

Attachment I

STATE BOARD OF EDUCATION OPERATING RULES
(Amended January 19, 2011 [~~November 20, 2009~~])

CHAPTER 1. BOARD ORGANIZATION

The statutory citation for this chapter is the Texas Education Code, §7.107.

§1.1. Officers of the Board.

- (a) Selection.
- (1) The vice chair and secretary of the board shall be elected in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
 - (2) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect a board member to fill the vacancy for the unexpired term of that office at the next board meeting. Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (b) Duties.
- (1) Chair. The chair shall preside at ~~all~~ meetings and perform all other duties prescribed by law, by board rule, or by board direction.
 - (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
 - (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board are:
- (1) Committee of the Full Board;
 - (2) Committee on Instruction ~~Committee on School Finance/Permanent School Fund~~;
 - (3) Committee on School Finance/Permanent School Fund ~~Committee on School Initiatives~~; and
 - (4) Committee on School Initiatives ~~Committee on Instruction~~ .

- (b) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.
- (c) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (d) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives, ~~and Instruction~~ shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The officers of the board shall receive in writing two committee choices ranked in order of preference and shall make committee assignments for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority, ethnicity, and gender balance in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair.
- (e) Ad hoc committees. Ad hoc committees (i.e., task forces) shall be constituted from time to time as directed by the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by the board.
- (f) From time to time committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to the commissioner of education and shall be reflected in the minutes of the committee meeting.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. In accordance with Texas Education Code, §7.106(b), open meetings of the board shall be broadcast live over the Internet.

§2.4. Executive Sessions.

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

§2.5. Agendas.

- (a) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a preliminary copy of the agenda, outlining items that should be considered by the board, those required by law, and others as members have requested. All agenda items are subject to the approval of the chair of the board. Materials supplementing the agenda may be included. Official agendas will be available the day of the board meeting. Nothing in this rule shall be construed as to abridge the right of any member to have an item placed on the agenda for committee consideration.
- (b) A subject outside the scope of the board's authority may only be placed on the agenda of the board or of the Committee of the Full Board by a vote of a majority of the membership of the board. The chair shall make a determination of whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting. A motion to place an item outside of the board's authority on an agenda is not debatable.

§2.6. Official Transaction of Business.

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a vote of at least eight members of the board.
- (b) The Chair may authorize the board to meet via videoconference call. As required by Government Code §551.127(b), if videoconference calling technology is used, a quorum of the board must be physically present in one location for the meeting. The Chair may limit the number of remote videoconference locations in the interest of decorum and teleconference capacity.
- (c) The board reserves the right to restrict the use of cell phones during all meetings of the board and its committees.

§2.7. Rules of Order.

The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.

§2.8. Minutes.

The official minutes of the board shall be kept in the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and staff of the board at least one week prior to the posting deadline for the board meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) The board may by unanimous consent pass a congratulatory, commendatory, or other non-substantive resolution without the notice required by this section.
- (c) Beginning with Proclamation 1995, the board may consider a resolution which expresses an opinion related to specific textbooks or which expresses concerns as to the appropriateness of specific textbooks for certain ages or populations. Resolutions considered under this subsection must conform to the following:
 - (1) The resolution shall be submitted in compliance with subsection (a) of this section.
 - (2) Board action on a resolution expressing an opinion related to specific textbooks may only be considered after final action has been taken concerning placement of the specific textbooks on the list of conforming and nonconforming instructional materials for use in the public schools of Texas. Board action relative to textbook resolutions must take place within 90 days of adoption of the specific textbooks

under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(c).

- (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
- (4) The board may adopt a resolution expressing an opinion related to a textbook based on the following criteria:
 - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.
 - (B) Instructional materials should promote citizenship, patriotism, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
 - (i) Instructional materials should present positive aspects of the United States and its heritage.
 - (ii) When significant political or social movements in history generate contrasting points of view, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
 - (C) Instructional materials should not include blatantly offensive language or illustrations.
 - (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
 - (i) Instructional materials should not encourage life-styles deviating from generally accepted standards of society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population.

Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.

- (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
 - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.
 - (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific textbooks shall be given the opportunity to address the board prior to action by the board on such a resolution.
 - (6) A copy of any resolution passed by the board expressing an opinion related to specific textbooks shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

- (a) General Provisions.
 - (1) The board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
 - (2) Work session and ad hoc committee meetings are exempt from this requirement.
 - (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
 - (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board.
 - (5) The presiding chair shall determine which speakers will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.

