

The State Board for Educator Certification (SBEC) adopts the amendment to 19 Texas Administrative Code (TAC) §250.20, concerning petition for adoption of rules or rule changes. The amendment to §250.20 is adopted without changes to the proposed text as published in the March 14, 2025 issue of the Texas Register (50 TexReg 1894) and will not be republished. The adopted amendment updates the SBEC's petition for adoption of rule change procedures to align with statute.

REASONED JUSTIFICATION: Texas Government Code (TGC), §2001.021, requires that procedures to petition for the adoption of rule changes be adopted by rule. To comply with statute, the SBEC rules in 19 TAC Chapter 250, Subchapter B, establish procedures for SBEC petition for rulemaking in §250.20, Petition for Adoption of Rules or Rule Changes.

The adopted amendment to §250.20 strikes subsection (b)(1) and (2) and adds new subsection (b) to align with statute and allow the SBEC to address petitions for rulemaking more effectively, by either denying or initiating rulemaking within the 60-day required window.

SUMMARY OF PUBLIC COMMENTS AND RESPONSES: The public comment period on the proposal began March 14, 2025, and ended April 14, 2025. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 25, 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures. No public comments were received on the proposal.

The State Board of Education (SBOE) took no action on the review of the amendment to §250.20 at the June 27, 2025 meeting.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.035(b), which requires the Texas Education Agency (TEA) to provide the State Board for Educator's (SBEC's) administrative functions and services; TEC, §21.041(a), which authorizes the SBEC to adopt rules as necessary to implement its procedures; and TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and Texas Government Code, §2001.021, which authorizes a state agency to prescribe by rule the form for a petition and the procedure for the submission, consideration, and disposition.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §21.035(b) and §21.041(a) and (b)(1), and Texas Government Code (TGC), §2001.021.

<rule>

#### **§250.20. Petition for Adoption of Rules or Rule Changes.**

- (a) Any interested person, as defined in Texas Government Code (TGC), §2001.021, may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on the form provided in this subsection. The petition shall be signed and submitted to the designated Texas Education Agency (TEA) office. The TEA staff shall evaluate the merits of the petition to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.

Figure: 19 TAC §250.20(a)

- (b) The SBEC shall respond to a written request for rulemaking from an interested person in accordance with TGC, §2001.021.
- (c) The SBEC will review the petition and the recommendation and will either deny the petition, giving reasons for the denial, or direct the TEA staff to begin the rulemaking process. The TEA staff will notify the petitioner of the SBEC's action related to the petition.
- (d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:
  - (1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;

- (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;
  - (3) the SBEC 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 files a petition:
    - (A) before the fourth anniversary of the SBEC's having previously considered and rejected a similar rule on the same subject matter; or
    - (B) to amend a rule proposed or adopted by the SBEC that has not yet become effective; or
  - (5) any other reason the SBEC determines is grounds for denial.
- (e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.