIATION: Self

### **ACTION ITEMS**

4. **Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64 (Second Reading and Final Adoption)**  
(Board agenda page I-7)

Monica Martinez, associate commissioner for standards and support services, explained that the content advisors provided responses to public comments that were received on the proposed revisions to the physical education TEKS for kindergarten through high school.

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64.*

*(Mr. Allen was absent for the vote.)*

5. **Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40 (Second Reading and Final Adoption)**  
(Board agenda page I-58)

The committee postponed consideration of this item until Wednesday, November 18, 2020.

6. **Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45**  
**(Second Reading and Final Adoption)**  
(Board agenda page I-116)

Ms. Martinez explained that staff had distributed the cumulative public comments received for this item and that the science content advisors had been convened to review the comments and provide consensus feedback on public comments that were received.

**MOTION:** *It was moved by Mr. Rowley and seconded by Mrs. Melton-Malone to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020; and*

*Make an affirmative finding that immediate adoption of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §112.42(c)(6)(A) to read:*

“explain the importance of the cell cycle to the growth of organisms, including an overview of the stages of the cell cycle and deoxyribonucleic acid (DNA) replication models”

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §112.42(c)(7)(D) to read:*

“discuss the importance ~~describe the function~~ of molecular technologies such as PCR, gel electrophoresis, and gene modification that are applicable in current research and engineering practices”

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §112.42(c)(10)(D) to read:*

“analyze evolutionary mechanisms other than natural selection, including genetic drift, gene flow, mutation, and genetic recombination, and their effect on the gene pool of a population”

**MOTION AND VOTE:** *It was moved Mrs. Cargill, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §112.42(c)(11)(A) to read:*

“explain how matter is conserved and energy is transferred during photosynthesis and cellular respiration using models, including the chemical equations for these processes,”



**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §112.42(c)(11)(B) to read:*

*“~~identify and~~ investigate and explain the role of enzymes in facilitating cellular processes”*

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.42(c)(12)(B) to read:*

*“explain how the interactions that occur among systems that perform the functions of transport, reproduction, and response in plants are facilitated by their structures.”*

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.43(c)(11)(C) to read:*

*“investigate how ~~factors that influence~~ solid and gas solubilities are influenced by such as temperature using solubility curves and how rates of dissolution are influenced by such as temperature, agitation, and surface area;”*

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §112.43(c)(11)(D) to read:*

*“investigate the general rules regarding solubility and predict the solubility of the products of a double replacement reaction;”*

*The board requested that staff correct the spelling of “Van de Graaff” in student expectation §112.45(c)(6)(C) as a technical edit.*

**MOTION:** *It was moved by Mr. Rowley and seconded by Mrs. Little to recommend that the State Board of Education strike §112.45(c)(9)(A)–(D) and add new §112.45(c)(8)(H) to read:*

*“(H) investigate and understand how quantum physics applies to the behavior of waves, including mass-energy equivalence, the photoelectric effect, and the dual nature of light.”*

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Mr. Maynard, and carried to insert “and emission spectra” after “photoelectric effect.”*

**MOTION AND VOTE:** *It was moved by Mr. Rowley and carried to change “understand” to “explain.”*

**VOTE:** *A vote was taken on the motion to recommend that the State Board of Education strike §112.45 (c)(9)(A)–(D) and add §112.45(c)(8)(H) as amended to read:*

*“(H) investigate and explain how quantum physics applies to the behavior of waves including mass energy equivalence, the photoelectric effect and emission spectra, and the dual nature of light.”*

*The motion failed.*

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §§112.42(c)(4), 112.43(c)(4)(C), 112.44(c)(4)(C), and 112.45(c)(4)(C) to read:*

*“research and explore resources such as museums, libraries, professional organizations, private companies, online platforms and mentors employed in a STEM field in order to investigate connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.”*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz and seconded by Mr. Cortez to recommend that the State Board of Education postpone second reading and final adoption of proposed new 19 TAC §§112.41-112.45 to the January 2021 SBOE meeting. The motion failed.*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020, as amended; and*

*Make an affirmative finding that immediate adoption of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. The motion carried.*

Dr. Ellis adjourned the meeting at 6:08 p.m.

**Report of the State Board of Education  
Committee of the Full Board  
November 18, 2020**

The State Board of Education Committee of the Full Board met at 9:09 a.m. on Wednesday, November 18, 2020, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley

**Public Testimony**

The Committee of the Full Board heard public testimony on agenda item #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**DISCUSSION ITEM**

**1. Commissioner's Comments**  
(Board agenda page I-138)

Commissioner of Education, Mike Morath provided an update on the Texas Education Agency (TEA) legislative appropriations request. He shared information regarding the single exceptional item request that is intended to focus on the achievement gap to give students who are struggling the most, the most support. He provided updates on the COVID-19 testing program. The commissioner commended the board on its work to update the School Board Development Framework. Finally, he provided an update on the Texas Home Learning resources that TEA has made available to school districts.

**CONSENT ITEM**

**2. Decision on the Percentage Distribution of the Permanent School Fund**  
(Board agenda page I-139)  
[Consent agenda item #(1)]

Holland Timmins, executive administrator, and chief investment officer, presented an overview of the most recent State Board of Education (SBOE) action to date, including the preliminary adoption of a 4.0% rate at the September meeting. Mr. Timmins explained the spending impact and commented on the SBOE's objective to strive to maintain intergenerational equity when setting the distribution rate.

Mark Shewmaker, portfolio manager, fixed income, presented the Permanent School Fund (PSF) staff recommendation for a distribution rate of between 3.90% and 4.18%. He discussed the factors that were considered in determining an appropriate distribution rate for the fund as well as an analysis of the board's goal to maintain intergenerational equity. He explained that the board has achieved intergenerational equity and should continue to do so with a payout between 3.90% and 4.18%. At those rates, distributions would be expected to range between \$1.602 billion and \$1.717 billion annually, respectively.

Rhett Humphries, partner with NEPC, the board's general investment counsel, explained the process by which NEPC arrived at their recommendation and stated that the outcomes across various spending rates and economic environments led them to recommend a rate of up to 4.08%.

