Item 17:
Board Operating Policies and Procedures (BOPP)

INFORMATION ONLY

SUMMARY: This information item presents the State Board for Educator Certification (SBEC) Board Operating Policies and Procedures (BOPP).

STATUTORY AUTHORITY: The statutory authority for the BOPP is the Texas Education Code (TEC), §21.041(a) relating to adopting rules as necessary for its own procedures.

PREVIOUS BOARD ACTION: The BOPP was initially adopted in October 1996. The BOPP was amended on the following dates: September 1997, May 2000, May 2002, August and December 2004, January and March 2005, July 2006, January, March, May, July, and October 2008, February and June 2009, May and October 2013, February, August, and October 2014, August 2015, March 2017, February 2020, February 2021, and July 2022.

BACKGROUND INFORMATION AND JUSTIFICATION: According to the BOPP, the SBEC shall review its policies and procedures annually. In 2015 and 2017, the Board engaged in extensive reviews resulting in substantive changes to the BOPP relating to procedures for public comment and oral argument, along with updating the Memorandum of Understanding between the Board and the Texas Education Agency (TEA). At the March 2018 and February 2019 SBEC meetings, the Board conducted the annual review of the BOPP with no changes. At the February 2020 SBEC meeting, the Board updated the BOPP to formalize the role of non-voting SBEC members. At the February 2021 SBEC meeting, the Board updated the BOPP to reflect current Board decisions and practices regarding Board committees. At the July 2022 SBEC meeting, the Board updated the BOPP to reflect stakeholder engagement processes.

Staff Member Responsible:
Kameryn McCain, Director, EPCE Policy and Planning

Attachment:
Board Operating Policies and Procedures

ATTACHMENT

State Board for Educator Certification
Draft Board Operating Policies and Procedures

I. PREAMBLE

A. Purpose

The State Board for Educator Certification (the Board) adopts and implements the Board Operating Policies and Procedures to achieve the following purposes:

1. To outline the Board's general powers and duties under Chapter 21, Subchapter B, of the Texas Education Code, and other applicable laws;

2. To establish procedural rules governing the Board pursuant to Section 21.041(a) of the Texas Education Code;

3. To apprise board members of the standards of conduct and conflict of interest provisions applicable to their conduct pursuant to Chapter 572 of the Texas Government Code; and

4. To adopt policies that clearly define the responsibilities of the Board and Texas Education Agency (TEA) staff.

B. Goals

In exercising its powers and fulfilling its duties the Board shall strive to:

1. Establish major visionary guiding policies and procedures;

2. Establish the vision and goals that define the results that the Board seeks to achieve;

3. Serve as a link between the Board and state policy makers;

4. Accept accountability for its decisions and actions;

5. Establish an effective relationship with TEA staff;

6. Maintain objectivity in reviewing the facts during the decision-making process;

7. Act in the best interest of school children, their parents, professional educators, and the public;

8. Continually learn and be willing to take risks to improve the educational system within the boundaries of statutory authority; and

9. Review the Board Operating Policies and Procedures annually.

C. Scope

These Board Operating Policies and Procedures apply to all activities conducted by the Board.

D. Responsibility for Implementation

The Board and its officers are responsible for ensuring the implementation and adherence to the Board Operating Policies and Procedures.

E. Nondiscrimination Policy

The Board shall comply fully with the nondiscrimination provisions of state and federal law, rules, and regulations. The Board shall ensure that no person shall be excluded from consideration for appointment as an officer or committee member of the Board, or be denied benefits of, or participation in, any program or activity overseen by the Board, on the grounds of race, religion, color, national origin, sex, disability, age or veteran status, in violation of law.

II. THE BOARD

A. Powers and Duties

1. Authority. The Powers and Duties of the Board are set out in Subchapter B, Chapter 21 of the Texas Education Code. Other duties of the Board may be included in provisions of the Texas Government Code and General Appropriations Act.

2. Signature Authority for Disciplinary Orders. The Chairperson may sign on behalf of a majority of the Board a decision or order issued in a disciplinary case or other matter arising under 19 Texas Administrative Code Chapter 249, relating to Board disciplinary proceedings, including enforcement of the educator's code of ethics. Members of the majority, however, retain discretion to sign any decision or order.

