Item 19:

Board Operating Policies and Procedures (BOPP)

INFORMATION ONLY

SUMMARY: This information item presents the State Board for Educator Certification (SBEC) Board Operating Policies and Procedures (BOPP).

STATUTORY AUTHORITY: The statutory authority for the BOPP is the Texas Education Code (TEC), §21.041(a) relating to adopting rules as necessary for its own procedures.

PREVIOUS BOARD ACTION: The BOPP was initially adopted in October 1996. The BOPP was amended on the following dates: September 1997, May 2000, May 2002, August and December 2004, January and March 2005, July 2006, January, March, May, July, and October 2008, February and June 2009, May and October 2013, February, August, and October 2014,

State Board for Educator Certification
Board Operating Policies and Procedures

I. PREAMBLE

A. Purpose

The State Board for Educator Certification (the Board) adopts and implements the Board Operating Policies and Procedures to achieve the following purposes:

1. To outline the Board's general powers and duties under Chapter 21, Subchapter B, of the Texas Education Code, and other applicable laws;

2. To establish procedural rules governing the Board pursuant to Section 21.041(a) of the Texas Education Code;

3. To apprise board members of the standards of conduct and conflict of interest provisions applicable to their conduct pursuant to Chapter 572 of the Texas Government Code; and

4. To adopt policies that clearly define the responsibilities of es 5 (r)0d

B. Board Composition

The Number, Term, Qualifications and Method of Appointment of the Board are provided in Subchapter B, Chapter 21, of the Texas Education Code.

- The Board is composed of 15 members. The commissioner of education shall appoint an employee of the agency to represent the commissioner as a non-voting member. The commissioner of higher education shall appoint an employee of the Texas Higher Education Coordinating Board to represent the commissioner as a non-voting member. The governor shall appoint a dean of a college of education in this state as a non-voting member, and appoint a person who has experience working for and knowledge of an alternative educator preparation program as a non-

D. Board Member Participation

To facilitate open discussion and united representation of the Board, the Board agreed to the following:

1. Not participate in stakeholder meetings;

2. Not attend a conference as a Board representative;

3. Not participate in educator preparation program monitoring visits.

4. Make all requests to staff for information between Board meetings through the associate commissioner copying the chair.

IV. MEETINGS OF THE BOARD

A. Meetings of the Board

1. Regular Meetings. Regular meetings of the Board shall be held at such intervals as may be determined by the Board. The Board shall meet at least once per quarter of the calendar year on dates determined by the Board. In setting its meetings, the Board shall attempt to avoid scheduling conflicts with meetings of the State Board of Education.

2. Emergency Meetings. An Emergency Meeting of the Board may be called by the Chairperson or the Vice-Chairperson. Notice of such meeting shall be communicated in the manner most likely to give the greatest amount of notice to the members and complies with the Texas Open Meetings Act. Every meeting notice to Board members shall contain the meeting time, place, day, and general nature of the business to be transacted.

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

4. Notice. The Chairperson shall designate a location for each Board meeting. Notice of the meetings, including the location shall be posted pursuant to the requirements of the Texas Open Meetings Act. All meetings shall be open to the public, except executive sessions as discussed below. Notice to the public of emergency meetings shall be given pursuant to the Texas Open Meetings Act.

5. Agendas. The Chairperson shall determine the agenda for a Board meeting. Any member of the Board may request that an item be placed on the agenda. The Chairperson makes the final determination as to whether to place an item on the agenda unless a majority of the Board members request to add an item or otherwise amend the agenda. If an item is removed from the agenda, the Board

(3) The presiding officer shall determine which speakers will be heard and in what order they will be heard if the number of speakers exceeds the number that may reasonably be expected to testify in the allotted time for presentations. The presiding officer shall also determine whether speakers who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.

(4) The Board shall not allow public comment regarding individual agreed orders.

b. Procedure

(1) Non-Agenda and Consent Items

i. The Board shall allocate up to 30 minutes, total time, at the beginning of each regularly scheduled meeting of the full Board for public comment on exclusively non-agenda and consent agenda items.

ii. Each speaker shall have three minutes, unless the Board adjusts the time. Comment invited by Board members shall not be counted against the speaker's time.

iii. The presiding officer shall announce in open session which registered speakers, if any, shall not be heard and the basis for this determination. The Board may not overrule a decision of the presiding officer with regard to a non-agenda or consent item.

iv. Appropriate physical arrangements for taking comment shall be provided.

(2) Agenda Items

i. Each speaker shall have three minutes, unless the Board adjusts the time. Comment invited by Board members shall not be counted against the speaker's time on agenda items.

ii. The Board shall allocate up to 30 minutes, total time, to public comment on each agenda item; however, the Board may, by

ii. Each speaker shall have three minutes, unless the committee adjusts the time. Comment invited by committee members shall not be counted against the speaker's time.

iii. The committee shall allocate up to 30 minutes, total time, at the beginning of each scheduled standing committee meeting of the Board for public comment on items posted for action or discussion. All public testimony shall occur at the beginning of the committee meeting.

iv. Appropriate physical arrangements for taking comment shall be provided.

c. Registering to Provide Comment

(1) Pre-registration. Speakers may register during regular business hours until two business days preceding the meeting. The speaker is required to use the form available on the TEA's website.g heda2 .4 du (i)2.6474de Cai (t)4.3 (s)-, (m)-

1. The Board may establish advisory committees and shall approve advisory committee members but may not serve as an ex officio member of the advisory committee.

