

The State Board of Education (SBOE) proposes an amendment to §61.1, concerning continuing education for school board members. The proposed amendment would establish new eligibility requirements for trainers of school boards to include a background check, establish that only individuals (not organizations) are eligible to provide training to school board trustees, and prohibit trainers of school boards from engaging in political advocacy during training.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §11.159, Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Section 61.1 addresses this statutory requirement. School board trustee training under current SBOE rule includes a local school district orientation session; a basic orientation to the TEC; an annual team-building session with the local school board and the superintendent; specified hours of continuing education based on identified needs; training on evaluating student academic performance; training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children; and training on school safety. In addition to establishing the conditions for the training courses required for school district trustees, §61.1 establishes the criteria for both registered providers of school board training and authorized providers of school board training.

The proposed amendment would update the application requirements to be a provider of school board member training. Specifically, subsection (c) would be amended to limit eligible providers to individuals, removing organizations from eligibility. Subsection (c)(1) would be amended to require the rejection of applications that do not demonstrate the requisite training, experience, educational background, or expertise. New subsection (c)(2) would be added to require applications to include a background check and would establish additional conditions under which an application would be rejected. New subsection (c)(3) would be added to describe conditions under which a provider's status would be revoked. New subsection (c)(5) would be added to describe conditions under which a non-registered provider may be involved in training school board trustees.

Proposed new subsection (d) would prohibit training providers from engaging in political advocacy while providing training. Subsections (d)(1) would define political advocacy for the purpose of this section. New subsection (d)(2) would require trainers to provide a written acknowledgement that he or she would not engage in political advocacy. New subsection (d)(3) would establish steps Texas Education Agency (TEA) would take if it determined that a provider engaged in political advocacy. New subsection (d)(4) would permit the SBOE to revoke a provider's eligibility if it determines that the provider engaged in political advocacy. New subsection (d)(5) would establish that the revocation of a provider's status would be for one year, unless determined otherwise by the SBOE. New subsection (d)(6) would establish that a provider is presumed to have engaged in political advocacy if the advocacy occurs during the training session.

In addition, the term "governance leadership" would be updated to "school board development" throughout, a statement would be added to subsection (b) stating that all school board trainings and continuing education under §61.1 shall comply with state law, and obsolete language related to implementation of the section would be removed.

The SBOE approved the proposed amendment for first reading and filing authorization at its September 13, 2024 meeting.

FISCAL IMPACT: Steve Lecholop, deputy commissioner for governance, has determined that for the first five years 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 would impose a cost on regulated persons. A prospective provider of school board trustee training would be required to submit a background check from one of at least five providers approved by TEA. If the background check indicates the prospective provider has been

convicted of a felony or crime of moral turpitude, the applicant would be rejected. At the time of filing as proposed, background checks can cost between \$50 and \$100 according to several national background check providers. A provider of school board trustee training would be required to submit a new application (and new background check) every three years. The rule is necessary to protect the health, safety, and welfare of the residents of this state.

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 expand an existing regulation by requiring a prospective provider of school board trustee training to submit a background check from one of at least five providers approved by TEA. If the background check indicates the prospective provider has been convicted of a felony or crime of moral turpitude, the applicant would be rejected.

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 create a new regulation; would not 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. Lecholop 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 updating the application requirements to be a provider of school board member training to protect the health, safety, and welfare of the residents of this state. There is an anticipated economic cost to persons who are required to comply with the proposal. A prospective provider of school board trustee training would be required to submit a background check from one of at least five providers approved by TEA. If the background check indicates the prospective provider has been convicted of a felony or crime of moral turpitude, the applicant would be rejected. At the time of filing as proposed, background checks can cost between \$50 and \$100 according to several national background check providers.

DATA AND REPORTING IMPACT: The proposal would have no data or 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: The public comment period on the proposal begins October 11, 2024, and ends at 5:00 p.m. on November 12, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2024 in accordance with the SBOE board operating policies and procedures. 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 October 11, 2024.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code, §11.159, which requires the State Board of Education to provide a training course for school board trustees.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §11.159.

<rule>

§61.1. Continuing Education for School Board Members.

- (a) Under the Texas Education Code (TEC), §11.159, the State Board of Education (SBOE) shall adopt a framework for school board development [~~governance leadership~~] to be used in structuring continuing education for school board members. The framework shall be posted to the Texas Education Agency (TEA)

website and shall be distributed annually by the president of each board of trustees to all current board members and the superintendent.