3. Communications. The Chairperson officially represents the Board in communicating policy and procedures. However, this provision does not prohibit other Board members from commenting publicly about the Board in their individual capacities or otherwise expressing personal opinions about the Board.

4. Purpose. The primary purposes of the Board, as set out in Section 21.031 of the Education Code, are as follows:

   The Board is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The Board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public-school educators. In proposing rules under this Subchapter, the Board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

B. Board Composition

The Number, Term, Qualifications and Method of Appointment of the Board are provided in Subchapter B, Chapter 21, of the Texas Education Code.

- The Board is composed of 15 members. The commissioner of education shall appoint an employee of the agency to represent the commissioner as a non-voting member. The commissioner of higher education shall appoint an employee of the Texas Higher Education Coordinating Board to represent the commissioner as a non-voting member. The governor shall appoint a dean of a college of education in this state as a non-voting member and appoint a person who has experience working for and knowledge of an alternative educator preparation program as a non-voting member. The remaining 11 members are appointed by the governor with the advice and consent of the senate, as follows:

  a. four members must be teachers employed in public schools;

  b. two members must be public school administrators;

  c. one member must be a public-school counselor; and

  d. four members must be citizens, three of whom are not and have not, in the five years preceding appointment, been employed by a public school district or by an educator preparation program in an institution of higher education and one of whom is not and has not been employed by a public school district or by an educator preparation program in an institution of higher education.

C. Terms

1. The Board members appointed by the governor hold office for staggered terms of six years with terms of one-third of the members expiring on February 1 of each odd-numbered year.

2. A member appointed by the commissioner of education or commissioner of higher education serves at the will of the commissioner.

3. In the event of a vacancy during a term of a member appointed by the governor, the governor shall appoint a replacement who meets the qualifications of the vacated office to fill the unexpired portion of the term.

D. New Member Orientation

A new appointee to the Board shall be given an orientation to the activities of the Board.

- New Member Orientation shall include the following topics:

  a. Board mission, goals, objectives, and strategic plan;

  b. Board organization, function, and powers and duties;

c. Board member responsibilities, including the proper role of the member in policy making, deliberations, communications, and relations with the administrative staff of the Texas Education Agency;

d. Standards of conduct as public officials;

e. Board meetings and other Board functions;

f. Legislative and rule-making processes;

g. Texas open government laws, including information regarding mandatory training in open meetings and public information as required by the Chapters 551 and 552 of the Texas Government Code;

h. Disciplinary proceedings and code-of-ethics enforcement laws, including pertinent Board rules and the Texas Administrative Procedure Act;

i. Texas Education Agency staff functions (certification, accountability, professional discipline, recruitment & retention, general administration); and

j. Travel reimbursement/*per diem* procedures and state regulations.

III. OFFICERS OF THE BOARD

A. Election and Service of Board Members

The Board shall elect a Chairperson, Vice-Chairperson, and Secretary, as authorized by Section 21.036 of the Education Code. Officers shall serve for a term of two years, or until a successor has been duly elected in the event of a vacated position. Elections shall take place at the last regularly scheduled Board meeting of each odd-numbered calendar year, unless a special election to fill a vacant position is necessary. The officer-elect assumes office at the first regularly scheduled meeting of the following calendar year, or for a special election, immediately upon Board vote.

1. Chairperson. The Board shall elect one of its members to serve as Chairperson. The Chairperson shall serve as presiding officer of the Board.

2. Vice-Chairperson. The Board shall elect one of its members to serve as Vice-Chairperson. In the event of absence or disability of the Chairperson, the Vice-Chairperson shall serve as presiding officer of the Board and carry out all duties of the Chairperson during that absence or disability. In case of vacancy of the office of Chairperson, the Vice-Chairperson shall serve as presiding officer of the Board and carry out all duties of the Chairperson until the position of Chairperson is filled.