2. An advisory committee may adopt its own rules for internal governance, as long as those rules do not conflict with the Board Operating Policies and Procedures.

3. Reimbursement of an advisory committee member. TEA is prohibited from paying fees and expenses to an advisory committee members unless specifically authorized by the provisions of the General Appropriations Act or other law.

4. The Board has established the following Advisory Committee:

   - Educator Preparation Advisory Committee. The purpose of this committee is to advise the agency and the Board on matters relating to the educator preparation programs in Texas. The committee shall reflect the proportionate representation of the various types of programs that have been approved by the Board, and reflect the diverse population of Texas.

VI. BOARD RULES

A. Rule Making Authority. The Board shall adopt rules as required by Section 21.041 of the Texas Education Code.

B. Rule Making Process. The Board shall approve a rule making process to be followed by the Board for proposing and adopting new rules, amendments, and repeals. The Board, by majority vote, may agree to a departure from the approved rule making process if authorized by law. A copy of the rule making process shall be incorporated herein and published as part of the Board's operating policies and procedures, as Table 1. The Board shall enter into a Memorandum of Agreement with TEA to perform administrative functions related to the adoption, amendment, repeal of the Board's rules. Upon adoption, that Memorandum of Agreement shall be incorporated herein and published as a part of the Board's operating policies and procedures, as Table 2.

C. Rule Review Process. In accordance with Section 2001.039 of the Texas Government Code, the Board shall review its rules every four years to ensure that statutory authority and reasons for adopting the rules continue to exist.

D. Stakeholder Participation in Rule Making. As part of the Board's rulemaking process, stakeholder input shall be sought on draft Board rules, as appropriate.

E. Filing Non-Substantive Rule Corrections with the Secretary of State. The Commissioner of Education or the Commissioner's designee may approve and file with the Secretary of State non-substantive corrections to the Board's rules. Non-substantive rule corrections may include

VII. CONTRACTS AND MEMORANDA OF AGREEMENT

Contracts and Memoranda of Agreement. The Board may execute interagency contracts to perform routine administrative functions. The Board may approve other contracts as allowed by law. The Chairperson of the Board may execute contracts approved by the Board or may delegate this authority to another member of the Board.

VIII. MISCELLANEOUS

A. Fiscal Year. The fiscal year of the Board shall be the official fiscal year of the State of Texas. It shall begin on September 1 and end on August 31 of each year.

B. Minutes. Minutes of the Board meetings shall be prepared and maintained, as required in the Open Meetings Act.

1. Minutes shall be approved by the Board.

2. Before the Board approves the minutes of the last meeting, the minutes shall be sent to each member of the Board for review, comment, and correction prior to approval.

3. Minutes are available for public review as authorized by the Open Meetings Act. All books and records of the Board shall be stored according to the records retention schedules as set forth by the Texas State Library and Archives Commission.

IX. POLICIES AND PROCEDURES: GUIDELINES

A. Effective Date of Policies and Procedures. These policies and procedures and any amendments to them shall become effective only upon approval of the Board.

B. Amendments to Policies and Procedures. Any of these policies and procedures may be altered, amended, or repealed, and new policies and procedures may be adopted by an affirmative vote of a majority of the Board.

C. Guidelines. These Board Operating Policies and Procedures create no substantive or procedural rights. They are guidelines for the Board's internal governance only.

D. Review of Policies and Procedures. The Board Operating Policies and Procedures shall be reviewed annually.

State Board for Educator Certification

Table 2:

MEMORANDUM OF AGREEMENT

under applicable laws relating to standards of conduct for state officers or employees;

(C) file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report, in the form and within the time provided by the General Appropriations Act, accounting for all funds received and disbursed by TEA for the certification function during the preceding fiscal year; and

(D) execute contracts to perform administrative functions and services.

(2) The Board will carry out its duties, including but not limited to t4 inu -3 (B)10 9 (e)-3 (s)-1.3 in

consent order, agreed settlement of facts, or any other informal or alternative dispute resolution process agreed by the parties, and not precluded by law.

(8) The Board delegates to the Commissioner or Commissioner's designee the authority to administer and implement all Board rules and take all actions necessary to perform the administrative functions of the Board. The intent of this delegation is to delegate to the Commissioner or the Commissioner's designee the authority that was previously delegated to the Board's executive director in former TEC §21.039 and in Board Rule 19 TAC 249.35(b) prior to its 2007 amendment.

(9) The Commissioner of Education will appoint staff to serve as the Board's Officer of Public Information as required by section 552.201 of the Texas Government Code and will appoint a person or staff to act for the Board for any other purpose required by law.