

## Texas School Quick Tip

### Texas Medical Association's Awards For Excellence in Science Teaching



The winning science teachers — and their schools — will share in a total of \$60,500 in the **2018 Ernest and Sarah Butler Awards for Excellence in Science Teaching**

Nomination Deadline: Nov. 17, 2017 sponsored by the Texas Medical Association.

Info: [www.texednews.com/2017/24/1.html](http://www.texednews.com/2017/24/1.html)



Volume 34

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Issue 25

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## June 20-23 State Board of Education Meeting Highlights

SBOE info is at: [www.texednews.com/sboe](http://www.texednews.com/sboe)

### SBOE Members Briefed on New Laws

SBOE members at various times during their series of meetings were briefed by the education commissioner and TEA staff on school related bills that became law during the 85th regular session.

Staff said that of the approximately 1,500 bills tracked by the TEA, 145 passed — and that of the 13 pieces of legislation directly affecting the SBOE, four passed, including one that was vetoed.

Most of the board's questioning of Morath about the session concerned the **HB22-Huberty school accountability bill.**

*Brief background:* HB22, among other things, maintains the "old law's" August 2018 introduction of the A-F accountability system for districts — and delays until August 2019 the introduction of the A-F system for campuses. The commissioner is required to issue "what if" ratings for campuses by Jan. 1, 2019.

The bill also compresses the five-domain system under the now "old" A-F law to these three domains for districts and campuses: 1) **student achievement**, 2) **student progress** and 3) **closing the gaps** (a measurement of either how

much a student has progressed from year to year or how a campus compares with other campuses with similar demographics). See **TEN**, June 5, *Page 1*, for a more complete summary of the bill.

Most of the questioning of Morath by SBOE members centered on the provisions of HB22 that allow districts to approve **locally adopted accountability ratings plans** for campuses (but not for districts).

Morath emphasized that no matter a district's rating (A, B, C, D or F), the district could still apply — under criteria contained in the bill and to-be written commissioner's rules — to use locally adopted accountability criteria for that district's campuses only and that the local criteria must include at least the three domains required by the state.

Morath added that if a campus received an overall D or F using the state's accountability system, the D or F would be that campus' official accountability rating. Campuses that are under a locally adopted ratings system that are rated A, B or C by the state would instead be given — for official ratings purposes — the rating that was calculated under the district's local system, Morath said.

In any event, all campus ratings — state and locally adopted — would be posted on the TEA's website, Morath stated.

In related news, the TEA announced (June 23) the phase-out of the requirement for the issuance of **community and student engagement ratings** due to the repeal of that mandate by the Legislature.

### School Finance Bills

The board's five-member **School Finance/Permanent School Fund Committee** discussed with staff three school finance bills that became law.

Staff said that the **SB1480-Hughes** bill to increase the capacity of the **Permanent School Fund [PSF] Bond Guarantee Program** to guarantee charter school bonds will result in the capacity being raised from \$1 billion (as

## Legislative Update

We've posted info on the just-concluded 85th regular legislative session that includes summaries of public school bills that became law or were vetoed, links to additional resources about the session and much more at: [www.texednews.com/85th](http://www.texednews.com/85th)



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*SBOE, Continued From Page 1*

of Jan. 1, 2017) to \$5.4 billion, to be phased in over five years in maximum increments of 20 percent a year (amounting to increases in charter bond guarantee capacities of about \$800 million per year).

PSF Executive Director **Holland Timmins** said that SB1480 contains a number of safeguards to protect the bond guarantee program as a whole, such as giving the SBOE discretion to increase the program's capacity to guarantee charter bonds at less than a 20 percent growth rate (or not to increase capacity at all) each year.

Staff added that another change increases the amount charters receiving bonds have to pay into a reserve fund from 10 percent of total anticipated savings by guaranteeing their bonds with the PSF, payable in annual installments, to 20 percent of savings, payable in a lump sum up front based on anticipated savings throughout the charter bond's maturity period.

The new law also transfers the charter bond reserve fund from a noninterest bearing account under the state comptroller's purview to an interest bearing account under the SBOE's authority.

