

The Texas Education Agency (TEA) adopts new §103.1219, concerning assignment of a conservator for noncompliance with school safety and security requirements. The new rule is adopted without changes to the proposed text as published in the March 27, 2026 issue of the *Texas Register* (51 TexReg 1955) and will not be republished. The adopted new rule ensures 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.

REASONED JUSTIFICATION: Adopted new §103.1219 outlines 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.

Adopted new §103.1219 outlines 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.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began March 27, 2026, and ended April 27, 2026. Following is a summary of public comments received and agency responses.

Comment: The Texas Society of Architects (TxA) recommended the addition of good cause exception language to outline how school systems may achieve compliance with school safety and security requirements, citing TEC, §37.353. TxA requested additional language be added to the rule to envision and provide for the use of good cause exceptions for school systems to become compliant with other school facilities standards related to school safety and security. TxA stated that the omission of clear rule provisions to execute the use of a good cause exception as provided for in statute undermines effective compliance monitoring and enforcement on the part of the agency.

Response: The agency disagrees and provides the following clarification. TEC, §37.1085, outlines the specific circumstances in which the commissioner may assign a conservator for noncompliance with school safety and security requirements. The reference to a good cause exception outlined in the proposed rulemaking is consistent with the singular reference outlined in TEC, §37.1085(c).

Comment: A Texas administrator expressed concern that a significant majority of school systems may lack the financial capacity to implement new requirements and that many districts could be deemed noncompliant, not due to a lack of commitment to student safety, but due to insufficient funding.

Response: This comment is beyond the scope of the proposed rulemaking.

Comment: A Texas administrator commented that there is a perceived lack of meaningful input from local educators and administrators in the decision-making process, commenting this has had a tangible impact on those working directly with students, who are striving to provide safe and supportive learning environments, often while navigating constraints that are beyond their control.

Response: This comment is beyond the scope of the proposed rulemaking.

Comment: A Texas administrator commented that school systems do not deliberately operate unsafe schools, stating that the proposed rulemaking is an overreaction, an overreach, and unnecessary.

Response: The agency disagrees and provides the following clarification. The agency recognizes efforts across the state to ensure the safety of students, staff, and visitors. TEC, §37.1085, directs commissioner rulemaking related to the assignment of a conservator for noncompliance with school safety and security requirements.

STATUTORY AUTHORITY. The new section is adopted 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.