(b) Registration Procedures.

- (1) Speakers may register between the hours of 8 a.m. and 5 p.m. (Central Time) on the Friday and Monday preceding the board meeting with the appropriate agency office either by telephone, by facsimile, or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, Austin, Texas 78701:
 - (A) Committee of the Full Board – Office of the State Board of Education, WBT Room 2-190, 512-463-9007, fax: 512-936-4319;
 - (B) Committee on Instruction – Associate Commissioner for Standards and Programs, WBT Room 3-121Q, 512-463-9087, fax: 512-475-3667;
 - (C) Committee on School Finance/Permanent School Fund – Department of School Finance, WBT Room 6-115, 512-463-8994, fax: 512-305-9165;
~~Committee on School Initiatives – Division of Charter School Administration, WBT Room 5-107, 512-463-9575, fax: 512-463-9732~~
 - (D) Committee on School Initiatives – Division of Charter School Administration, WBT Room 5-107, 512-463-9575, fax: 512-463-9732;
~~Committee on School Finance/Permanent School Fund – Department of School Finance, WBT Room 6-115, 512-463-8994, fax: 512-305-9165~~
 - (E) SBOE General Board Meeting – Office of the State Board of Education, WBT Room 2-190, 512-463-9007, fax: 512-936-4319.
- (2) The commissioner of education may update the agency liaison divisions as necessary based upon the agency's organizational structure.
- (3) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if the speaker and the organization he or she represents, if any, is a lobbyist registered with the Texas Ethics Commission.
- (4) A person may register himself or herself, and one other person. Organizations are encouraged to register no more than two persons per item.
- (5) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
- (6) Late registration will be accepted up to the start of the meeting.
- (7) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
- (8) All speakers shall provide thirty-five (35) copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide thirty-five (35) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.

- (c) Oral Public Testimony to Committees.
 - (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.
 - (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, unless modified with the consent of the committee. Three (3) minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by committee members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
 - (3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee after staff has presented the item.
 - (4) Priority shall be given to persons who have not spoken on the topic before the committee and to the extent possible, viewpoints will be alternated.
- (d) Oral Public Testimony to the General Meeting of the Board.
 - (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section (yellow pages) of the agenda.
 - (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting unless modified by a majority vote of the board. Three (3) minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
 - (3) Priority shall be given to persons who have not spoken on the topic before the board and to the extent possible, viewpoints will be alternated.

§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author and the organization he or she represents, if any, is a lobbyist registered with the Texas Ethics Commission.

- (b) If the written testimony is submitted at the regular board or committee meeting, thirty-five (35) copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide thirty-five (35) copies of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
 - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to textbook issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public hearings regarding the textbook adoption process are governed by 19 TAC §66.60.
- (b) Speakers shall preregister in accordance with the procedures established by the agency office responsible for the subject matter.
- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
 - (1) Providing for presentations from invited persons or an introduction from staff;
 - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
 - (3) Establishing time limits for speakers, generally three minutes each;
 - (4) Adjourning the hearing at the end of the allotted time period or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing shall bring thirty-five (35) copies of their testimony for distribution to board members and agency executive staff.
- (e) Persons who were unable to testify at a public hearing due to time constraints may provide thirty-five (35) copies of their testimony to agency staff for distribution to board members and agency executive staff.

- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.

§2.13. Written Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments to the board in writing, prior to the board adoption of any rule. Written public comments regarding proposed board rules may be filed with the board as provided in the notice of proposed rulemaking contained in the *Texas Register*.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred, ~~not to exceed the budget established~~ for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the general appropriations act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, or limousine);
 - (2) car rental;
 - (3) lodging; and
 - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the general appropriations act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
 - (1) telephone calls;
 - (2) telegraph bills;
 - (3) parking fees (including personal vehicles);
 - (4) notary fees for official documents; and
 - (5) fax fees.

