

## Item 22:

# Board Operating Policies and Procedures (BOPP)

INFORMATION ONLY

SUMMARY:

**ATTACHMENT**

**State Board for Educator Certification**  
Draft Board Operating Policies and Procedures

**I. PREAMBLE**

A. Purpose

### C. Scope

These Board Operating Policies and Procedures apply to all activities conducted by the Board.

### D. Responsibility for Implementation

The Board and its officers are responsible for ensuring the implementation and adherence to the Board Operating Policies and Procedures.

### E. Nondiscrimination Policy

The Board shall comply fully with the nondiscrimination provisions of state and federal law, rules, and regulations. The Board shall ensure that no person shall be excluded from consideration for appointment as an officer or committee member of the Board, or be denied benefits of, or participation in, any program or activity overseen by the Board, on the grounds of race, religion, color, national origin, sex, disability, age or veteran status, in violation of law.

## II. THE BOARD

### A. Powers and Duties

1. **Authority.** The Powers and Duties of the Board are set out in Subchapter B, Chapter 21 of the Texas Education Code. Other duties of the Board may be included in provisions of the Texas Government Code and General Appropriations Act.
2. **Signature Authority for Disciplinary Orders.** The Chairperson may sign on behalf of a majority of the Board a decision or order issued in a disciplinary case or other matter arising under 19 Texas Administrative Code Chapter 249, relating to Board disciplinary proceedings, including enforcement of the educator's code of ethics. Members of the majority, however, retain discretion to sign any decision or order.
3. **Communications.** The Chairperson officially represents the Board in communicating policy and procedures. However, this provision does not prohibit other Board members from commenting publicly about the Board in their individual capacities or otherwise expressing personal opinions about the Board.
4. **Purpose.** The primary purposes of the Board, as set out in Section 21.031 of the Education Code, are as follows:

The Board is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The Board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public-school

## 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-voting member. The remaining 11 members are appointed by the governor with the advice and consent of the senate, as follows:

- a. four members must be teachers employed in public schools;
- b. two members must be public school administrators;
- c. one member must be a public-school counselor; and
- d. four members must be citizens, three of whom are not and have not, in -



B. Board Member Compensation

A board member receives no compensation for service on the Board. A board member is entitled to reimbursement for expenses incurred in performing board member duties, as provided by Subchapter B, Chapter 21 of the Texas Education Code and other applicable law.

C. Board Member Conduct

Board members shall adhere to the standards of conduct and conflict of interest provisions set out in Section 572.051 of the Texas Government Code and other applicable law. Pursuant to that Section, a board member must adhere to the following:

1. Not accept or solicit any gift, favor, or service that might reasonably tend to influence the board member in the discharge of official duties or that the board member knows or should know is being offered with the intent to influence 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 Chairperson will timely inform other Board members the reason for removing an agenda item after it has been posted. Final approval of the agenda lies with the Board Chairperson. Board members shall receive the agenda and supporting materials for an upcoming meeting at least ten calendar days before the meeting. In the event the agenda and/or supporting materials cannot be delivered at least

designee shall notify the Board Chairperson as to the reason why.

6. **Quorum/Action.** At each regular or emergency meeting, the Chairperson shall certify a quorum is present in order to conduct official business of the Board. A quorum of the Board is a majority of the number of members fixed by statute, including non-voting members. However, the Texas Open Meetings Act prohibits less than a quorum of members from discussing or deliberating official business of the Board. A majority shall mean, for all purposes, more than half of the votes cast, ignoring abstentions. At each committee meeting, the Chairperson shall certify a quorum is present in order to conduct official business of the Board. A quorum of the committee is a majority of the number of members, including non-voting members.
7. **Rules Governing Board Action.** The Board Operating Policies and Procedures shall govern the action of the Board. In the event that the policies and procedures do not specify how an action shall be conducted, the Board may refer to the
8. **Recordation of Meetings.** All or any part of the public meeting may be recorded by any person in attendance by means of tape recorder, video camera, or any other means of sonic or visual reproduction unless determined by the Chairperson to be



representatives from both sides of an issue are able to address the Board or committee.

