

The Texas Education Agency (TEA) proposes the repeal of §161.1001 and §161.1003, new §161.1001 and §161.1003, and an amendment to §161.1002, concerning advisory committees. The proposed revisions would update the rules addressing the establishment of discretionary and mandatory advisory committees, TEA operating procedures for the committees, and the list of existing committees.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 161.1001 recognizes the commissioner of education's authority to appoint advisory committees. Section 161.1002 defines the relevant information to be included within agency operating procedures about each advisory committee, and §161.1003 lists advisory committees that have been appointed.

Section 161.1001 would be repealed and proposed new §161.1001 would provide clarifying language and specify that each advisory committee is subject to Texas Government Code, Chapter 551.

The proposed amendment to §161.1002 would streamline the information required in TEA operating procedures and improve clarity for those seeking further information about appointed advisory committees.

Section 161.1003 would be repealed and proposed new §161.1003 would update the list of appointed advisory committees and provide further information about those committees relevant to the provisions of Texas Government Code, Chapter 2110.

FISCAL IMPACT: Tracy Young, commissioner's chief of staff and chief communications officer, has determined that for the first five-year period 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 does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

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 repeal existing regulations and create new regulations, and it would limit an existing regulation by removing information from the operating procedures concerning advisory committees.

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 expand 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: Ms. Young 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 to provide clarification on the commissioner's establishment of advisory committees and TEA operating procedures and identify committees that have been established. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and 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: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins August 14, 2026, and ends September 14, 2026. 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 August 14, 2026. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §7.055(b)(11), which permits the commissioner to appoint advisory committees, in accordance with Texas Government Code, Chapter 2110, as necessary to advise the commissioner in carrying out the duties and mission of the agency; and Texas Government Code, Chapter 2110, which provides direction for the establishment of advisory committees by state agencies.

CROSS REFERENCE TO STATUTE. The repeals implement TEC, §7.055(b)(11), and Texas Government Code, Chapter 2110.

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~~§161.1001. Establishment of Advisory Committees.~~

~~§161.1003. Advisory Committees.~~

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STATUTORY AUTHORITY. The new rule and amendment are proposed under TEC, §7.055(b)(11), which permits the commissioner to appoint advisory committees, in accordance with Texas Government Code, Chapter 2110, as necessary to advise the commissioner in carrying out the duties and mission of the agency and Texas Government Code, Chapter 2110, provides direction for the establishment of advisory committees by state agencies.

CROSS REFERENCE TO STATUTE. The new rule and amendment implement Texas Education Code (TEC), §7.055(b)(11), and Texas Government Code, Chapter 2110.

§161.1001. Establishment of Advisory Committees.

The commissioner of education may appoint advisory committees as necessary to advise the commissioner in carrying out the duties and mission of the Texas Education Agency.

§161.1002. Texas Education Agency Operating Procedures.

~~The commissioner of education shall adopt and implement Texas Education Agency (TEA) operating procedures governing establishment and operation of public education advisory committees.~~ For each committee listed in §161.1003 of this title (relating to Advisory Committees), the commissioner of education shall include the following information as an attachment to the Texas Education Agency (TEA) operating procedure ~~[procedures]~~ relating to Advisory Committees:

- (1) name of the committee;
- (2) purpose of the committee; and
- ~~[(3) statutory authority under which the committee is established;]~~
- ~~[(4) number of members; and]~~
- (3) [(5)] staff contact at TEA.

§161.1003. Advisory Committees.

The commissioner of education has appointed the following advisory committees.

- (1) Discretionary committee. Commissioner's Advisory Council on the Education of Gifted/Talented Students.
 - (A) Purpose and tasks.
 - (i) Purpose. The purpose of the committee is to advise the commissioner on policy and practice related to gifted/talented education and advanced academics.
 - (ii) Tasks. The committee shall meet quarterly, provide minutes of meetings to supporting Texas Education Agency (TEA) staff, and generate an annual report on its activity.
 - (B) Manner of reporting. The committee shall provide meeting minutes to supporting TEA staff within two weeks of the completion of each meeting and shall provide a report on its activity to supporting TEA staff annually.
 - (C) Duration. This committee will continue in existence until abolished affirmatively by the commissioner.
- (2) Mandatory committees.
 - (A) Adult High School Charter School Program Advisory Committee.
 - (i) Purpose and tasks.
 - (I) Purpose. The purpose of the committee is to make recommendations to the commissioner regarding the secondary exit-level assessment tool adopted or developed under Texas Education Code (TEC), §12.260,

and the satisfactory performance level for that tool and the accountability frameworks adopted under TEC, §12.262, including the performance domains and measures in each framework.

(II) Tasks. The committee shall complete tasks as outlined in TEC, §§12.251-12.265.

(ii) Manner of reporting. This committee will report to TEA as outlined in TEC, §§12.251-12.265.