- (b) The continuing education required under the TEC, §11.159, applies to each member of an independent school district board of trustees. All school board trainings and continuing education under this section shall comply with state law.
- (1) Each school board member of an independent school district shall complete a local district orientation.
 - (A) The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.
 - (B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
 - (C) The orientation shall be at least three hours in length.
 - (D) The orientation shall address local district practices in the following, in addition to topics chosen by the local district:
 - (i) curriculum and instruction;
 - (ii) business and finance operations;
 - (iii) district operations;
 - (iv) superintendent evaluation; and
 - (v) board member roles and responsibilities.
 - (E) Each board member should be made aware of the continuing education requirements of this section and those of the following:
 - (i) open meetings act in Texas Government Code, §551.005;
 - (ii) public information act in Texas Government Code, §552.012; and
 - (iii) cybersecurity in Texas Government Code, §2054.5191.
 - (F) The orientation shall be open to any board member who chooses to attend.
 - (2) Each school board member of an independent school district shall complete a basic orientation to the TEC and relevant legal obligations.
 - (A) The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.
 - (B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
 - (C) The orientation shall be at least three hours in length.
 - (D) Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction).
 - (E) The orientation shall be provided by a regional education service center (ESC).
 - (F) The orientation shall be open to any board member who chooses to attend.

- (G) The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.
 - (H) The ESC shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) ~~(h)~~ of this section.
- (3) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall complete an update to the basic orientation to the TEC.
- (A) The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.
 - (B) The update shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.
 - (C) A board member who has attended an ESC basic orientation session described in paragraph (2) of this subsection that incorporated the most recent legislative changes is not required to attend an update.
 - (D) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
 - (E) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) ~~(h)~~ of this section.
- (4) The entire board shall participate with their superintendent in a team-building session.
- (A) The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.
 - (B) The session shall be held annually.
 - (C) The session shall be at least three hours in length.
 - (D) The session shall include a review of the roles, rights, and responsibilities of a local board , including its oversight relationship to administrators, as outlined in the framework for school board development ~~[governance leadership]~~ described in subsection (a) of this section.
 - (E) The assessment of needs shall be based on the framework for school board development ~~[governance leadership]~~ described in subsection (a) of this section and shall be used to plan continuing education activities for the year for the governance leadership team.
 - (F) The team-building session shall be provided by an ESC or a registered provider as described in subsection (c) of this section.
 - (G) The superintendent's participation in team-building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.
- (5) In addition to the continuing education requirements in paragraphs (1) through (4) of this subsection, each board member shall complete additional continuing education based on the framework for school board development ~~[governance leadership]~~ described in subsection (a) of this section.
- (A) The purpose of continuing education is to address the continuing education needs referenced in paragraph (4) of this subsection.

- (B) The continuing education shall be completed annually.
 - (C) In a board member's first year of service, he or she shall complete at least ten hours of continuing education in fulfillment of assessed needs.
 - (D) Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.
 - (E) A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.
 - (F) At least 50% of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.
 - (G) The continuing education shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.
 - (H) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
 - (I) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) ~~(h)~~ of this section.
- (6) Each school board member shall complete continuing education on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.
- (A) The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in the TEC, §11.1515.
 - (B) The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of TEC, §11.185 and §11.186.
 - (C) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
 - (D) The continuing education shall be completed every two years.
 - (E) The training shall be at least three hours in length.
 - (F) The continuing education required by this subsection shall include, at a minimum:
 - (i) instruction in school board behaviors correlated with improved student outcomes with emphasis on:
 - (I) setting specific, quantifiable student outcome goals; and
 - (II) adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under TEC, Chapter 39;
 - (ii) instruction in progress monitoring practices to improve student outcomes; and
 - (iii) instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the

TEC, Chapter 39, and the state accountability system established under the TEC, Chapter 39.

- (G) The continuing education shall be provided by an authorized provider as defined by subsection (e) ~~(d)~~ of this section.
 - (H) If the training is attended by an entire school board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements of subsection (b)(4) of this section, the training may serve to meet a school board member's obligation to complete training under subsection (b)(4) and (6) of this section, as long as the training complies with the Texas Open Meetings Act.
- (7) Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with TEC, §11.159(c)(2).
- (A) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
 - (B) The training shall be completed every two years.
 - (C) The training shall be at least one hour in length.
 - (D) The training must familiarize board members with the requirements of TEC, §38.004 and §38.0041, and §103.1401 ~~§61.1051~~ of this title (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).
 - (E) The training required by this subsection shall include, at a minimum:
 - (i) instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;
 - (ii) instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and
 - (iii) instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.
 - (F) The training sessions shall be provided by a registered provider as defined by subsection (c) of this section.
 - (G) This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
 - (H) The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) ~~(h)~~ of this section.
- (c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. An individual applicant [A private or professional organization, school district, government agency, college/university, or private consultant] shall register with the TEA to provide the board member continuing education required in subsection (b)(3), (5), and (7) of this section. Groups and organizations are no longer eligible for registration.
- (1) The applicant's registration application [process] shall include documentation of the applicant's [provider's] training , experience, educational background, and/or expertise in the activities and areas covered in the framework for school board development. A registration application that does not demonstrate the training, experience, educational background, and/or expertise shall be rejected [governance leadership].