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously that the State Board of Education approve the percentage distribution rate to the Available School Fund from the Permanent School Fund for the 2022-2023 fiscal biennium of 4.18%, for projected amounts of \$1.717 billion annually and \$3.434 billion for the biennium.*

*(Mr. Cortez was absent for the vote.)*

### **ACTION ITEMS**

#### **3. Legislative Recommendations for the 87th Texas Legislature**

(Board agenda page I-141)

[Official agenda item #(6)]

Public testimony was provided by the following individuals:

NAME: Deborah Simmons

AFFILIATION: Self

NAME: Anne Newman

AFFILIATION: Self

NAME: Steven Aleman

AFFILIATION: Disability Rights Texas

NAME: Jennifer Fleck

AFFILIATION: Self

NAME: Valoree Swanson

AFFILIATION: Self

NAME: Lisa Williams

AFFILIATION: Self

Hunter Thompson, director, governmental relations, provided an update regarding the State Board of Education's recommendations for the 86th Texas Legislature. He then facilitated a discussion among board members to identify recommendations for the 86th Texas Legislature (Attachment A).

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Ms. Perez and carried unanimously to adopt 13 recommendations.*

*(Mr. Cortez was absent for the vote.)*

4. **Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Proclamation 2021**

(Board agenda page I-142)

[Official agenda item #(7)]

Amie Williams, director of review and adoption, instructional materials and implementation division, provided an update of corrections and editorial changes made to materials submitted under Proclamation 2021.

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education:*

*Require that all publishers make corrections listed in the Proclamation 2021 Report of Required Corrections and the Report of Editorial Changes;*

*Require that all instructional materials meet established manufacturing standards and specifications;*

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.0 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

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

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2021 List of Instructional Materials Eligible for Adoption.*

5. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements (First Reading and Filing Authorization)**

(Board agenda page I-159)

[Official agenda item #(8)]

Ms. Martinez explained that the proposed amendment would add a requirement for students to complete and submit a financial aid application in order to graduate, starting in the 2021-22 school year, in alignment with requirements in House Bill 3. Students will have the option to complete the Free Application for Federal Student Aid (FAFSA), Texas Application for State Financial Aid (TASFA), or opt out. Ms. Martinez further explained that a question was asked about whether a student can satisfy the requirement to demonstrate proficiency in communication skills in middle school.

**MOTION:** *It was moved by Mr. Maynard and seconded by Mr. Rowley to recommend that the State Board of Education suspend 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 amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements.*

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §74.11(a)(3) to read:*

*“demonstrated proficiency in grade 8 or higher, as determined by the district in which the student is enrolled, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.”*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education suspend 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 amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements, as amended. The motion carried unanimously.*

5. **Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40 (Second Reading and Final Adoption)**  
(Board agenda page I-58)

Ms. Martinez explained that board members had received the cumulative comments on the health education TEKS and consensus feedback on public comments from content advisors.

**MOTION:** *It was moved by Mr. Maynard and seconded by Mr. Rowley to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40, with an effective date of August 1, 2022.*

Mrs. Bahorich summarized the technical edits she identified that needed to be made to the rules.

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried to authorize TEA staff to make technical adjustments to 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.12(b)(9)(B) and §115.12(b)(12)(D) to read:*

“(9)(B) identify and role play refusal skills such as saying "no" to protect personal space and to avoid unsafe situations ~~and practice telling a parent or trusted adult if threatened;~~ and”

“(12)(D) “explain ~~and practice~~ how to get help from a parent or trusted adult when made to feel uncomfortable or unsafe by another person.”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §115.12(b)(14) by substituting the words “role play” with the word “identify.”*

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education add “other” to “parent or trusted adult” to read “parent or other trusted adult” throughout the Kindergarten-Grade 12 health education TEKS as appropriate.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §115.13(b)(11)(B) by striking the word “drugs.”*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz and seconded by Mr. Cortez to recommend that the State Board of Education add new §§115.12(b)(3)(E), 115.13(b)(4)(A), and 115.14(b)(3)(D) to read:*

“(3)(E) describe differences and similarities in how boys and girls may be expected to act;”

“(4)(A) describe differences and similarities in how boys and girls may be expected to act;”

“(3)(D) explain the effect of peer and societal influence on an individual's social and emotional health, including traditional gender expectations.”

*The motion failed.*

**MOTION:** *It was moved by Ms. Perez-Diaz and seconded by Mr. Cortez to recommend that the State Board of Education add new §115.12(b)(12)(E) to read:*

“memorize personal home address as part of a personal safety plan.”

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried to recommend that the State Board of Education replace “memorize” with “recall.”*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education add new §115.12(b)(12)(E), as amended. The motion carried.*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §115.13(b)(10)(C) to read:*

“recall parents’/caregivers’ phone numbers as part of a personal safety plan.”

**MOTION:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Pérez, and carried to recommend that the State Board of Education add new §115.14(b)(10)(D) to read:*

“identify two trusted adults not part of the immediate family and recall their phone numbers as part of a personal safety plan.”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Pérez, and carried to recommend that the State Board of Education amend §115.15(b)(4)(A) to read:*

“define self-esteem and ways it is formed, including identifying areas for one’s personal growth; and”

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §§115.15(b)(11)(D), 115.16(b)(12)(E), 115.17(b)(12)(E), 115.26(b)(12)(C), and 115.27(b)(12)(D) to read:*

“create a personal safety plan.”



**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.15(b)(12)(D).*

**MOTION AND VOTE:** *It was moved by Mr. Maynard and seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education add new (a)(4)(A)-(E) to the introductions for §§115.16-17, §§115.26-115.28, and §§115.38-115.39 to read:*

"(4) An integral part of health education involves educators being aware of state laws relevant to human sexuality instruction. These include laws affirming

- (A) local school district's control over the provision of human sexuality instruction to ensure that local community values are reflected in that instruction;
- (B) the right of a parent or legal guardian to be informed of the provision of human sexuality instruction to their child and review the content of that instruction;
- (C) the right of a parent or legal guardian to remove their child from any portion of human sexuality instruction without penalty to the child;
- (D) the centrality of abstinence education in any human sexuality curriculum;
- (E) and the right of a parent or legal guardian to be informed of and consent to an abortion performed on their pregnant child (with judicially authorized or medical emergency exceptions).

(5) Educators should be aware of and abide by the statutory prohibition on taxpayer resource transactions between state governmental entities, including public schools, and abortion providers or an affiliate of an abortion provider."

The board asked staff to add statutory citations to new (a)(4)(A)-(E), as applicable.