(iii) Duration. This committee will continue in existence until no longer required by state law.

(B) Continuing Advisory Committee for Special Education.

(i) Purpose and tasks.

(I) Purpose. The purpose of the committee is to advise TEA of unmet needs within the state in the education of children with disabilities; comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities; advise TEA in developing evaluations and reporting on data to the secretary of education under the Individuals with Disabilities Education Act (IDEA), §1418; advise TEA in developing corrective action plans to address findings identified in federal monitoring reports under IDEA, Part B; and advise TEA in developing and implementing policies relating to the coordination of services for children with disabilities.

(II) Tasks. The committee shall complete tasks as described in subclause (I) of this clause.

(ii) Manner of reporting. The committee shall report to the legislature every two years with recommended changes to state law and TEA rules relating to special education as provided by TEC, §29.006.

(iii) Duration. This committee will continue in existence until no longer required by state or federal law.

(C) Open Education Resource Advisory Board.

(i) Purpose and tasks.

(I) Purpose. The purpose of the committee is to ensure that open education resource instructional materials made available under TEC, §§31.0701-31.076, are of the highest quality; aligned with the essential knowledge and skills adopted by the State Board of Education under TEC, §28.002, for the applicable subject and grade level; suitable for the age of students at the grade level for which the materials are developed; free from bias and factual error; and in compliance with TEC, §28.0022.

(II) Tasks. The committee shall complete tasks as needed to support the purpose described in subclause (I) of this clause.

(ii) Manner of reporting. The committee will report to TEA staff as needed to support the purpose described in clause (i)(I) of this subparagraph.

(iii) Duration. This committee will continue in existence until no longer required by state law.

(D) Expanded Learning Opportunities Council.

(i) Purpose and tasks.

- (I) Purpose. The purpose of the committee is to study issues concerning expanded learning opportunities for Texas' public school students and report related recommendations to the Texas Legislature on a biennial basis.
 - (II) Tasks. The committee shall complete tasks as provided in TEC, §§33.256-33.258.
 - (ii) Manner of reporting. The committee shall report to TEA as provided in TEC, §33.259.
 - (iii) Duration. Unless continued in existence as provided by Texas Government Code, Chapter 325 (the Texas Sunset Act), the council is abolished on September 1, 2029.
- (E) State Advisory Council on Educational Opportunity for Military Children.
- (i) Purpose and tasks.
 - (I) Purpose. The purpose of the committee is to provide for coordination between state agencies, school districts, and military installations concerning the state's participation in and compliance with the Interstate Compact on Educational Opportunity for Military Children.
 - (II) Tasks. The committee shall conduct meetings at least quarterly; provide meeting dates, agendas, minutes, end-of-year reports, and other documentation as required to the Military Interstate Children's Compact Commission; and establish policies and procedures governing the committee's operations.
 - (ii) Manner of reporting. There are no reporting requirements for this committee in the authorizing statute, TEC, Chapter 162.
 - (iii) Duration. This committee will continue in existence until no longer required by state law.
- (F) State Parent Advisory Council for Migrant Education.
- (i) Purpose and tasks.
 - (I) Purpose. The purpose of the committee is to advise TEA in planning, implementing, and evaluating the state program designed to meet the educational needs of migratory children.
 - (II) Tasks. The committee shall be invited to comment and make recommendations on the following:
 - (-a-) improving the Texas Migrant State Plan submitted to the United States Department of Education;
 - (-b-) improving programs and services offered to migrant children;
 - (-c-) improving evaluation of the migrant programs;
 - (-d-) increasing the quantity and quality of parent involvement; and
 - (-e-) considering other items which may be appropriate to the role of the State Parent Advisory Council for Migrant Education.
 - (ii) Manner of reporting. TEA staff will review and incorporate feedback and recommendations provided by committee members.
 - (iii) Duration. This committee will continue in existence until no longer required by federal law.
- (G) Title I, Committee of Practitioners/Texas Ed-Flex Committee.

- (i) Purpose and tasks.

 - (I) Purpose. Review and provide comments and suggestions on any proposed state rule or regulation pursuant to Title I of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). Conduct peer review of Individual Programmatic Ed-Flex waiver applications and makes recommendations for approval to the commissioner or his/her designee, thus functioning as the state's Ed-Flex committee.
 - (II) Tasks. The committee shall complete tasks as needed to support the purpose described in subclause (I) of this clause.
- (ii) Manner of reporting. The committee shall provide comments and suggestions to TEA staff on any proposed state rule or regulation pursuant to the ESEA, Title I, as amended by the ESSA; make recommendations on Individual Programmatic Ed-Flex waiver applications; and provide supporting TEA staff with meeting minutes.
- (iii) Duration. This committee will continue in existence until no longer required by federal law.