Committee Chair **David Bradley**, R-Beaumont — who recently announced he **would not run for re-election** to keep his board seat when it expires on Jan. 1, 2019 — joked that this is one of the rare occasions when the Legislature added to, rather than removed, the SBOE's authority to do something.

Staff added both **HB89**-Phil King to ban state investments in companies that boycott Israel and **SB253**-Van Taylor to ban investments in companies doing business with Sudan, Iraq or terrorist organizations have the potential to *not* affect PSF investment decisions.

That's because, staff said: **1)** HB89 specifically allows the SBOE to opt itself out of the bill's mandates if the board determines that compliance would be contrary to the board's fiduciary responsibilities to manage the PSF and **2)** staff does not believe the language of SB253 makes the bill applicable to the PSF.

*Note:* The TEA later this summer is expected to issue a "legislative briefing book" providing info on the new school laws.

*More info:* [www.texednews.com/2017/25/1.html](http://www.texednews.com/2017/25/1.html)

## Other SBOE Activity

*More info about all of the following is at:*  
[www.texednews.com/2017/25/2.html](http://www.texednews.com/2017/25/2.html)

*The board:*

- Approved on *2nd/final reading* the **high school** English Language Arts and Reading (**ELAR**), Spanish Language Arts and Reading (**SLAR**) and English as a Second Language (**ESL**) TEKS for implementation (along with new instructional materials) for School Year 2020-21. The board made numerous changes from the versions approved on first reading in April.

*Note:* The board in May gave final approval to the revised TEKS for these same subjects for kindergarten through grade 8 for implementation in School Year 2019-20.

- Made **major changes** to the process to be used for reviewing and implementing **new TEKS** and adopting

related **instructional materials**, including by approving a revised expanded calendar designating when these activities will take place through School Year 2028-29.

*Some of the board's decisions (either approved or discussed) included:*

- Calling for the **social studies TEKS** to be reviewed starting in School Year 2017-18 in preparation for a *streamlining* of the *current* social studies TEKS to be adopted next school year for implementation (without the need for new social studies instructional materials) starting in School Year 2019-20. The full-fledged revision of the social studies TEKS would not start until School Year 2023-24, with the goal of fully implementing the completely revamped social studies TEKS (along with new textbooks) in School Year 2024-25.
- Breaking up the process to revise the TEKS for **career and technical education (CTE)** into one-to-three CTE subject-area clusters per year, starting with the adoption of the first set of CTE clusters next school year and ending with the final set to be adopted in School Year 2028-29.
- Approved (by not vetoing) the commissioner's selections of these new charters: 1) **Bridgeway Preparatory Academy**, Dallas, PK-5, 2) **Etoile Academy Charter School**, Houston, 5-8, 3) **Legacy School of Sport Sciences**, Houston [*The Woodlands*], 6-12, 4) **Valor Public Schools**, Austin, K-12, and 5) **Yellowstone College Preparatory**, 5-12, Houston's impoverished Third Ward area. The approved charters, subject to clearance of contingencies, will open in School Year 2018-19.
- Tentatively approved on first (*of two*) reading revising the definition of **ISD property tax collections** used in determining which districts are subject to **wealth sharing mandates**.
- Revised the final School Year 2016-17 **per capita (per student) apportionment rate** from the previously set *preliminary* rate of \$390.186 to a *final* rate of \$390.
- Approved **Making Connections III and IV** as half-credit **innovative courses** that can be used for graduation credit for five years.
- Discussed (in a committee) a rule that could be considered on first (*of two*) reading in September to allow the education commissioner to more quickly decertify **independent hearing examiners** (*who are TEA selected attorneys who conduct hearings on and issue recommendations*) in ISD educator contract disputes.
- Announced these **2018 SBOE meeting dates**: 1) **Jan. 29-Feb. 2**, 2) **April 10-13**, 3) **June 12-15**, 4) **Sept. 11-14** and 5) **Nov. 13-16**.
- Began the next phase to develop a **Long-Range Plan on Public Education**. A five-member SBOE committee will oversee the process that will include an 18-member steering committee to recommend priorities to the board.
- Praised Commissioner Morath and TEA staff for the TEA's revamped parental School Report Cards that have been reborn as **STAAR Report Cards** for providing info that is much easier to understand — and provides much more useful info — for parents. The TEA-generated report cards are now being distributed to parents by their school districts.