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §115.16(b)(4)(A) to read:*

"discuss ways to help build self-esteem of self, friends, and others, including identifying areas for one's personal growth and ways to gather constructive feedback;"

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §115.16(b)(12)(A) by striking the words "and drugs."*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §115.17(b)(3)(C) to read:*

"explain ways of maintaining healthy relationships and resisting negative peer influence ~~pressure~~ in social groups;"

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education add new §115.17(b)(4)(D) to read:*

"identify goals that one wishes to achieve, including identifying areas for one's personal growth and ways to gather constructive feedback"

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to unanimously recommend that the State Board of Education amend §115.17(b)(12)(A) by striking the words “and drugs.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §115.17(b)(16)(B) to read:*

*“~~analyze the short and long term harmful effects of alcohol, tobacco, other drugs, and dangerous substances and~~ describe the legal consequences of the their illegal use of alcohol, tobacco, other drugs, and dangerous substances.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.17(b)(20)(A) and §115.38(b)(18)(A) and amend §115.26(b)(20)(A) and §115.27(b)(20)(A) to read:*

§115.26(b)(20)(A) *“define and distinguish between friendship, infatuation, dating/romantic relationships, and marriage ~~compare and contrast the differences between friendship, infatuation, dating/romantic relationships, and marriage~~”*

§115.27(b)(20)(A) *“compare and contrast the difference between friendship, infatuation, dating/romantic relationships, and marriage ~~describe types of relationships such as platonic, romantic, and casual,~~”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.17(b)(21)(D) to read:*

*“discuss and explain the importance of making decisions regarding setting personal boundaries and respecting the boundaries of others ~~related to physical intimacy such as holding hands, hugging, and kissing.~~”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend (a)(2) of the introductions to §115.26 and §115.27 to add the following sentences at the end of the paragraph:*

*“In addition, areas in the standards related to abuse, neglect, violence, loss, grief, trauma, and suicide may directly affect some students in the classroom. Should the educator recognize signs of discomfort with instruction in these areas, students should be referred to the appropriate resource, identified ahead of such instruction, for additional help and support.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(4)(B) to read:*

*“identify possible health benefits ~~implications~~ of setting and implementing long-term personal goals;”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mr. Maynard, and carried to recommend that the State Board of Education strike §§115.26(b)(5)(A), 115.27(b)(5)(A), and 115.38(b)(4)(A).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(10)(D), §115.27(b)(10)(D), and §115.38(c)(8)(A) as follows:*

§115.26(b)(10)(D) “discuss the nutritional differences in fresh or minimally-processed foods and commercially-prepared or highly ~~preparing and serving fresh foods versus serving ready prepared,~~ processed foods”

§115.27(b)(10)(D) “investigate and compare the nutritional differences in fresh or minimally-processed foods and commercially-prepared or highly ~~preparing and serving fresh foods and serving ready prepared,~~ processed foods”

§115.38(c)(8)(A) “evaluate the nutritional differences in fresh or minimally-processed foods and commercially-prepared or highly ~~preparing and serving fresh foods versus serving ready prepared or~~ processed foods.”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(13)(B), §115.27(b)(13)(A), and §115.38(b)(11)(A) by inserting the words “social media posts” after “such as.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(13)(C), §115.27(b)(13)(B), and §115.38(b)(12)(A) by inserting the words “social media posts” after “such as.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend §115.26(b)(15)(D) by striking “prescription drugs, over-the-counter drugs.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.26(b)(16)(C) and amend §115.26(b)(16)(B) to read:*

“discuss the legal consequences related to the use, ~~and misuse,~~ and possession of drugs, including prescription drugs; and.”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.26(b)(18)(E) and amend §115.26(b)(17)(C) to read:*

“identify examples at least one example of who, when, where, and how to get help related to unsafe situations regarding the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances.”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.26(b)(19)(D).*

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**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education change references to “STIs and STDs” throughout the Kindergarten-Grade 12 health education TEKS to “STIs/STDs” as appropriate.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(23)(G) to read:*

“identify why abstinence from sexual activity is the only method that is 100% effective in preventing pregnancy; STIs/STDs, ~~STIs, ,~~ including human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS); ~~and the emotional risks associated with adolescent sexual activity;~~”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(23)(D) to read:*

“identify what ~~that there are~~ emotional risks are associated with sexual activity between unmarried persons of school age;”

**MOTION AND VOTE:** *It was moved by Ms. Pérez, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §§115.26(b)(6)(F), 115.27(b)(6)(E), and 115.38(b)(5)(A) to read:*

“(6)(F) discuss the Suicide Risk and Suicide Protective Factors ~~warning signs associated with suicide as~~ identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others;”

“(6)(E) discuss the Suicide Risk and Suicide Protective Factors ~~protective factors of suicide~~ identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others;”

“(5)(A) discuss the Suicide Risk and Suicide and Protective Factors ~~warning signs and protective factors of suicide as~~ identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others;”

**MOTION AND VOTE:** *It was moved by Mrs. Little and seconded by Dr. Robinson to recommend that the State Board of Education strike §115.26(b)(5)(B). The motion failed.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education strike §115.27(b)(5)(D).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(7)(A) to read:*

“analyze food labels and menus to determine the nutritional value of foods and make healthy decisions about daily caloric intake;”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.27(b)(7)(B).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(8)(C) by striking the word “expenditures.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded Mr. Maynard, and carried to recommend that the State Board of Education strike §115.27(b)(8)(A) and amend §115.27(b)(8)(D) to read:*

*“apply the CDC guidelines for daily physical activity to develop a physical fitness plan using appropriate technology.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(10)(C) by inserting the words “and digital” after “community.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.27(b)(15)(D).*

**MOTION:** *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education strike §115.27(b)(15)(F) and amend §115.27(b)(15)(E) to read:*

*“describe how substance misuse and addiction to alcohol, tobacco, drugs and other substances, including prescription drugs, ~~drug abuse, and substance use disorders~~ affect the body systems and brain; and”*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education strike §115.27(b)(15)(F) and amend §115.27(b)(15)(E) as amended. The motion carried.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(16)(A) by inserting the words “addiction to alcohol and tobacco and” after “consequences of.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(16)(B) by replacing the word “alternatives” with the words “alternative activities.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.27(b)(22)(D).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(23)(D) to read:*

*“describe various modes of transmission of STDs/STIs ~~STDs and STIs, including skin-to-skin contact and the exchange of bodily fluids through sexual contact;~~”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §115.27(b)(23)(E) to read:*

*“identify the prevalence of STDs/STIs among teens by referencing county, state, and/or federal data sources<sub>2</sub>”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(23)(K) by replacing the word “condoms” with the words “barrier protection.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(23)(L) to read:*

