

Text of Proposed Amendment to 19 TAC

Chapter 30. Administration

Subchapter A. State Board of Education: General Provisions

§30.1. Petition for Adoption of Rule Changes.

- (a) Any interested person as defined in Texas Government Code, §2001.021(d), may petition for the adoption, amendment, or repeal of a rule of the State Board of Education (SBOE) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the commissioner of education. In consultation with the persons in the Texas Education Agency who are responsible for the area with which the rule is concerned, the commissioner shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.

Figure: 19 TAC §30.1(a) ~~Figure: 19 TAC §30.1(a)~~

- (b) In accordance with the Texas Government Code, §2001.021, the agency must respond to the petitioner within 60 days of receipt of the petition.
- (1) Where possible, the commissioner's recommendation concerning the petition shall be placed on the SBOE agenda, and the SBOE shall act on the petition within the 60-day time limit.
- (2) Where the time required to review the petition or the scheduling of SBOE meetings will not permit the SBOE to act on the petition within the required 60 days, the commissioner or a designee shall respond to the petitioner within the required 60 days, notifying the petitioner of the date of the SBOE meeting at which the recommendation will be presented to the SBOE for action.
- (c) The SBOE will review the petition and the recommendation of the commissioner and will either direct the commissioner to begin the rulemaking process or deny the petition, giving reasons for the denial. The commissioner or designee will notify the petitioner of the SBOE's action related to the petition.
- (d) The SBOE may deny a petition on the following grounds:
- (1) the SBOE does not have jurisdiction or authority to propose or adopt the petitioned rule;
- (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBOE, or other law;
- (3) the SBOE determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding;
- (4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:
- (A) within one year of having the petition denied; or
- (B) to amend a rule proposed or adopted by the SBOE that has not yet become effective; or
- (5) any other reason the SBOE determines is grounds for denial.
- (e) ~~(d)~~ If the SBOE initiates rulemaking procedures in response to a petition, the rule text which the SBOE proposes may differ from the rule text proposed by the petitioner.