

Item 8:

Proposed Review of 19 TAC Chapter 250, Administration

DISCUSSION AND ACTION

SUMMARY: Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the proposed review of 19 Texas Administrative Code (TAC) Chapter 250, Administration. The rules being reviewed establish procedures for SBEC purchasing and for handling petitions for the adoption of rules that the SBEC receives.

STATUTORY AUTHORITY: Statutory authority for the rule review is Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 250, Subchapter A, is the Texas Education Code (TEC), §§21.035(b), 21.040(4), and 21.041(a) and (b)(1), and TGC, §§2155.076, 2161.003, and 2260.052(c). The statutory authority for 19 TAC Chapter 250, Subchapter B, is the TEC, §21.035(b) and §21.041(a) and (b)(1), and TGC, §2001.021.

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 250, Administration, is scheduled to be presented to the SBEC for adoption at the February 2026 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 250 are currently organized as follows: Subchapter A, Purchasing, and Subchapter B, Rulemaking Procedures. These subchapters provide for rules that establish procedures for SBEC purchasing in §250.1, Historically Underutilized Business (HUB) Program, and §250.3, Procedures for Protests, Dispute Resolution, and Appeals Relating to Purchasing and Contract Issues, and for SBEC petition for rulemaking in §250.20, Petition for Adoption of Rules or Rule Changes.

The rules in 19 TAC Chapter 250 are attached.

ANTICIPATED REVISIONS TO RULES: None. Any rule changes resulting from the rule review process will also be presented to the SBEC for consideration.

PUBLIC COMMENTS: The Texas Education Agency will file the notice of proposed review of 19 TAC Chapter 250 with the Texas Register. The SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 250 continue to exist. The public comment period on the proposed rule review begins January 2, 2026, and ends February 2, 2026. The SBEC will take registered oral and written comments on this item in accordance with the SBEC board operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

MOTION TO BE CONSIDERED:

Approve the proposed review of 19 TAC Chapter 250, Administration, to be published as proposed in the *Texas Register*.

Staff Members Responsible:

Kameryn McCain, Director, Educator Preparation, Certification and Enforcement

Attachment:

Text of 19 TAC Chapter 250, Administration (including Figure: 19 TAC §250.20(a))

Text of 19 TAC

Chapter 250. Administration**Subchapter A. Purchasing**

Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §§21.035, 21.040(6), and 21.041(a) and (b)(1), and Texas Government Code, §2155.076, §2161.003, and Chapter 2260.

§250.1. Historically Underutilized Business (HUB) Program.

In accordance with the Texas Government Code, §2161.003, the State Board for Educator Certification adopts by reference the rules of the Comptroller of Public Accounts, found at Title 34 Texas Administrative Code, §§20.281-20.298, concerning the Historically Underutilized Business (HUB) Program.

Source: The provisions of this §250.1 adopted to be effective March 14, 1999, 24 TexReg 1617; amended to be effective March 30, 2005, 30 TexReg 1771; amended to be effective August 19, 2010, 35 Tex Reg 7067; amended to be effective October 21, 2018, 43 TexReg 6843.

§250.3. Procedures for Protests, Dispute Resolution, and Appeals Relating to Purchasing and Contract Issues.

- (a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract under the jurisdiction of the State Board for Educator Certification (SBEC) may formally protest to the director of the Texas Education Agency (TEA) division responsible for purchasing and contracts. Such protests must be in writing and received in the purchasing and contracts director's office within ten working days after such aggrieved person knows, or reasonably should have known, of the occurrence of the action which is protested, unless the director finds that good cause for delay is shown or determines that a protest or appeal raises issues significant to the TEA's procurement practices or procedures.
- (b) Formal protests must conform to the requirements of this subsection and subsection (d) of this section, and shall be resolved in accordance with the procedure set forth in subsections (e)-(f) of this section. Copies of the protest must be mailed or delivered by the protesting party to the TEA and to the other interested parties. For the purposes of this section, "interested parties" means all respondents who have submitted bids, proposals, or offers for the contract involved. Names and addresses of all interested parties may be obtained by sending a written request for this information to the purchasing and contracts director.
- (c) In the event of a timely protest or appeal under this section, the TEA shall not proceed further with the solicitation or with the award of the contract unless the commissioner of education or the commissioner's designee, in consultation with the purchasing and contracts director, makes a written determination that the expeditious award of the contract is necessary to protect substantial interests of the state. A copy of this determination shall be mailed to the protesting party.
- (d) A formal protest petition must be sworn and must contain:
 - (1) a specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
 - (2) a specific description of each act alleged to have violated the statutory or regulatory provision(s) identified in paragraph (1) of this subsection;
 - (3) a precise statement of the relevant facts;
 - (4) an identification of the issue or issues to be resolved;
 - (5) argument and authorities in support of the protest; and
 - (6) a statement that copies of the protest have been mailed or delivered to the TEA and other identifiable interested parties.
- (e) The purchasing and contracts director shall have the authority to settle and resolve the dispute concerning the solicitation or award of a contract. The director may solicit written responses to the protest petition