“explain that HPV vaccines can help prevent the transmission of the most common types of HPV, a virus that can cause genital warts, and cervical cancer, and ~~or~~ other cancers in males and females;”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(23)(N) to read:*

“define legal implications of ~~regarding~~ teen pregnancy, including the legal effects of acknowledgment and proof of paternity ~~child support and acknowledgement of paternity;~~”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(23)(O) to read:*

“describe legal aspects of sexual activity with a minor person ~~implications~~, including the legal age of consent, ~~and offenses regarding sexual activity as they relate to minor persons, including~~ statutory rape, aggravated sexual assault, sexual assault, sexual abuse, and indecency with a child; and”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.27(b)(3)(F).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(21)(F) to read:*

“describe how a healthy sense of self and making ~~and respecting~~ decisions regarding setting and respecting ~~safe~~ personal boundaries ~~and limits~~ promote healthy dating/romantic relationships”

**MOTION:** *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education strike §115.27(b)(21)(H) and amend §115.27(b)(21)(G) to read as follows,*

“discuss and practice how refusal skills can be used to resist negative peer influences ~~pressure~~ and reinforce personal boundaries to avoid dangerous situations and behaviors that increase sexual risk in dating/romantic relationships”

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.27(b)(21)(G) by replacing the words “dating/romantic relationships” with “dating and romantic relationships.”*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education amend §115.27(b)(21)(G) as amended. The motion carried.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.27(b)(21)(J).*

**MOTION AND VOTE:** *It was moved by Dr. Robinson, seconded by Mr. Cortez, and carried to recommend that the State Board of Education add “vaping products” after “tobacco” where appropriate.*

**MOTION AND VOTE:** *It was moved by Mr. Cortez and seconded by Ms. Perez-Diaz to recommend that the State Board of Education amend §115.27(b)(14)(E) to read:*

*“describe the seriousness of various forms of bullying, including bullying and harassment because of sexual orientation and gender identity or expression ~~such as harassment~~;*”

*The motion failed.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by M.s Hardy, and carried to recommend that the State Board of Education amend (a)(3)(D) in the introduction of §§115.12-115.16 and §§115.26-115.27 and (b)(3)(D) in the introduction of §§115.38-115.39 by inserting the word “prevention” after “bullying.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by M.s Hardy, and carried to recommend that the State Board of Education amend §115.38(c)(2)(A) to read:*

*“discuss and demonstrate perspective-taking and ways to show respect for other’s feelings and express empathy toward others; and”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by M.s Hardy, and carried to recommend that the State Board of Education amend §115.38(c)(3) by striking the word “mental” from the phrase “based on mental health information.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by M.s Hardy, and carried to recommend that the State Board of Education amend §115.38(c)(5)(B) and add new §115.39(c)(5)(D) to read:*

*“(5)(B) ~~discuss assess~~ how the use of suicide prevention resources such as the National Suicide Prevention Hotline reduces the likelihood of suicide; and”*

*“(5)(D) assess how the use of suicide prevention resources such as the National Suicide Prevention Hotline reduces the likelihood of suicide; and”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.38(c)(5)(C) and move it to new §115.39(c)(5)(E).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.38(c)(6)(A) to read:*

*“evaluate food labels and menus to determine the for nutritional content and value of foods and make healthy decisions about daily caloric intake, ~~including recommended daily calories~~;*”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education move §115.38(c)(8)(B) to §115.39(c)(9)(A) and to move §115.39(c)(9)(A) to §115.38(c)(8)(B).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.38(c)(18)(B) by inserting “and romantic” after “dating.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §115.38(c)(18)(D) to read:*

“describe how a healthy marriage can provide a supportive environment for the nurturing and development of children.”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.38(c)(19)(C) by replacing the word “identify” with the word “analyze.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §115.38(c)(19)(F)-(H) to read:*

“(F) examine factors, including alcohol and other substances, that increase sexual risk and that affect setting, perceiving, respecting, and making decisions about boundaries;”

“(G) examine and discuss influences and pressures to become sexually active and why it is wrong to violate another person's boundaries and manipulate or threaten someone into sexual activity; and”

“(H) explain the importance of reporting to a parent or trusted adult sexual harassment, sexual abuse, sexual assault, and dating violence involving self or others.”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.38(c)(20)(A).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education strike §115.38(c)(20)(B).*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.38(c)(21)(B) to read:*

“describe various modes of transmission of sexually transmitted diseases (STDs) and STIs, ~~including skin to skin contact, oral sex, vaginal sex, and anal sex,~~”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §115.38(c)(21)(C) to read:*

“investigate and summarize the statistics on the prevalence of STDs/STIs among teens by referencing county, state, and/or federal data sources;”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education add new §115.38(c)(21)(G) to read:*

“identify support from parents and trusted adults and create strategies, including building peer support, to be abstinent or for return to abstinence if sexually active;”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend original §115.38(c)(21)(G) and §115.39(c)(21)(G) to each read:*



“analyze the effectiveness and the risks and failure rates (human-use reality rates) of barrier protection and other contraceptive methods, including how they work to ~~and may~~ reduce the risk of STDs/STIs and pregnancy; and”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.39(c)(9)(B) by inserting “and digital” after “community.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.39(c)(15)(A) and amend §115.39(c)(14)(A) to read:*

“analyze how substance misuse and addiction to alcohol, tobacco, drugs, and other substances impacts family and community health;”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.39(c)(20)(B) by substituting the word “explain” with the word “evaluate.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.39(c)(20)(E) by substituting the words “examine and discuss” with the word “evaluate.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.39(c)(21)(C).*

**MOTION:** *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education amend §115.39(c)(22)(E) to read:*

“identify the effectiveness of vaccines in preventing the transmission of the most common types of HPV, a virus that may cause genital warts, ~~and~~ head and neck cancer, cervical cancer, anal cancer, and other cancers in males and females;”

**MOTION AND VOTE:** *It was moved by Mrs. Cargill, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.39(c)(22)(E) by inserting the words “that may occur” after “other cancers.”*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education amend §115.39(c)(22)(E) as amended. The motion carried.*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.39(c)(22)(G) by substituting the word “identify” with the word “assess.”*

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.39(c)(22)(H) to read:*

“~~investigate and summarize~~ describe the legal aspects of sexual activity with a minor person, ~~implications, including the legal age of consent, and offenses regarding sexual activity as they relate to minor persons, including~~ statutory rape, aggravated sexual assault, sexual assault, sexual abuse and indecency with a child; and”

**MOTION AND VOTE:** *It was moved by Mr. Cortez and seconded by Mr. Allen to recommend that the State Board of Education add new §115.38(c)(12)(D) to read:*

“explain why everyone deserves to be treated with respect, regardless of their sexual orientation or gender identity.”

