

ATTACHMENT I
Text of Proposed Amendment to 19 TAC

Chapter 30. Administration

Subchapter A. State Board of Education: General Provisions

§30.1. 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 State Board of Education (SBOE) by filing a petition on the [a] form provided in this subsection. The petition shall be signed and submitted to the Texas Education Agency (TEA) [commissioner of education] . ~~The TEA staff [In consultation with the persons in the Texas Education Agency who are]~~ responsible for the area with which the rule is concerned ~~[, the commissioner]~~ shall evaluate the merits of the petition [proposal] to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.

~~Figure: 19 TAC §30.1(a) [Figure: 19 TAC §30.1(a)] [Figure: 19 TAC §30.1(a)]~~

- (b) In accordance with TGC ~~[the Texas Government Code]~~ , §2001.021, the TEA staff [agency] must respond to the petitioner within 60 calendar days of receipt of the petition.
- (1) Where possible, the TEA staff [commissioner's] recommendation concerning the petition shall be placed on the next SBOE agenda, and the SBOE shall act on the petition within 60 calendar days [the 60 day time limit] .
- (2) Where the time required to review the petition or the scheduling of SBOE meetings will not permit the SBOE to act on the petition within the required 60 calendar days, the TEA staff [commissioner or a designee] shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBOE meeting at which the TEA staff recommendation will be presented to the SBOE for action.
- (c) The SBOE will review the petition and the TEA staff recommendation ~~[of the commissioner]~~ and will either deny the petition, giving reasons for the denial, or direct the TEA staff [commissioner] to begin the rulemaking process ~~[or deny the petition, giving reasons for the denial]~~ . The TEA staff [commissioner or designee] will notify the petitioner of the SBOE's action related to the petition.
- (d) The SBOE may deny a petition on the following grounds:
- (1) the SBOE 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 SBOE, or other law;
- (3) the SBOE 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 [is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing] a petition:
- (A) within one year of the SBOE denying a [having the] petition on a similar rule or the same subject matter [denied] ; or
- (B) to amend a rule proposed or adopted by the SBOE that has not yet become effective; or
- (5) any other reason the SBOE determines is grounds for denial.
- (e) If the SBOE initiates rulemaking procedures in response to a petition, the rule text which the SBOE proposes may differ from the rule text proposed by the petitioner.