

Chapter 161. Commissioner's Rules Concerning Advisory Committees

§161.1001. Establishment of Advisory Committees.

The commissioner of education has authority to establish advisory committees and to appoint the membership of advisory committees. The commissioner may establish an advisory committee based on state or federal law or State Board of Education (SBOE) recommendation or as the commissioner deems expedient.

Statutory Authority: The provisions of this §161.1001 issued under the Texas Education Code, §7.055(b)(11).

Source: The provisions of this §161.1001 adopted to be effective April 20, 1994, 19 TexReg 2384; amended to be effective February 19, 1997, 22 TexReg 1636.

§161.1002. Texas Education Agency Operating Procedures.

The commissioner of education shall adopt and implement Texas Education Agency (TEA) operating procedures governing establishment and operation of public education advisory committees. For each committee listed in §161.1003 of this title (relating to Advisory Committees), the commissioner shall include the following information as an attachment to the operating procedures:

- (1) name of the committee;
- (2) purpose of the committee;
- (3) statutory authority under which the committee is established;
- (4) number of members; and
- (5) staff contact at TEA.

Statutory Authority: The provisions of this §161.1002 issued under the Texas Education Code, §7.055(b)(11).

Source: The provisions of this §161.1002 adopted to be effective April 20, 1994, 19 TexReg 2384; amended to be effective February 19, 1997, 22 TexReg 1636.

§161.1003. Advisory Committees.

The following public education advisory committees are in effect:

- (1) Charter School Proposal Evaluation Committee;
- (2) Educational Technology Advisory Committee;
- (3) Environmental Education Advisory Committee;
- (4) Commissioner's Advisory Council on the Education of Gifted Students;
- (5) HIV Program Review Panel;
- (6) Policy Committee on Public Education Information;
- (7) State Parent Advisory Council for Migrant Education;
- (8) Investment Advisory Committee on the Permanent School Fund;
- (9) Continuing Advisory Committee for Special Education;
- (10) State Textbook Committees; and
- (11) Title I, Committee of Practitioners/Texas Ed-Flex Committee.

Statutory Authority: The provisions of this §161.1003 issued under the Texas Education Code, §7.055(b)(11).

Source: The provisions of this §161.1003 adopted to be effective April 20, 1994, 19 TexReg 2384; amended to be effective February 19, 1997, 22 TexReg 1636; amended to be effective March 5, 1999, 24 TexReg 1384; amended to be effective March 2, 2003, 28 TexReg 1640.

§161.1005. Assessment and Accountability Advisory Committees.

- (a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
- (1) **Advisory committee**--The Texas Technical Advisory Committee or any committee that advises the Texas Education Agency (TEA), the commissioner of education, or the State Board of Education regarding policies or implementation of requirements under the Texas Education Code (TEC), Chapter 39, Subchapter B, related to state accountability systems or the content or administration of an assessment instrument.
 - (2) **Agent**--Any person acting in a capacity that involves public representation of an entity, including an attorney, a lobbyist or public spokesperson, or a corporate officer. An employee, a contractor, or a consultant of an assessment instrument vendor is not an agent unless the duties of that relationship include public representation. Public representation does not include speaking at academic or similar conferences, publishing in academic or technical publications, serving as a fact witness or expert in litigation, or testifying in a legislative or rulemaking context if that testimony does not constitute lobbying.
 - (3) **Assessment instrument vendor**--An entity that by contract with the TEA develops or sells academic assessment instruments required to be administered under the TEC, §39.023 or §39.027, in Texas public schools serving prekindergarten through high school. Another state; an institution of higher education; or a school district, charter school, or other public school is not an assessment instrument vendor by virtue of developing, selling, or licensing assessment instruments if those instruments are not purchased by the TEA. An entity is not an assessment instrument vendor by virtue of offering psychological, physical, sight, hearing, or other assessments that are not directly measuring academic content.
 - (4) **Retained or employed**--Having formal employment, acting as an independent contractor, or consulting with an assessment instrument vendor for compensation if the duties of that relationship include working directly on an assessment instrument required under the TEC, §39.023 or §39.027. An individual is not retained or employed if the individual is compensated by an assessment instrument vendor for work that does not involve an assessment instrument required under the TEC, §39.023 or §39.027. An individual is not retained or employed by virtue of receiving reimbursement of expenses or for being reimbursed in accordance with an assessment contract if the TEA determines and requires the compensation under the contract.
- (b) A person who is retained or employed by or who acts as an agent of an assessment instrument vendor or a person who is an agent of an assessment instrument vendor may not be appointed to or serve on an advisory committee under this section. A person must be eligible under this section at the time of appointment to an advisory committee and must notify the commissioner and resign from the committee immediately upon becoming ineligible.
- (c) Nothing in this section shall be construed to disqualify an individual from appointment to an advisory committee based upon a relationship with an assessment instrument vendor prior to appointment to a committee. An advisory committee member may receive royalties or other compensation from an assessment instrument vendor that come due during the term of an appointment if the compensation was fully earned prior to appointment. An advisory committee member may not have or negotiate for any type of agreement for future employment or compensation with an assessment instrument vendor during the term of membership on the committee.
- (d) An individual is not employed or retained by or acting as an agent of an assessment instrument vendor if the individual represents a membership organization that has an assessment instrument vendor as a member.

- (e) Provisions of the TEC, §39.039, related to prohibitions on political contributions or activity by certain contractors are limited to agents or entities that have been contracted to develop or implement assessment instruments required under the TEC, §39.023 or §39.027.

Statutory Authority: The provisions of this §161.1005 issued under the Texas Education Code, §39.038 and §39.039.

Source: The provisions of this §161.1005 adopted to be effective June 19, 2014, 39 TexReg 4653.