## June SBEC Meeting Highlights

More info about all of the following is at:  
[www.texednews.com/2017/25/3.html](http://www.texednews.com/2017/25/3.html)

*SBEC's board on June 9:*

- ➔ Tentatively approved, *for public comment*, changes to rules governing whether individuals who earned their college degrees from out-of-country institutions have to take the **Test of English as a Foreign Language (TOEFL)**, which is being changed from having to show proficiency on one test to having to show proficiency on four tests (that measure English language proficiencies in speaking, listening, reading and writing).  
 The board voted 6-3 to require *all* out-of-country college diploma holders to pass the TOEFL instead of being exempted from the requirement if their out-of-country college/university had certified to SBEC that the instruction at the university as a whole — and not in just one specific division or program — was primarily in English.  
 If the change is adopted, college-degreed individuals (*for example*) from English speaking countries such as Great Britain and Australia would have to take the exam (as would students enrolled in Texas A&M's campus in Qatar), staff said.  
 Supporters of the change said that they wanted to do everything possible to ensure that all Texas teachers are able to speak *understandable* English to their students. Opponents said the requirement could pose an unnecessary step toward certification for out-of-country educators who are already English proficient.  
 The board also amended the proposed TOEFL rules to set minimum passing scores at a rate lower than what an advisory committee had recommended in two of the four areas to be tested.  
 TEA/SBEC staff told the board that based on public comment, the board could, at the Aug. 4 meeting, add back into the rules on final adoption the provision allowing exemptions for certain out-of-country degree holders to not have to take the TOEFL.
- ➔ Gave **final approval** (largely without major changes to what had been proposed for public comment) to several rules — including a rule clarifying provisions for the **late renewal of certificates**. This rule, and some of the other SBEC rules finally approved, will become effective unless the State Board of Education vetoes them in September.
- ➔ Released data showing how many districts statewide had exempted themselves from certain **District of Innovation** designations. The most (416 districts) exempted themselves from educator certification requirements.
- ➔ Provided summaries of several **bills that passed** that are expected to impact SBEC. *Staff said the most impact to SBEC — in terms of rule making — are likely to be these bills that:* 1) clamp down on **educator/student misconduct (SB7-Bettencourt)**, 2) require **EC-3 certification (HB2039-Huberty/SB1839-Hughes)** and 3) require the creation of an abbreviated ed-prep program route and certificate in the **trade and industrial work areas (HB3349-Gervin-Hawkins)**.

## Other News

More info about all of the following is at:  
[www.texednews.com/2017/25/4.html](http://www.texednews.com/2017/25/4.html)

- ➔ The **TRS** announced (June 16) that its chief investment officer, **Thomas “Britt” Harris**, is leaving the retirement system to serve in a similar position at the **University of Texas Investment Management Company (UTIMCO)**, which manages investments for the University of Texas System and the Texas A&M System.
- ➔ **UIL Legislative Council** members at their June meeting voted to provide a limited (one-time only) exception to the long-standing ban against **televised** regular-season **Friday night football games**.

If approved by the education commissioner, the adopted rule would create a pilot allowing the UIL to choose up to two games to be broadcast by **Fox Sports Southwest** on Sept. 1, the first Friday of the 2017 season (which is being called *Texas Football Day*). The chosen teams would have to agree to have their games broadcast and would negotiate compensation terms with the Fox sports network.

The network is also expected to broadcast 6 to 12 live “look ins” of games from around the state on that date.

Up to now, live telecasting of UIL high school football has been limited only to playoffs and games played on days other than Fridays.

The council also approved UIL rule revisions related to: **1)** officiating fees for team sport *state* contests, **2)** criminal background checks for sports officials, **3)** policies governing the upcoming 2018-19/2019-20 reclassification/realignment, **4)** the Previous Athletic Participation Form, **5)** foreign exchange students and **6)** nondisciplinary alternative schools.

*The adopted rule changes must be approved by the education commissioner to become effective.*

## The Courts

More info about all of the following is at:  
[www.texednews.com/2017/25/5.html](http://www.texednews.com/2017/25/5.html)

*Texas Third Court of Appeals (Austin)*

### Commissioner Can Stop Nonrenewed Charter From Using State Funds to Pay its Debts

*Ruling:* The education commissioner can block decisions by the board of a soon-to-be-closed charter to use public funds to pay off its outstanding debts. **Premier Learning Academy, Inc. v. TEA, et al., No. 03-17-00064-CV.** Issued **June 8**.