from other interested parties, and if he or she makes such a request, the protesting party shall be given notice of the director's request and of any written responses to the request that the director receives. The director may consult with the TEA office of legal services concerning the dispute.

- (f) If the protest is not resolved by mutual agreement, the purchasing and contracts director will issue a written determination on the protest.
 - (1) If the director determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and other interested parties by a letter which sets forth the reasons for the determination.
 - (2) If the director determines that a violation of rules or statutes has occurred in a case where a contract has not been awarded, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
 - (3) If the director determines that a violation of rules or statutes has occurred in a case where a contract has been awarded, he or she shall so inform the protesting party and other interested parties by a letter which sets forth the reasons for the determination. In such a case, the director has the authority to declare the contract void. If he or she declares the contract void, this fact shall be included in the determination letter.
- (g) The purchasing and contracts director's determination on a protest may be appealed by the protesting party to the commissioner of education or the commissioner's designee. An appeal of the director's determination must be in writing and must be received in the commissioner's office no later than ten working days after the date of the director's determination. An appeal of the determination shall be limited to those issues raised in the protest petition and the determination letter. Copies of the appeal must be mailed or delivered by the appealing party to the TEA and other interested parties and must contain a sworn statement that such copies have been provided.
- (h) The commissioner or the commissioner's designee shall review the protest petition, the purchasing and contracts director's requests for written responses to the protest petition, any written responses received from other interested parties, the determination, and the appeal.
- (i) The commissioner or the commissioner's designee may, in his or her discretion, issue a written decision on the protest or refer the matter to the SBEC for consideration at a regularly scheduled open meeting.
- (j) A decision issued either by the SBEC in an open meeting or in writing by the commissioner or the commissioner's designee shall be the final administrative action of the TEA.

Source: The provisions of this §250.3 adopted to be effective August 19, 2010, 35 TexReg 7067.

Subchapter B. Rulemaking Procedures

Statutory Authority: The provisions of this Subchapter B issued under the Texas Education Code, §21.035(b) and §21.041(a) and (b)(1), and Texas Government Code, §2001.021.

§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.

Source: The provisions of this §250.20 adopted to be effective August 19, 2010, 35 TexReg 7067; amended to be effective October 27, 2014, 39 TexReg 8403; amended to be effective October 21, 2018, 43 TexReg 6843; amended to be effective July 21, 2022, 47 TexReg 4330; amended to be effective August 3, 2025, 50 TexReg 4930.

Figure: 19 TAC §250.20(a)

STATE BOARD FOR EDUCATOR CERTIFICATION

Petition for Adoption of a Rule

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

The petition should be signed and submitted:

by mail to Rulemaking Division, Texas Education Agency, 1701 North Congress Avenue, Austin Texas 78701-1494; or by using the email button at the bottom of this petition form or by emailing directly to *sbecrules@tea.texas.gov*.

Name:

Affiliation/Organization (if applicable):

Address:

Email Address:

Telephone:

Date:

Texas Government Code, §2001.021, specifies that an interested person must meet one of the following criteria. Please check all of the following that apply to you.

- ☐ resident of Texas
- ☐ business entity located in Texas
- ☐ governmental subdivision located in Texas
- ☐ public or private organization located in Texas that is not a state agency

Proposed rule text (indicate words to be added or deleted from the current text):

Statutory authority for the proposed rule action:

Why is this rule action necessary or desirable?

(If more space is required, attach additional sheets.)

Petitioner's Signature

(Typing your name in the field above serves as your signature for the purposes of this petition.)

[Click here to submit petition form](#)