*The motion failed.*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz and seconded to recommend that the State Board of Education add new §115.38(c)(19)(F) to read:*

“analyze the similarities and differences between legal consent to sexual activity and affirmative consent to sexual activity.”

*The motion failed.*

**MOTION AND VOTE:** *It was moved by Mr. Cortez and seconded by Ms. Perez-Diaz to recommend that the State Board of Education amend §115.39(c)(13)(C) to read:*

“promote strategies for prevention and intervention of all forms of bullying and cyberbullying such as emotional, physical, social, and sexual, and bullying and harassment because of sexual orientation or gender identity.”

*The motion failed with 6 members voting Aye and 9 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Ms. Pérez
	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
 <u>No:</u>	 Mrs. Bahorich	 Mr. Maynard
	Mrs. Cargill	Mrs. Melton-Malone
	Dr. Ellis	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §§115.16(c)(5)(E), 115.17(c)(6)(F), 115.26(c)(6)(G), and 115.27(c)(6)(F) to read:*

~~“(5)(E) identify ways to express and self harm behaviors that may present when someone is struggling to manage overwhelming emotions without harming oneself, others, or property such as calming strategies or talking to a or lacks support and explain the importance of telling a parent or trusted adult if observed in self or others;”~~

~~“(6)(F) discuss healthy self management alternatives to harming oneself, others, or property prevent harming oneself and the importance of telling a parent or trusted adult when someone is struggling to manage overwhelming emotions or lacks support;”~~

“(6)(G) explain the role of a healthy self-concept in avoiding self-harming behaviors that can occur when someone is struggling to manage overwhelming emotions or lacking support”

“(6)(F) research and discuss protective factors and healthy self-management strategies to avoid self-harming behaviors harming oneself; and”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §§115.16(c)(12)(D), 115.17(c)(12)(C), 115.17(c)(14)(A), 115.17(c)(14)(B), 115.26(c)(14)(A), 115.27(c)(12)(C), 115.27(c)(14)(B), 115.27(c)(14)(H), and 115.39(c)(13)(A), and amend §§115.15(c)(13)(C), 115.17(c)(12)(D), 115.26(c)(12)(B), 115.26(c)(14)(B), and 115.27(c)(14)(A) to read as follows,*

“(13)(C) define identify examples of abuse and neglect and describe how to respond;”

“(12)(D) identify evaluate safety procedures that can be used in various situations, including violence in the home, school, and community;”

“(12)(B) define safe haven and identify designated safe haven locations in the community examine safety procedures that can be used in various situations, including violence in the home, school, and community;”

“(14)(B) identify how exposure to family violence can influence behavior and the importance of reporting suspected abuse;”

“(14)(A) identify forms of family violence including physical, mental, and emotional violence analyze strategies for managing unhealthy behaviors in the family or household such as abuse, alcoholism, and neglect;”

**MOTION AND VOTE:** *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §§115.40(c)(1)(A), (2)(A), (3)(C), (4)(F), (5)(C), (6)(B), (6)(D), (10)(B), (13)(B), and (13)(F) as follows,*

“(1)(A) define identify and characterize medical expressions or terms used by health care professionals;”

“(2)(A) interpret and explain apply take-home instructions from a health care professional;”

“(3)(C) analyze key compare and contrast different components of insurance, including copay and deductible;”

“(4)(F) explain what Food and Drug Administration (FDA) approval means and compare with, including off-label use.”

“(5)(C) identify available health care community resources such as medical, dental, vision, pharmacy, x-ray, and laboratory services;”

“(6)(B) identify patient rights and physician privileges and expectations, including rights to sexually transmitted infection (STI)/STD testing and pregnancy health care, and explain and physician privileges;”

“(6)(D) demonstrate ~~how the ability~~ to have a collaborative conversation with a health care professional, including asking questions and advocating for self and others;”

“(10)(B) compare and contrast ~~the characteristics of~~ U.S. and global health issues;”

“(13)(B) evaluate ~~explore~~ the benefits of regular checkups;”

“(13)(F) research ~~explore~~ and describe preventative services covered by insurance plans;”

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40, as amended. The motion carried unanimously.*

## **6. Texas Certificate of High School Equivalency**

(Board agenda page I-165)

[Official agenda item #(9)]

Ms. Martinez explained that a new request for proposals (RFP) from vendors who offer high school equivalency tests will need to be issued for contracts to begin next year. She explained that staff was requesting minor adjustments to the language that was used in the last RFP.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education approve the content of the Texas Certificate of High School Equivalency Request for Proposals (RFP) for test providers relating to 19 TAC Chapter 89, Texas Certificate of High School Equivalency.*

*(Mrs. Bahorich, Mr. Mercer, and Mr. Rowley were absent for the vote.)*

## **DISCUSSION ITEMS**

### **7. Discussion of Transition Plan for Electronic Administration of Assessment Instruments**

(Board agenda page I-167)

Iris Tian, division director, student assessment, provided an update regarding the legislative requirement that the Texas Education Agency, in consultation with the SBOE, conduct a feasibility study and submit to the Legislature a transition plan for electronic administration of state assessments beginning in the 2022-2023 school year. Ms. Tian explained that final decisions about transition to electronic assessments will be made by the Legislature during the 2021 legislative session.

### **8. Discussion of Pending Litigation**

(Board agenda page I-168)

The committee did not discuss pending litigation; therefore, no executive session was held.

Dr. Ellis adjourned the meeting at 7:13 p.m.