- (h) Board members may not claim reimbursement for expenses such as the following:
 - (1) laundry or other personal items;
 - (2) tips or gratuities of any kind; and
 - (3) alcoholic beverages.
- (i) All calls charged on a state telephone credit card must pertain to official State Board of Education business. The state telephone credit card shall not be used for personal calls.
- (j) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (k) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (l) A board member may be reimbursed for travel expenses ~~not to exceed the budget established for each member in~~ for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
 - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
 - (2) Out-of-State Travel. Prior approval is required by the Executive Committee (chair, vice chair, and secretary). Members are limited to one ~~two~~ trips per fiscal year at state expense.
- (m) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its Executive Committee.
- (n) None of the funds appropriated in the general appropriations act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings.
- (b) The senior executive assistant to the board will make guaranteed hotel reservations for each board member upon request.
- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) Committee on School Finance/Permanent School Fund.
 - (1) No member of the Committee on School Finance/Permanent School Fund shall disclose any non-public information concerning any possible investment to other committee members or to any employee of the Texas Education Agency. Whenever a member of the Committee on School Finance/Permanent School Fund has knowledge of any non-public information concerning any proposed investment, he or she shall abstain from voting and discussion concerning the proposed investment.
 - (2) Whenever the value of the private holdings of a member of the Committee on School Finance/Permanent School Fund may reasonably be affected by any investment being considered by the committee, such a member shall comply with subsection (a) of this section.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant or charter.
- (b) A person, corporation or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by Section 572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the State Board member has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code Section 572.005 (1) - (7).
- (c) In this section:
 - (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation or other legal entity as that term is defined in Texas Government Code, §572.005 (1)-(6);
 - (B) an attorney, representative, employee or other agent who receives payment for representing the interests of the person, firm or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) the spouse and dependent children of an individual covered by this section. A dependent child is an individual's child, including an adopted child or stepchild for whom the SBOE Member or the SBOE Member's spouse provides more than 50 % of such child's support during the current or prior calendar year.
 - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.

- (4) “benefit” has the meaning defined in Texas Penal Code, §36.01.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education upon making a contribution or expenditure covered by this section.
 - (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
 - (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
 - (g) Before distributing bids or applications for a contract with the Board, staff will provide any disclosure made under subsection (a) or (b) to a Board member to whom the disclosure applies. A Board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
 - (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) – (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

CHAPTER 5. RULES AND THE RULEMAKING PROCESS

The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Education Code, §7.102(e)-(f).

§5.1. State Board of Education Rules.

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as a First Reading and Second Reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) **First Reading and Filing Authorization.** The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) **Second Reading and Final Adoption.** If the mandatory 30-day public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) **Withdrawal.** The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) **Refiling.** The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule adopted by an affirmative vote by at least eight board members does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of ten members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements.

§5.5. Rulemaking Authority.

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

§5.6. Review of the State Board of Education Rules.

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. Proposed amendments will be brought to the board following the procedure described in §5.2 of these rules.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

- (a) The State Board of Education may appoint advisory committees where specific authority is granted in statute.
 - (1) The State Board of Education may establish an adult education advisory committee composed of not more than 21 members representing public and private education, business, labor, minority groups, and the public to advise the board on needs, priorities, and standards of adult education programs conducted in accordance with the Texas Education Code, Chapter 29, Subchapter H, Adult and Community Education Programs.
 - (2) ~~The board of directors of the Texas Center for Educational Technology shall be appointed by the State Board of Education consistent with specific membership policies for the center adopted by the board in accordance with the Texas Education Code, §32.034, Center for Educational Technology.~~
- (b) The State Board of Education shall establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed them on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.

RESOLUTION

As specified in the operating rules of the State Board of Education adopted on ~~November 20, 2009~~ January 19, 2011, “the board may from time to time define by resolution the areas of oversight of each committee as may be necessary.” This resolution specifies the areas of oversight for each board committee currently delineated in the board's operating rules.

Committee of the Full Board

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Adopt textbooks

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including procedures concerning dyslexia and related disorders)
3. Textbook proclamations
4. Student assessment program development and implementation
5. Establishment of satisfactory performance standards on statewide assessment system
6. General education
7. Special education
8. Gifted and talented education
9. Adult education
10. Library standards
11. Texas School for the Blind and Visually Handicapped/Texas School for the Deaf

Committee on School Finance/Permanent School Fund

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Textbook financing and operations
5. Review commissioner's annual FSP budget
6. Community education funding
7. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions

Committee on School Initiatives

1. Long-range plans required by statute
2. Educational technology and telecommunications
3. Public school accountability system, including indicators and accreditation
4. Oversight of the selection, review, and evaluation of open-enrollment charter schools and home-rule districts
5. State Board for Educator Certification rules review
6. School board member training policy
7. Hearing examiners
8. Military reservation and special school districts
9. Extracurricular activities