- (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.
- 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.

- ii. Each speaker shall have three minutes, unless the committee adjusts the time. Comment invited by committee members shall not
  - 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
- i. The speaker must provide his or her name, organizational affiliation, if any, and indicate which agenda item or topic shall be addressed. Additionally, the registrant shall disclose his or her viewpoint on the item or topic, as well as whether he or she, and the organization represented, if any, is a lobbyist registered with the Texas Ethics Commission. The date and time the registration was received shall be noted.
  - ii. A separate form shall be submitted for each agenda item or topic on which the speaker shall testify.
  - iii. If all information required by this operating procedure is not provided on the form, the presiding officer may disallow the comment.
  - iv. A person may register only one person, either himself or herself, or another person. Organizations are encouraged to register only one person per item.
  - v. A registrant offering written materials in lieu of oral comment shall provide the materials to staff for distribution. Written comment shall not exceed three pages of double-spaced text and shall be attached to a completed registration form. Written comment may be submitted in person at the meeting or by mail, fax, or electronic mail, as specified on the registration form. Written materials offered in lieu of oral comment should be submitted two business days before the meeting to ensure that members have had an opportunity to consider it. Board minutes shall reflect the name of the registrant, affiliation if any, and the item or topic addressed. Copies of the

written comment shall be provided to all board members but shall not be attached to the board minutes.

- vi. Registration will be listed based upon registration date and time or alternating points of view in order of registration date and time.
- (2) Late registration at the Board meeting. Late registration for providing oral comment or written materials will be accepted up to 30 minutes prior to the beginning of the Board meeting, however, late registrants are not guaranteed an opportunity to testify due to time restraints.
- d. Public Hearings Regarding Proposed Board Rules. TEA staff shall conduct a public hearing on a substantive rule of the SBEC upon proper request pursuant to Texas Government Code §2001.029. Public comment is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted.
11. Oral Argument Regarding Educator Disciplinary Cases and Educator Preparation Program Sanctions
- a. Oral argument to the Board is not an evidentiary hearing and may not include presentation of new facts or testimony.
  - b. Oral argument for cases referred to the State Office of Administrative Hearings (SOAH) is strictly confined to matters contained in the record before SOAH and legal challenges to the Proposal for Decision, including the proposed sanction.
  - c. Oral argument for cases not referred to SOAH is strictly confined to matters contained in the record of the informal review in 19 TAC Section 229.7 including the proposed sanction.
  - d. Oral argument may be presented by up to two individuals authorized by the party. Presenters may be a licensed attorney representing the party, an authorized party 312.8 5hor (the) 2(y )-123(rep.02 271.58 Tm0 g2.6 355180.02 271.58 Tr