## **State Board of Education –87<sup>th</sup> Legislative Priorities**

### **Assessment and A-F Accountability**

- A. Expand the authority of the SBOE to develop guidelines for pre-apprenticeships and determine which career and technical education (CTE) certification programs qualify for a performance indicator in the A-F Accountability System. **(Georgina Perez)**

### **Charter Schools**

- B. Restore statutory authority of the State Board of Education (SBOE) to allow the SBOE to approve the Commissioner's proposed charter expansion amendments—to ensure that there is an elected and voter-accountable body. **(Georgina Perez)**
- C. Ensure sufficient funding for a statewide enrollment management system for charter schools. This funding would provide for the creation and maintenance of a real-time system to track waitlists of charter schools (approximate cost would be \$1.5-\$2.0M per biennium). **(Tom Maynard)**

### **Counselors/Mental Health Services**

- D. Increase funding for counselors and mental health services. **(Georgina Perez)**

### **Education Vendor Contracts**

- E. Require vendors for K-12 Texas schools and libraries to filter inappropriate content, such as obscene and pornographic images for minors. **(Ken Mercer)**

### **Safe and Healthy Schools**

- F. TEA to create an advisory council on family engagement and empowerment to inform all state and local policymakers on best practices on family and school partnerships. **(Mrs. Bahorich)**

### **Technology and Instructional Materials (TIMA)**

- G. Increase funding for the technology and instructional materials fund (TIMF) to ensure districts can provide adequate technology and instructional materials to meet higher standards for students and oppose any carve-outs from the TIMF that decrease the amount of funds to school districts, including efforts by the state for rating instructional materials. Funding for “quality” reviews should be allocated from a source other than the TIMF. **(Georgina Perez)**

- H. Give the SBOE rule-making authority over all instructional materials, including, but not limited to Commissioner-adopted materials, that collect or use student data online (reference Subchapter D Chapter 32). **(Georgina Perez)**
- I. Include in the SBOE review process a requirement that a submitted material align with 100% of the Texas Essential Knowledge and Skills (TEKS) for the designated standards as compared to the current level of 50%. **(Mr. Rowley)**
- J. Ensure sufficient legislative appropriations to increase staffing at the Texas Education Agency, particularly in the curriculum division, to provide adequate personnel to oversee and support the TEKS review and implementation process and the textbook adoption process. **(Mrs. Cargill)**

### **Miscellaneous**

- K. Change language in waivers to include "non-credit certificates" - Expand the tuition and fee waiver for foster students for any public college or university due to the students aging out of foster care. If the student wanted to pursue any degree program or credit certificate, then the tuition would be covered. **(Barbara Cargill)**
- L. Ensure sufficient funding for TEA Reading and Mathematics Achievement Academies. **(Barbara Cargill)**
- M. Ensure support for TEA's LAR Exceptional Item: Ensuring Equity in Opportunity through Targeted Supports (\$20M).
  - **Attract and train effective, diverse educators** to the profession who better reflect the student population in Texas communities, ensuring equitable distribution of educators and educator training focused on accelerating the academic achievement of student groups that have historically fallen behind and are expected to experience further learning loss due to COVID-19.
  - **Targeted interventions and campus supports** to reduce achievement gaps within district and school environments, including providing equitable access to and effective implementation of high-quality instructional materials that have been shown to reduce the achievement gap.

**Report of the State Board of Education  
Committee on Instruction  
November 19, 2020**

The State Board of Education Committee on Instruction Board met at 9:01 a.m. on Thursday, November 19, 2020, in the State Board of Education Room, #1-100, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Sue Melton-Malone, chair; Pam Little, vice chair; Georgina C. Pérez; Marty Rowley

Absent: Aicha Davis

**Public Testimony**

The Committee on Instruction received no presentations of public testimony.

**ACTION ITEMS**

1. **Proposed Amendments to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty (Second Reading and Final Adoption)**  
(Board agenda page II-1)  
[Official agenda item #(1)]

Melissa Lautenschlager, director, instructional materials and implementation division, explained that comments received on this item were all outside the scope of the rulemaking and no changes were recommended since the item was approved for first reading.

**MOTION AND VOTE:** *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty; and*

*Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

2. **Approval of Update to Instructional Materials for Learning A–Z**  
(Board agenda page II-8)  
[Consent agenda item #(2)]

Amie Williams, director of review and adoption, instructional materials and implementation division, explained that Learning A–Z was requesting approval to update content for three adopted products and that curriculum staff had reviewed the requested changes.

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education approve the request from Learning A–Z to update content in three of its adopted products Raz Plus ELL Texas Edition, grade 2; Raz Plus ELL Texas Edition, grade 3; and Raz Plus ELL Texas Edition, grade 4.*

The meeting of the Committee on Instruction adjourned at 9:15 a.m.

**Report of the State Board of Education  
Committee on School Initiatives  
November 19, 2020**

The State Board of Education Committee on School Initiatives met at 9:06 a.m. on Thursday, November 19, 2020, in Room, #1-111, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Barbara Cargill, chair; Marisa B. Perez-Diaz, vice chair; Ruben Cortez, Jr.; Keven Ellis; Matt Robinson

Non-Committee Members Present: Donna Bahorich; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Georgina Pérez; Marty Rowley

**Public Testimony**

The Committee of the Full Board heard public testimony on agenda items #1, #4 and #5. Information regarding the individuals who presented public testimony is included in the discussion of that item.

The Committee on School Initiatives considered items in the following order: Item number 1, 2, 5, 6, 7, 4, 3

**DISCUSSION ITEMS**

**1. Open-Enrollment Charter School Generation 26 Application Updates**  
(Board agenda page IV-1)

Public testimony was provided by the following individual:

NAME: Renee Walker  
AFFILIATION: Self

Heather Mauzé, director of the division of charter school administration, provided updates regarding the Generation Twenty-Six Open-Enrollment Charter Application cycle.

**2. Rule Review of 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions**  
(Board agenda page IV-2)

Cristina De La Fuente-Valadez, director of rulemaking, informed the committee that the adoption of the review of 19 TAC Chapter 30, Subchapter A, would be presented for action at the next State Board of Education (SBOE) meeting. Ms. De La Fuente-Valadez stated that, in consultation with agency legal counsel, a separate action item proposing an amendment would also be presented for first reading and filing authorization to update procedures as needed.



## **ACTION ITEM**

### **3. Recommended Revisions to the Framework for School Board Development** (Board agenda page IV-7) [Official agenda item #(11)]

Public testimony was provided by the following individuals:

NAME: Anna Eastman  
AFFILIATION: Self

NAME: Dan Micciche  
AFFILIATION: Texas Association of School Boards

NAME: Kristi Hassett  
AFFILIATION: Self

NAME: Phil Gore  
AFFILIATION: Texas Association of School Boards

NAME: Cathy Mincberg  
AFFILIATION: Self

NAME: Kevin Brown  
AFFILIATION: Texas Association of School Administrators

NAME: Becky St. John  
AFFILIATION: Self

NAME: Rick Lambert  
AFFILIATION: Self

NAME: Drew Howard  
AFFILIATION: Self

NAME: Craig Adams  
AFFILIATION: Self

NAME: Karen Freeman  
AFFILIATION: Self

NAME: Robert Glaser  
AFFILIATION: Houston Community College

NAME: Trish Bode  
AFFILIATION: Self

Jeff Cottrill, deputy commissioner, governance and accountability, offered to coordinate with staff from the Texas Association of School Boards to provide recommended amendments to the State Board of Education at its meeting on Friday, November 20, 2020.