- (2) TEA will provide each applicant with a list of at least five (5) TEA approved background check providers. The applicant's registration application shall include a background check report from one of the approved providers. A registration application that does not include a background check report shall be rejected; or a registration application that includes a background check report documenting an applicant's felony or crime of moral turpitude conviction shall be rejected.
- (3) TEA shall revoke a registered provider's status upon notification and confirmation that a registered provider has been convicted of a felony or a crime of moral turpitude. A registered provider will be given an opportunity to promptly contest a claim in writing; within 30 days, that the registered provider was convicted. TEA will respond within 30 days of its decision. An informal hearing will be conducted by TEA upon request from the registered provider. Registration shall be withheld until confirmation of registration is received from TEA.
- (4) ~~(2)~~ An updated registration shall be required of a provider of continuing education every three years.
- (5) A registered provider may present with other panel members, speakers, or presenters for credit, however those panel members, speakers, or presenters will comply with the remainder of this section, but are not required to comply with paragraphs (1)-(4) of this subsection. Any violation of this section by the other panel members, speakers, or presenters is the responsibility of the registered provider.
- (6) ~~(3)~~ A school district that provides continuing education exclusively for its own board members is not required to register.
- (7) ~~(4)~~ An ESC is not required to register under this subsection.
- (d) A provider of training under this section may not engage in political advocacy while providing the training under this section.
- (1) For the purposes of this rule, political advocacy means:
- (A) Supporting or opposing political candidate(s), particular party or group of candidates who hold a particular political viewpoint or position, specifically or by unmistakable implication, with the intent to influence the outcome of an election or appointment and/or
- (B) Supporting or opposing a political or policy position with the intent of influencing the outcome of a legislative, rulemaking or other policy process.
- (C) Political advocacy shall not include discussions on fostering legislative relationships, legislative or rulemaking processes or legislative or policy updates.
- (2) If a provider is required to register under subsection (c) of this section, the provider shall provide a written acknowledgement, provided by the agency, indicating that the provider shall not engage in political advocacy while providing training. A registration application that does not include an acknowledgement shall be rejected.
- (3) If the agency determines a provider engaged in political advocacy while providing training, the agency shall:
- (A) issue a warning to the provider;
- (B) request that the provider submit a written explanation from the provider explaining the events and what action, if any, has or will be taken to prevent a future violation; and
- (C) notify members of the State Board of Education of the warning issued to the provider and include any written explanation from the provider.
- (4) The board may remove the registration or the authorization to provide training under this section for an individual, school district, or regional service center if the board determines that the provider engaged in political advocacy while providing training under this section.
- (5) Removal of registration or authorization under paragraph (4) of this subsection shall be for a term of one year unless modified by the board.

- (6) A provider is presumed to have provided political advocacy while providing training under this section if the political advocacy occurs during that training session.
- (c) ~~(d)~~ An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required in subsection (b)(4) and (6) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topics and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner.
- (1) A ~~[private or professional organization]~~ school district or individual ~~[government agency, college/university, or private consultant]~~ may be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
 - (2) An ESC shall be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
 - (3) The authorization process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for school board development ~~[governance leadership]~~.
 - (4) An updated authorization shall be required of a provider of training every three years.
- (f) ~~(e)~~ No continuing education shall take place during a school board meeting unless that meeting is called expressly for the delivery of board member continuing education. However, continuing education may take place prior to or after a legally called board meeting in accordance with the provisions of the Texas Government Code, §551.001(4).
- (g) ~~(f)~~ An ESC board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members.
- (h) ~~(g)~~ A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.
- (i) ~~(h)~~ For each training described in this section, the provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number.
- (j) ~~(i)~~ To the extent possible, the entire board shall participate in continuing education programs together.
- (k) ~~(j)~~ At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (l) ~~(k)~~ Annually, the SBOE shall commend those local board-superintendent teams that complete at least eight hours of the continuing education specified in subsection (b)(4) and (5) of this section as an entire board-superintendent team.
- (m) ~~(l)~~ Annually, the SBOE shall commend local board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool developed under the TEC, §11.182, or any other tool approved by the commissioner.

~~[(m) This section will be implemented May 1, 2020. This section as it read prior to adoption by the SBOE at its January 2020 meeting controls continuing education for school board members until May 1, 2020.]~~