3. Secretary. The Board shall elect one of its members to serve as Secretary. In the event of absence or disability of the Chairperson and Vice-Chairperson, the Secretary shall serve as presiding officer of the Board and carry out all duties of the Chairperson during that absence or disability. In case of vacancy of the office of Chairperson and Vice-Chairperson, the Secretary shall serve as presiding officer of the Board and carry out all duties of the Chairperson until the position of Chairperson is filled.

B. Board Member Compensation

A board member receives no compensation for service on the Board. A board member is entitled to reimbursement for expenses incurred in performing board member duties, as provided by Subchapter B, Chapter 21 of the Texas Education Code and other applicable law.

C. Board Member Conduct

Board members shall adhere to the standards of conduct and conflict of interest provisions set out in Section 572.051 of the Texas Government Code and other applicable law. Pursuant to that Section, a board member must adhere to the following:

1. Not accept or solicit any gift, favor, or service that might reasonably tend to influence the board member in the discharge of official duties or that the board member knows or should know is being offered with the intent to influence the member's official conduct;

2. Not accept other employment or engage in a business or professional activity that the board member might reasonably expect would require or induce the board member to disclose confidential information acquired by reason of the official position;

3. Not accept other employment or compensation that could reasonably be expected to impair the board member's independence of judgment in the performance of the board member's official duties;

4. Not make personal investments that could reasonably be expected to create a substantial conflict between the board member's private interest and the public interest;

5. Not intentionally or knowingly, solicit, accept, or agree to accept any benefit for having exercised the board member's official powers or performed the officer's or employee's official duties in favor of another;

6. Complete the financial disclosure statement, as required by Chapter 572 of the Texas Government Code;

7. Complete the open government training as required by Government Code Section 552.012;

8. Adhere to the Open Meetings Act when communicating with other Board members outside of a posted meeting of the Board; or

9. Seek counsel when presented with a situation that the board member feels may raise a conflict of interest.

D. Board Member Participation

To facilitate open discussion and united representation of the Board, the Board agreed to the following:

1. Not participate in stakeholder committee or advisory group meetings brought together to advise the Board or TEA staff;

2. Not attend a conference as a Board representative;

3. Not participate in educator preparation program monitoring visits.

4. Make all requests to staff for information between Board meetings through the associate commissioner copying the chair.

E. Non-Voting SBEC Members

To ensure there is no conflict of interest of non-voting members regarding Board action, the Board agreed that non-voting members will not:

1. Make or second motions or

2. Serve as SBEC officers.

IV. MEETINGS OF THE BOARD

A. Meetings of the Board

1. Regular Meetings. Regular meetings of the Board shall be held at such intervals as may be determined by the Board. The Board shall meet at least once per quarter of the calendar year on dates determined by the Board. In setting its meetings, the Board shall attempt to avoid scheduling conflicts with meetings of the State Board of Education.

2. Emergency Meetings. An Emergency Meeting of the Board may be called by the Chairperson or the Vice-Chairperson. Notice of such meeting shall be communicated in the manner most likely to give the greatest amount of notice to the members and complies with the Texas Open Meetings Act. Every meeting notice to Board members shall contain the meeting time, place, day, and general nature of the business to be transacted.

3. Special meetings of the Board. Special meetings of the Board may be held at times and places as ordered by the Board during a regular meeting, or special meetings may be called by the Chairperson of the Board to be held at a time and place the Chairperson shall designate.

4. Notice. The Chairperson shall designate a location for each Board meeting. Notice of the meetings, including the location shall be posted pursuant to the requirements of the Texas Open Meetings Act. All meetings shall be open to the public, except executive sessions as discussed below. Notice to the public of emergency meetings shall be given pursuant to the Texas Open Meetings Act.

5. Agendas. The Chairperson shall determine the agenda for a Board meeting. Any member of the Board may request that an item be placed on the agenda. The

Chairperson makes the final determination as to whether to place an item on the agenda unless a majority of the Board members request to add an item or otherwise amend the agenda. If an item is removed from the agenda, the Board Chairperson will timely inform other Board members the reason for removing an agenda item after it has been posted. Final approval of the agenda lies with the Board Chairperson. Board members shall receive the agenda and supporting materials for an upcoming meeting at least ten calendar days before the meeting. In the event the agenda and/or supporting materials cannot be delivered at least ten calendar days prior to the meeting the Commissioner or Commissioner's designee shall notify the Board Chairperson as to the reason why.