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education adopt the recommended revisions to the School Board Member Training—Framework for School Board Development.*

## **DISCUSSION ITEM**

**4. Discussion of Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose Districts**  
(Board agenda page IV-11)

Dr. Cottrill explained that Boys Ranch Independent School District (ISD) inquired about having operating flexibility similar to what is available to districts of innovation under Texas Education Code (TEC), Chapter 12A. Because Boys Ranch ISD does not receive an accountability rating under TEC, Chapter 39, it is not eligible to be designated as a district of innovation. The SBOE has regulatory authority over Boys Ranch ISD and is permitted to adopt rules for its governance. Dr. Cottrill explained that this item gives the board the opportunity to discuss further rules to be considered regarding Boys Ranch ISD and indicated that a proposal would be presented for consideration by the board at the January meeting.

## **ACTION ITEMS**

**5. Review of Proposed New 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate**  
(Board agenda page IV-12)  
[Official agenda item #(12)]

Public testimony was provided by the following individual:

NAME: Mark Wiggins  
AFFILIATION: Association of Texas Professional Educators

Marilyn Cook, director, educator certification, explained that proposed new 19 TAC Chapter 239, Subchapter E, would provide for the requirements and validity period for Legacy Master Teacher certificate holders.

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education take no action on proposed new 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate*

6. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments**

(Board agenda page IV-17)

[Official agenda item #(13)]

Ms. Cook explained that the proposed revisions to 19 TAC Chapter 231 would implement the statutory requirements in House Bill (HB) 3, 86th Texas Legislature, 2019, that requires that all master teacher certificates be designated as "legacy" certificates and recognized for assignment purposes until they expire. The proposed revisions would also incorporate courses approved by the State Board of Education (SBOE), would add certificate areas to the list of credentials appropriate for placement into an assignment, and would reorganize current provisions to improve readability and align citations.

**MOTION AND VOTE:** *It was moved by Dr. Robinson, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.*

7. **Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**

(Board agenda page IV-93)

[Official agenda page #(14)]

Mark Olofson, director, educator data and preparation program management, explained that the proposed amendments to 19 TAC Chapter 229 would provide for adjustments to the 2019–2020 Accountability System for Educator Preparation (ASEP) due to Governor Abbott's disaster declaration related to COVID-19; would include an accountability indicator for Educator Preparation Programs (EPPs) based on the improvement in achievement of students taught by beginning teachers; would provide an index for the determination of EPP accreditation status; and would provide updates to the ASEP manual.

*It was moved by Ms. Perez-Diaz, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.*

The meeting of the Committee on School Initiatives adjourned at 12:22 p.m.

**Report of the State Board of Education  
Committee on School Finance/Permanent School Fund  
November 19, 2020**

**(School Finance Items)**

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:02 a.m. on Thursday, November 19, 2020, in the State Board of Education Room, Room #1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Donna Bahorich; Patricia Hardy; Ken Mercer

**Public Testimony**

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

**ACTION ITEM**

**1. Approval of Costs to Administer the 2020-2021 State-Developed Assessments to Private School Students**

(Board agenda page III-I)

[Consent agenda item #(3)]

Julie Cole, director of policy and publications, student assessment division, explained that this item applies to private schools using state-developed assessments to evaluate their students. She explained that the cost per assessment was determined by dividing the overall cost by the number of students who participated in the assessment.

**MOTION AND VOTE:** *It was moved by Mr. Allen, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education approve the recommended per-student costs for administering the state assessments to private school students in 2020–2021.*

**DISCUSSION ITEMS**

**2. Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide**

(Board agenda page III-7)

David Marx, senior director, financial compliance, explained that proposed amendment would update the Financial Accountability System Resource Guide (FASRG). Mr. Marx also explained how the FASRG is used and that is being updated to reflect the latest governmental accounting guidance and legislative changes. Additionally, he summarized some of the changes being made to the FASRG.

3. **Rule Review of 19 TAC Chapter 30, Administration, Subchapter B, State Board of Education:  
Purchasing and Contracts**  
(Board agenda page III-12)

Dean Howard, assistant director, contracts and purchasing division, explained that this item presents the review of an administrative rule that addresses the historically underutilized business (HUB) program and procedures relating to protest for purchasing issues and dispute resolution.

**Report of the State Board of Education  
Committee on School Finance/Permanent School Fund  
November 19, 2020**

**(Permanent School Fund Items)**

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:02 a.m. on Thursday, November 19, 2020, in the State Board of Education Room, Room #1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Donna Bahorich; Patricia Hardy; Ken Mercer

**Public Testimony**

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

The Committee on School Finance/Permanent School Fund considered items in the following order: Item number 1, 2, 3, 9, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

**4. Review of Permanent School Fund Securities Transactions and the Investment Portfolio**  
(Board agenda page III-16)

Catherine Civileto, deputy executive administrator, provided a summary of the status of the Permanent School Fund (PSF) portfolio. Reports presented to the committee were for the reporting period July through September 2020 unless otherwise noted. Ms. Civileto's report included reporting on the current fair market value of the Fund, the asset allocation mix as of September 30, 2020, PSF transactions occurring in the reporting period, revenues and expenditures for the fiscal period September 1, 2019 through August 31, 2020, revenues and expenditures for September 2020, the first month of fiscal year 2021, the activity in the securities lending program for the fiscal period September 1, 2019 through August 31, 2020, the activity in the securities lending program for September 2020, the first month of fiscal year 2021, the status of transfers from the General Land Office as of September 30, 2020, per approved resolutions, current status of the Bond Guarantee Program and the available capacity in the program, broker commissions on both the internal and external equity portfolios for the period beginning January 1, 2020 through September 30, 2020, fixed income rating changes for the fiscal period September 1, 2019 through August 31, 2020, fixed income ratings for September 2020, the first month of fiscal year 2021, and short-term cash investments.

