

Chapter 30. Administration

Subchapter AA. Commissioner of Education: General Provisions

§30.1001. Petition for Adoption of Rule Changes.

- (a) Any interested person as defined in Texas Government Code (TGC), §2001.021(d), may petition for the adoption, amendment, or repeal of a rule of the commissioner of education or the Texas Education Agency (TEA) by filing a petition on the form provided in this subsection. The petition shall be signed and submitted to TEA.

[Figure: 19 TAC §30.1001\(a\)](#)

- (b) The TEA staff responsible for the area with which the rule is concerned shall evaluate the merits of the petition to determine whether to recommend to the commissioner of education that rulemaking proceedings be initiated or that the petition be denied.
- (c) In accordance with TGC, §2001.021, the TEA staff must respond to the petitioner within 60 calendar days of receipt of the petition. The response shall:
- (1) advise that rulemaking proceedings will be initiated; or
 - (2) deny the petition, giving reasons for the denial.
- (d) The commissioner may deny a petition on the following grounds:
- (1) the commissioner does not have jurisdiction or authority to propose or adopt the petitioned rule;
 - (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the commissioner, or other law;
 - (3) the commissioner 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) within one year of the commissioner denying a petition on a similar rule or the same subject matter; or
 - (B) to amend a rule proposed or adopted by the commissioner that has not yet become effective; or
 - (5) any other reason the commissioner determines is grounds for denial.
- (e) If the commissioner initiates rulemaking procedures in response to a petition, the rule text which the commissioner proposes may differ from the rule text proposed by the petitioner.

Statutory Authority: The provisions of this §30.1001 issued under the Texas Government Code, §2001.021.

Source: The provisions of this §30.1001 adopted to be effective September 23, 2004, 29 TexReg 9184; amended to be effective May 12, 2009, 34 TexReg 2766; amended to be effective April 26, 2017, 42 TexReg 2168; amended to be effective September 12, 2021, 46 TexReg 5546.