6. Quorum/Action. At each regular or emergency meeting, the Chairperson shall certify a quorum is present in order to conduct official business of the Board. A quorum of the Board is a majority of the number of members fixed by statute, including non-voting members. However, the Texas Open Meetings Act prohibits less than a quorum of members from discussing or deliberating official business of the Board. A majority shall mean, for all purposes, more than half of the votes cast, ignoring abstentions. At each committee meeting, the Chairperson shall certify a quorum is present in order to conduct official business of the Board. A quorum of the committee is a majority of the number of members, including non-voting members.

7. Rules Governing Board Action. The Board Operating Policies and Procedures shall govern the action of the Board. In the event that the policies and procedures do not specify how an action shall be conducted, the Board may refer to the Robert's Rules of Order Newly Revised Edition.

8. Recordation of Meetings. All or any part of the public meeting may be recorded by any person in attendance by means of tape recorder, video camera, or any other means of sonic or visual reproduction unless determined by the Chairperson to be disruptive of the meeting. The Chairperson shall determine the location of any such equipment and the manner in which the recordings are conducted.

9. Webcast. Regular and special meetings of the full Board may be webcast, whenever feasible, for people interested in watching meetings from a computer or device. Should technical difficulties prevent webcasting, the Board meeting will continue.

10. Public Comment

    a. Policy

    (1) Opportunity for public comment shall be provided at each regularly scheduled meeting of the Board and its standing committees. This policy excludes special and *ad hoc* committee meetings.

    (2) The presiding officer of the Board or committee shall take appropriate action to avoid unduly repetitive comment and to assure that different members of the public with differing points of view have reasonable access to the Board or committee. The presiding officer shall strive to ensure that

representatives from both sides of an issue are able to address the Board or committee.

(3) The presiding officer shall determine which speakers will be heard and in what order they will be heard if the number of speakers exceeds the number that may reasonably be expected to testify in the allotted time for presentations. The presiding officer shall also determine whether speakers who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.

(4) The Board shall not allow public comment regarding individual agreed orders.

b. Procedure

(1) Non-Agenda and Consent Items

i. The Board shall allocate up to 30 minutes, total time, at the beginning of each regularly scheduled meeting of the full Board for public comment on exclusively non-agenda and consent agenda items.

ii. Each speaker shall have three minutes, unless the Board adjusts the time. Comment invited by Board members shall not be counted against the speaker's time.

iii. The presiding officer shall announce in open session which registered speakers, if any, shall not be heard and the basis for this determination. The Board may not overrule a decision of the presiding officer with regard to a non-agenda or consent item.

iv. Appropriate physical arrangements for taking comment shall be provided.

(2) Agenda Items

i. Each speaker shall have three minutes, unless the Board adjusts the time. Comment invited by Board members shall not be counted against the speaker's time on agenda items.

ii. The Board shall allocate up to 30 minutes, total time, to public comment on each agenda item; however, the Board may, by majority, vote to adjust the total time allocated to public comment on agenda items.

iii. Appropriate physical arrangements for taking comment shall be provided.

(3) Committee Comment

i. Public comment to a committee shall be limited to items posted for action or discussion.

ii. Each speaker shall have three minutes, unless the committee adjusts the time. Comment invited by committee members shall not be counted against the speaker's time.

iii. The committee shall allocate up to 30 minutes, total time, at the beginning of each scheduled standing committee meeting of the Board for public comment on items posted for action or discussion. All public testimony shall occur at the beginning of the committee meeting.

iv. Appropriate physical arrangements for taking comment shall be provided.

c. Registering to Provide Comment

(1) Pre-registration. Speakers may register during regular business hours until two business days preceding the meeting. The speaker is required to use the form available on the TEA's website.

