The State Board of Education (SBOE) proposes new §61.111, concerning applicability of state law to Boys Ranch Independent School District. The proposed new rule would identify provisions of the Texas Education Code (TEC) that are not applicable to Boys Ranch Independent School District.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §11.352, permits the SBOE to adopt rules for the governance of a special purpose district.

Boys Ranch Independent School District is a special purpose school district operated by Cal Farley's Boys Ranch. It is a public school of this state fulfilling the mission of the Texas public education system to ensure that Texas students receive a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation.

Boys Ranch Independent School District has requested that the SBOE waive specific provisions of the TEC related to district governance and operation.

Proposed new §61.111 would establish the section's applicability only to Boys Ranch Independent School District and identify the provisions of the TEC that would not apply to the special purpose school district.

The SBOE approved the proposed new section for first reading and filing authorization at its January 29, 2021 meeting.

FISCAL IMPACT: Jeff Cottrill, deputy commissioner for governance and accountability, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government 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 create a new regulation. The new rule would identify provisions of the TEC that are not applicable to the special purpose school district Boys Ranch Independent School District.

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, limit, or repeal 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: Dr. Cottrill 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 clarifying which provisions of the TEC are not applicable to the special purpose school district Boys Ranch Independent School District. 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: The public comment period on the proposal begins March 5, 2021, and ends at 5:00 p.m. on April 9, 2021. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State.Board_of.Education.Rules/. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2021 in accordance with the SBOE board operating policies and procedures. 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 March 5, 2021.

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §11.351, which permits the State Board of Education (SBOE) to establish a special purpose school district for the education of students in special situations whose educational needs are not adequately met by regular school districts. The board is also permitted to impose duties or limitations on the school district as necessary for the special purpose of the district; and TEC, §11.352, which permits the SBOE to adopt rules for the governance of a special purpose district.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §11.351 and §11.352.

<rule>

**§61.111. Applicability of State Law to Boys Ranch Independent School District.**

(a) This section applies only to Boys Ranch Independent School District.

(b) Boys Ranch Independent School District, a special purpose school district operated by Cal Farley's Boys Ranch, is a public school of this state fulfilling the mission of the Texas public education system to ensure that Texas students receive a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation.

(c) Except as provided by subsection (d) of this section, the laws applicable to Texas public schools apply to Boys Ranch Independent School District in accordance with Texas Education Code (TEC), §11.352(c).

(d) The following sections of the TEC do not apply to Boys Ranch Independent School District:

(1) TEC, §25.0811, related to the first day of instruction; and

(2) TEC, §25.0812, related to the last day of school.