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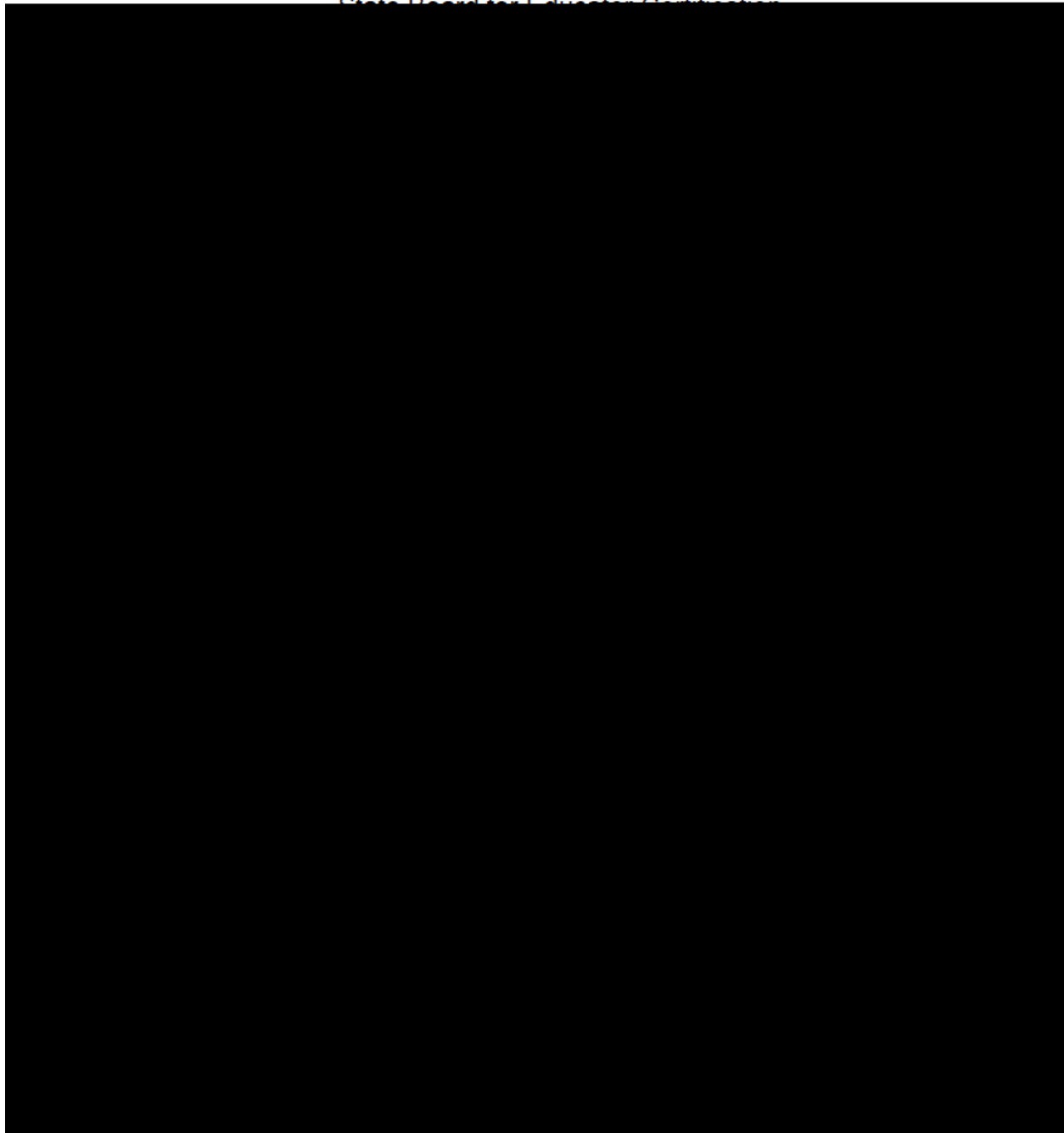


**VIII. MISCELLANEOUS**

A. Fiscal Year. The fiscal year of the Board shall be the official fiscal year of the State of Texas.

Table 1:

State Board for Educator Certification







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 the duties required by section 21.040:

(A) to appoint the members of any advisory committee to the Board;

(B) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the Board; and

(C) develop and implement rules and policies.

(3) The Board must approve the following final actions:

(A) entry of a final order based upon a proposal for decision issued by the State Office of Administrative hearings;

(B) approval or sanction of an education preparation entity; and

(C) proposal, amendment, or adoption of Board rules.

(4) Although the Board will propose and adopt all rules authorized by statute, TEA staff shall be responsible for performing the duties of drafting and revising the rules in accordance with the instruction of the Board, transmitting the proposed and adopted rules to the \_\_\_\_\_ and ensuring that they are properly and timely filed, as required by the Texas Administrative Procedure Act (chapter 2001 of the Texas Government Code). When processing rules for adoption, the TEA internal rule preparation process shall be followed in conjunction with the Board's Operating Policies and Procedures.

(5) The Attorney General's Office will represent the Board in General Counsel matters, and