i. The speaker must provide his or her name, organizational affiliation, if any, and indicate which agenda item or topic shall be addressed. Additionally, the registrant shall disclose his or her viewpoint on the item or topic, as well as whether he or she, and the organization represented, if any, is a lobbyist registered with the Texas Ethics Commission. The date and time the registration was received shall be noted.

ii. A separate form shall be submitted for each agenda item or topic on which the speaker shall testify.

iii. If all information required by this operating procedure is not provided on the form, the presiding officer may disallow the comment.

iv. A person may register only one person, either himself or herself, or another person. Organizations are encouraged to register only one person per item.

v. A registrant offering written materials in lieu of oral comment shall provide the materials to staff for distribution. Written comment shall not exceed three pages of double-spaced text and shall be attached to a completed registration form. Written comment may be submitted in person at the meeting or by mail, fax, or electronic mail, as specified on the registration form. Written materials offered in

lieu of oral comment should be submitted two business days before the meeting to ensure that members have had an opportunity to consider it. Board minutes shall reflect the name of the registrant, affiliation if any, and the item or topic addressed. Copies of the written comment shall be provided to all board members but shall not be attached to the board minutes.

vi. Registration will be listed based upon registration date and time or alternating points of view in order of registration date and time.

(2) Late registration at the Board meeting. Late registration for providing oral comment or written materials will be accepted up to 30 minutes prior to the beginning of the Board meeting, however, late registrants are not guaranteed an opportunity to testify due to time restraints.

d. Public Hearings Regarding Proposed Board Rules. TEA staff shall conduct a public hearing on a substantive rule of the SBEC upon proper request pursuant to Texas Government Code §2001.029. Public comment is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted.

11. Oral Argument Regarding Educator Disciplinary Cases and Educator Preparation Program Sanctions

a. Oral argument to the Board is not an evidentiary hearing and may not include presentation of new facts or testimony.

b. Oral argument for cases referred to the State Office of Administrative Hearings (SOAH) is strictly confined to matters contained in the record before SOAH and legal challenges to the Proposal for Decision, including the proposed sanction.

c. Oral argument for cases not referred to SOAH is strictly confined to matters contained in the record of the informal review in 19 TAC Section 229.7 including the proposed sanction.

d. Oral argument may be presented by up to two individuals authorized by the party. Presenters may be a licensed attorney representing the party, an authorized party representative or the party.

e. An authorized party representative or the party may present oral argument for a period not to exceed ten minutes in total. Responses to questions of Board members shall not be counted against the party's time.

f. The Board's attorney shall assist the Board in implementing this procedure.

12. Motions for Rehearing

a. The Board may consider a motion for rehearing in accordance with Section §2001.146(d) of the Texas Government Code.

b. Motions for rehearing and responses to motions for rehearing shall be submitted to the Administrative Liaison to the Board by facsimile to (512) 463-7795 or by personal delivery in accordance with timelines established under Section §2001.146(d) of the Texas Government Code.

c. The Administrative Liaison to the Board shall submit copies of the motions and replies to the Board's legal counsel. The Board's legal counsel shall submit copies of the motion and replies to each board member in a separate email using authorized email addresses. The Board's legal counsel shall include a brief reminder of the procedures and timeframes in the correspondence.

d. Board members shall direct questions regarding motions and replies to the Board's legal counsel and not to TEA staff and shall not confer with each other regarding motions and replies.

e. Each board member shall send an individual email to the Board's legal counsel indicating approval or denial of the motion for rehearing to the Board's legal counsel within the time frame established under Section §2001.146(d) of the Texas Government Code. Failure to respond within the appropriate time frame shall be considered a denial of the request.

f. For purposes of IV.A.6, all members shall be deemed present to conduct business and a majority needed to grant a motion for rehearing shall be an affirmative vote from six voting members.

B. Executive Sessions

Executive Sessions of the Board are closed meetings of the Board which may be held as authorized by the Open Meetings Act, Texas Government Code Ch. 551.

V. BOARD COMMITTEES

The Board may establish regular, standing, temporary, or advisory committees as it may deem appropriate to perform such functions as it may designate.

