

**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;”

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~~ 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~~ 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 ~~describe why self harm~~ 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 –87th 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.