

The Texas Education Agency (TEA) proposes new §103.1219, concerning assignment of a conservator for noncompliance with school safety and security requirements. The proposed new rule would ensure school system compliance with safety requirements, as required by Texas Education Code (TEC), §37.1085, as added by House Bill (HB) 3, 88th Texas Legislature, Regular Session, 2023.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new §103.1219 would outline the circumstances under which a conservator can be assigned for school systems that fail to comply with safety and security monitoring or to timely address issues raised by TEA, in accordance with TEC, §37.1085.

Proposed new §103.1219 would outline the circumstances where the commissioner of education can appoint a conservator related to school safety and security monitoring, the powers and duties an assigned conservator may exercise, and exceptions to conservator appointments, as related to school safety and security.

FISCAL IMPACT: James Finley, deputy chief of school safety and security, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by allowing the commissioner to appoint a conservator for noncompliance with school safety and security requirements.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Finley has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be school system compliance with established safety and security requirements and TEA monitoring, resulting in safer learning environments for students, staff, and visitors. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The

public comment period on the proposal begins March 27, 2026, and ends April 27, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 27, 2026. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The new section is proposed under TEC, §37.1085, as added by HB 3, 88th Texas Legislature, Regular Session, 2023, which grants the commissioner of education the authority to assign a conservator under TEC, Chapter 39A, if a school district fails to submit to any required monitoring, assessment, or audit; to comply with applicable safety and security requirements; or to timely address issues raised by the Texas Education Agency's monitoring, assessment, or audit.

CROSS REFERENCE TO STATUTE. The new section implements TEC, §37.1085, as added by HB 3, 88th Texas Legislature, Regular Session, 2023.

<rule>

§103.1219. Assignment of a Conservator for Noncompliance with School Safety and Security Requirements.

- (a) The commissioner of education may assign a conservator whenever such action is required, as determined by this section.
- (b) The commissioner may appoint a conservator under Texas Education Code (TEC), Chapter 39A, when a school system fails to:
 - (1) submit to any required monitoring, assessment, or audit under TEC, §37.1083 or §37.1084;
 - (2) comply with applicable safety and security requirements; or
 - (3) address within 1 year issues raised by the Texas Education Agency's monitoring, assessment, or audit of the school system.
- (c) A conservator assigned to a school system under this section may exercise the powers and duties of a conservator under TEC, §39A.003, only to correct a failure identified under subsection (b) of this section.
- (d) This section does not apply to a school systems' failure to comply with TEC, §37.0814, or a good cause exception claimed under that section.