The then-education commissioner told Premier Learning Academy in La Marque (Galveston County) in November 2015 that its charter would be nonrenewed as of July 31, 2016, due to the charter being rated Academically Unacceptable for the three prior school years.

The board then voted to use its remaining Foundation School Program (**FSP**) money to pay a total of \$624,710 in outstanding debts consisting of \$90,000 for a superintendent's multi-year severance buyout, and to pay debts still owed on multi-year contracts for leased facilities (\$500,000) and for electric utilities (\$34,710).

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- SBEC Test of English as a Foreign Language
- *Court:* TEA can Block Charter Debt Payments

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The charter sued after the commissioner upheld a decision by a commissioner-appointed conservator to disallow the use of FSP money to pay these debts. (*The commissioner had directed that any remaining FSP funds be returned to the state at the end of the close-out period.*)

The trial court judge sided with TEA and the commissioner, as did a three-member Third Court appellate panel in this decision.

The justices concluded that although the debts listed by Premier were legitimately owed, the commissioner acted within his authority because FSP money is “public property” over which “the commissioner may exercise broad authority when a school no longer operates as a charter.”

The justices acknowledged Premier’s belief that allowing the commissioner to take control of a revoked charter’s FSP funds would result in vendors and others being reluctant to do business with Texas charters due to fears that a charter’s revocation would lead to huge unpaid debts. But, the justices ruled that the charter should address its complaint about how the law is written and interpreted to the Legislature and not the courts.

*Texas First Court of Appeals (Houston)*

**Ex-Teacher Loses Bid to have Records Expunged Over Dismissed “Solicitation of a Minor” Charge**

*Ruling:* A state district judge should not have ordered the criminal records expunged of an ex-teacher who had entered into a plea agreement on a felony “online solicitation of a minor” charge that was ultimately dismissed. **TEA v. S.E.H., No. 01-16-00420-CV.** Issued **June 6.** [Note: the full name of S.E.H. was not published in this decision.]

Records reflect that “it is undisputed” that while a teacher, S.E.H. was arrested on a felony “online solicitation of a minor” charge during a Sugar Land city police undercover internet chat room sting operation.

Pursuant to a plea agreement, S.E.H. was placed on eight years deferred adjudication community supervision and

voluntarily surrendered his educator certification.

The case and charges against S.E.H. were dismissed when the **Texas Court of Criminal Appeals** ruled that the specific charge for which he had been arrested was unconstitutional. A state judge subsequently granted (over the TEA’s objection) a petition filed by S.E.H. to expunge his arrest and prosecution records.

TEA appealed, resulting in this decision by a three-judge First Court panel that S.E.H.’s criminal records must *not* be expunged on a finding that he did not meet *all* the legal requirements for expungement.

Because state law does not allow expungement of criminal records of a person who has served community supervision — and because S.E.H. actually served community supervision before the charges were dismissed — his records can’t be expunged, even if the underlying charge for which he was arrested was later ruled unconstitutional, the justices ruled.

*Texas Third Court of Appeals (Austin)*

**Principal Loses Job Reassignment Appeal**

*Upheld:* The mid-contract reassignment by a new superintendent of an intermediate school principal to that of a high school assistant principal. **Hermenia Jenkins v. Crosby ISD and [the education commissioner], No. 03-15-00313-CV.** Issued **June 15.**

A three-member Third Court panel, in this decision, rejected all the reasons advanced by Jenkins for invalidating the transfer, such as her contention that the job reassignment was a “negative mark on her resume” because she had started as an assistant principal at the CISD high school before being assigned to the intermediate school principalship.

The justices agreed with the education commissioner’s conclusion that the transfer was allowed under her contract because it was in the same professional capacity (as an administrator) with no loss of pay — and met other applicable criteria.

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Cecil Cliff — Editor and Publisher ■ Phillip Reese — Associate Publisher. Tel. Voice: 512/443-2897 Fax: 512/443-2881

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