**ACTION ITEMS**

**5. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of July, August, and September 2020**  
(Board agenda page III-17)  
[Consent agenda item #(4)]

**MOTION AND VOTE:** *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent, that the State Board of Education ratify the purchases and sales for the months of July, August and September 2020, in the amount of \$3,050,234,143 and \$3,358,086,350, respectively (Attachment A).*

**6. Approval of an Extension of the Standard Contract with NEPC, LLC and Authorization for Contract Execution by the Commissioner of Education**

(Board agenda Page III-18)

[Consent agenda item #(5)]

Holland Timmins, executive administrator and chief investment officer, stated the purpose of the item was for the committee and board to extend the standard contract with NEPC, LLC and authorize contract execution by the commissioner of education.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education approve renewal the standard contract with NEPC, LLC beginning September 1, 2021 and ending August 31, 2024, and authorize contract execution by the Commissioner of Education.*

**7. Approval of an Extension of the Standard Contract with Blackrock Investment Management, LLC, and Authorization for Contract Execution by the Commissioner of Education**

(Board agenda page III-19)

[Consent agenda item #(6)]

Mr. Timmins stated the purpose of the item was for the committee and board to extend the standard contract with Blackrock Investment Management, LLC and authorize a contract execution by the commissioner of education.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education approve renewal of the standard contract with Blackrock Investment Management , LLC beginning September 1, 2021 and ending August 31, 2025, and authorize contract execution by the Commissioner of Education.*

**8. Proposed Amendments to the Investment Procedures Manual**

(Board agenda page III-20)

[Consent agenda item #(7)]

Carlos Veintemillas, deputy chief investment officer and director of fixed income, provided an overview of the amendments to the investment procedures manual which reflected the changes to the strategic asset allocation for the PSF and the PSF Liquid Account adopted in July 2020.

Rhett Humphreys, partner, NEPC, reviewed the amendments and recommended approval by the board.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education approve the amendments to the Investment Procedures Manual as presented by staff.*

9. **Proposed Amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guideline of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules**

**(First Reading and Filing Authorization)**

(Board agenda page III-21)

[Consent agenda item #(8)]

Mr. Veintemillas provided an overview of the proposed amendments and noted the changes would amend the asset allocation of the PSF, update transactions and restrictions that apply to the PSF, include the liquid account in the securities lending program, and update the cross references and a section title.

Rhett Humphreys, partner, NEPC discussed the evaluation of the proposed amendments and noted NEPC agreed with staff's proposed language.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education approve 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.*

10. **Authorization to Issue a Request for Qualifications for Fiduciary, Investment Contracting, Real Estate, Tax and Disclosure Counsel for the Permanent School Fund**

(Board agenda page III-27)

[Consent agenda item #(9)]

Mr. Timmins gave a brief presentation to the committee regarding the Request for Qualifications (RFQ). He explained the Attorney General's Office oversight of outside counsel contracts, reviewed the timeline of the RFQ process, and noted the scoring criteria for selecting counsel firms.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education approve issuance of a Request for Qualification for Fiduciary, Investment Contracting, Real Estate, Tax and Disclosure Counsel for the Permanent School Fund.*

11. **Authorization to Issue a Request for Proposals for High Yield Bonds Discretionary Investment Managers for the Permanent School Fund**

(Board agenda page III-28)

[Consent agenda item #(10)]

Mr. Timmins presented the Request for Proposals (RFP) for the High Yield Bonds Discretionary Investment Management to the committee. Mr. Timmins addressed the selection criteria and the timeline in the RFP. A three percent allocation to this sector has been approved as part of the overall asset allocation plan.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education approve issuance of a Request for Proposals for U.S. High Yield Fixed Income Discretionary Investment Managers for the Permanent School Fund.*



**12. Report on the Permanent School Fund Liquid Account**

(Board agenda page III-29)

[Consent agenda item #(11)]

Ms. Civiletto provided a summary on the status of the PSF Liquid Account. Reports presented to the committee were for the reporting period July through September 2020 unless otherwise noted. Ms. Civiletto's report included reporting on the current fair market value of the Liquid Account, the asset allocation mix as of September 30, 2020, transfer activity between the GLO and the Liquid Account, cumulative Income and Realized Gains transferred to the SBOE from the Liquid Account as of September 30, 2020, transactions occurring in the reporting period, and ratification of the cumulative Purchases and Sales of the Liquid Account since its inception, September 1, 2019 through September 30, 2020.

**MOTION AND VOTE:** *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent, that the State Board of Education ratify the purchases and sales of the Permanent School Fund Liquid Account for the period September 1, 2019 through September 2020, in the amounts of \$3,561,837,642 and \$671,509,16, respectively (Attachment B).*

**DISCUSSION ITEM**

**13. Report on the Permanent School Fund Liquid Account**

(Board agenda page III-30)

Mr. Timmins reminded the committee that they were now in the blackout period for applicants for both the RFQ and RFP. He was pleased to report the PSF annual report received the GFOA certificate of achievement for excellence in financial reporting. Mr. Timmins also updated the committee on the Emerging Manager RFP and the PSF intern program.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 10:38 a.m.

**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
(Including External Manager's Trades)  
For July 1, 2020 through September 30, 2020**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 1,700,515,644
Public Market Equities	872,676,692
Alternative Investments	<u>477,041,807</u>
 TOTAL	 <u><u>\$ 3,050,234,143</u></u>

Sales/Distributions:

Long Term Fixed Income	\$ 478,945,622
Public Market Equities	204,241,846
Alternative Investments	<u>2,674,898,882</u>
 TOTAL	 <u><u>\$ 3,358,086,350</u></u>

General Land Office Contributions:

FY 2019 Cumulative August 2019	FY 2020 Cumulative August 2020
\$255,000,000	\$10,000,000
FY 2020 Cumulative September 2019	FY 2021 Cumulative September 2020
\$0	\$0

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$255,000,000 through August 2019 for fiscal year 2019 versus \$10,000,000 through August 2020 for fiscal year 2020, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of July 2020, August 2020 and September 2020 Permanent School Fund portfolio purchases of \$3,050,234,143 and sales of \$3,358,068,350.

**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
FOR PSF LIQUID ACCOUNTS  
For September 1, 2019 through September 30, 2020**

	<u>September 1, 2019 - September 30, 2020</u>
<u>Purchases:</u>	
Fixed Income	\$ 3,359,336,963
Public Market Equities	<u>202,500,679</u>
TOTAL	<u><u>\$ 3,561,837,642</u></u>
 <u>Sales:</u>	
Fixed Income	\$ 667,126,969
Public Market Equities	<u>4,382,047</u>
TOTAL	<u><u>\$ 671,509,016</u></u>

Based on the above information provided by staff and the recommendation of the Executive Administrator and Chief Investment officer and the Commissioner of Education: It is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the period September 1, 2019 through September 30, 2020 Permanent School Fund Liquid Account purchases of \$3,561,837,642 and sales of \$671,509,016.