A. Board Committees

The Board Chairperson shall appoint an appropriate number of members to serve on the committees, including one to serve as presiding officer. The Board has established the following standing committees:

1. Educator Preparation Program Commendations Committee. This committee is established to review and evaluate educator preparation program (EPP) application submissions for consideration of designation for an EPP Commendation in category four, Innovative Educator Preparation. The committee will make recommendations to the full Board for commendations in this category at a subsequent meeting.

B. Advisory Committees

1. The Board may establish advisory committees and shall approve advisory committee members but may not serve as an ex officio member of the advisory committee.

2. An advisory committee may adopt its own rules for internal governance, as long as those rules do not conflict with the Board Operating Policies and Procedures.

3. Reimbursement of an advisory committee member. TEA is prohibited from paying fees and expenses to an advisory committee member unless specifically authorized by the provisions of the General Appropriations Act or other law.

VI. BOARD RULES

A. Rule Making Authority. The Board shall adopt rules as required by Section 21.041 of the Texas Education Code.

B. Rule Making Process. The Board shall approve a rule making process to be followed by the Board for proposing and adopting new rules, amendments, and repeals. The Board, by majority vote, may agree to a departure from the approved rule making process if authorized by law. A copy of the rule making process shall be incorporated herein and published as part of the Board's operating policies and procedures, as Table 1. The Board shall enter into a Memorandum of Agreement with TEA to perform administrative functions related to the adoption, amendment, repeal of the Board's rules. Upon adoption, that Memorandum of Agreement shall be incorporated herein and published as a part of the Board's operating policies and procedures, as Table 2.

C. Rule Review Process. In accordance with Section 2001.039 of the Texas Government Code, the Board shall review its rules every four years to ensure that statutory authority and reasons for adopting the rules continue to exist.

D. Stakeholder Participation in Rule Making. As part of the Board's rulemaking process, stakeholder input shall be sought on draft Board rules, as appropriate.

E. Filing Non-Substantive Rule Corrections with the Secretary of State. The Commissioner of Education or the The Agencymay approve and file with the Secretary of State non-substantive corrections to the Board's rules. Non-substantive rule corrections may include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements.

VII. CONTRACTS AND MEMORANDA OF AGREEMENT

Contracts and Memoranda of Agreement. The Board may execute interagency contracts to perform routine administrative functions. The Board may approve other contracts as allowed by law. The Chairperson of the Board may execute contracts approved by the Board or may delegate this authority to another member of the Board.

VIII. MISCELLANEOUS

A. Fiscal Year. The fiscal year of the Board shall be the official fiscal year of the State of Texas. It shall begin on September 1 and end on August 31 of each year.

B. Minutes. Minutes of the Board meetings shall be prepared and maintained, as required in the Open Meetings Act.

1. Minutes shall be approved by the Board.

2. Before the Board approves the minutes of the last meeting, the minutes shall be sent to each member of the Board for review, comment, and correction prior to approval.

3. Minutes are available for public review as authorized by the Open Meetings Act. All books and records of the Board shall be stored according to the records retention schedules as set forth by the Texas State Library and Archives Commission.

IX. POLICIES AND PROCEDURES: GUIDELINES

A. Effective Date of Policies and Procedures. These policies and procedures and any amendments to them shall become effective only upon approval of the Board.

B. Amendments to Policies and Procedures. Any of these policies and procedures may be altered, amended, or repealed, and new policies and procedures may be adopted by an affirmative vote of a majority of the Board.

C. Guidelines. These Board Operating Policies and Procedures create no substantive or procedural rights. They are guidelines for the Board's internal governance only.

D. Review of Policies and Procedures. The Board Operating Policies and Procedures shall be reviewed annually.

Table 1:

State Board for Educator Certification
Rulemaking Process

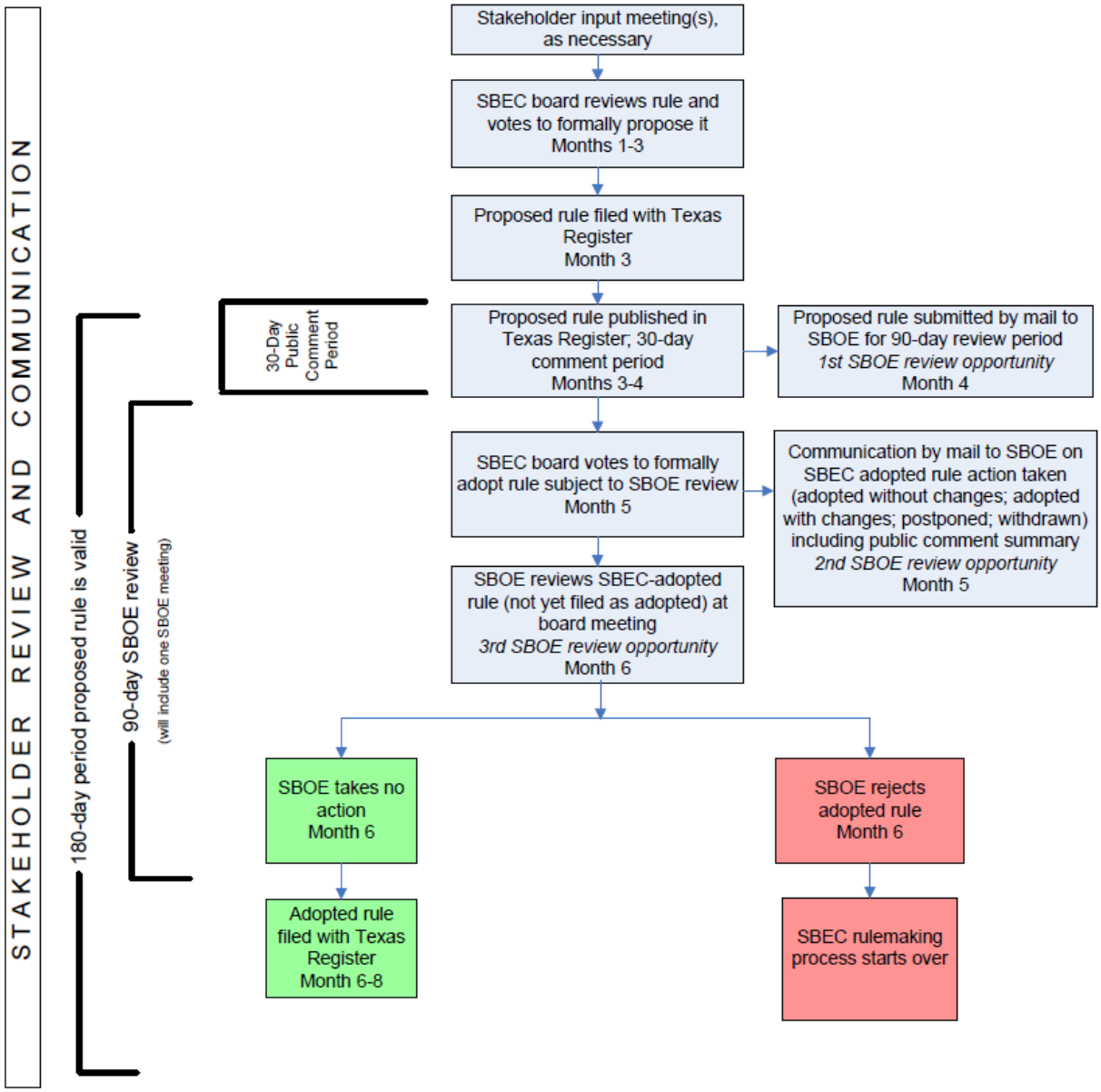

Table 2:

ATTACHMENT II

MEMORANDUM OF AGREEMENT

STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

This **MEMORANDUM OF AGREEMENT (AGREEMENT)** is between the **STATE BOARD FOR EDUCATOR CERTIFICATION (BOARD)**, a Texas state agency acting through its Chair, and the **TEXAS EDUCATION AGENCY (TEA)**, a Texas state agency acting through the Commissioner of Education. The **AGREEMENT'S** purpose is to establish the process by which **TEA** will provide administrative support and services to the **BOARD**.

WHEREAS, Section 21.035 of the Texas Education Code provides that the Board is administratively attached to TEA;

WHEREAS, Texas Education Code, chapter 21 authorizes the Board to adopt rules and fees relating to the regulation of educators and the administration of chapter 21, and certain other topics specified in chapter 21.

NOW, THEREFORE, in recognition of the foregoing, **THE BOARD AND TEA AGREE AS FOLLOWS**:

I. PERIOD OF AGREEMENT:

This agreement becomes effective upon signature of the representatives of the parties and continues in effect unless notice is given by either party at least 60 days in advance of a requested termination date.

II. PURPOSE OF AGREEMENT:

The purpose of this agreement is to implement the legislative directive that TEA provide administrative support for the Board, to provide for the efficient and orderly discharge of the Board's duties and responsibilities pursuant to the Board's instruction, and to memorialize the cooperative relationship between TEA and the Board.

III. OBLIGATIONS:

(1) The Commissioner of Education will assign staff members to assist in carrying out the duties of the Board. In addition to general administrative support, TEA staff will:

(A) develop an operating budget for the certification function and other functions of the Board for which TEA receives an appropriation;

(B) provide to the members of the Board, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees;

(C) file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report, in the form and within the time provided by the General Appropriations Act, accounting for all funds received and disbursed by TEA for the certification function during the preceding fiscal year; and

(D) execute contracts to perform administrative functions and services.

(2) The Board will carry out its duties, including but not limited to the duties required by section 21.040:

(A) to appoint the members of any advisory committee to the Board;

(B) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the Board; and

(C) develop and implement rules and policies.

(3) The Board must approve the following final actions:

(A) entry of a final order based upon a proposal for decision issued by the State Office of Administrative hearings;

(B) entry of a final order based on a request for issuance of default judgement;

(C) approval or sanction of an education preparation entity; and

(D) proposal, amendment, or adoption of Board rules.

(4) Although the Board will propose and adopt all rules authorized by statute, TEA staff shall be responsible for performing the duties of drafting and revising the rules in accordance with the instruction of the Board, transmitting the proposed and adopted rules to the *Texas Register* and ensuring that they are properly and timely filed, as required by the Texas Administrative Procedure Act (chapter 2001 of the Texas Government Code). When processing rules for adoption, the TEA internal rule preparation process shall be followed in conjunction with the Board's Operating Policies and Procedures.

(5) The Attorney General's Office will represent the Board in General Counsel matters, and any necessary fees or expenses paid to the Attorney General’s Office for such representation shall be paid by TEA from appropriated funds.

(6) The Commissioner of Education will assign one or more attorneys to represent the Board in disciplinary matters (including contested case hearings) to which the Board may be a party. TEA staff will regularly provide the Board with reports regarding pending disciplinary cases.

(7) The Commissioner or the Agency may issue and sign orders on behalf of the Board resolving a case by stipulation, compromise, agreed settlement, consent order, agreed settlement of facts, or any other informal or alternative dispute resolution process agreed by the parties, and

not precluded by law.

(8) The Board delegates to the Commissioner or the Agency the authority to administer and implement all Board rules and take all actions necessary to perform the administrative functions of the Board. The intent of this delegation is to delegate to the Commissioner or the Agency the authority that was previously delegated to the Board's executive director in former TEC §21.039 and in Board Rule 19 TAC 249.35(b) prior to its 2007 amendment.

(9) The Commissioner of Education will appoint staff to serve as the Board's Officer of Public Information as required by section 552.201 of the Texas Government Code and will appoint a person or staff to act for the Board for any other purpose required by law.

(10) The Commissioner of Education will appoint staff to perform internal audit functions, as authorized by the Board.

Executed in multiple original copies by the parties this ____ day of _____, 2024.

TEXAS EDUCATION AGENCY

Date Signed: _____

_____

Mike Morath,
Commissioner of Education

STATE BOARD FOR EDUCATOR CERTIFICATION

Date Signed: _____

_____

Jean Streepey, *Chair, State Board for Educator Certification*