

ATTACHMENT**State Board for Educator Certification**
Draft 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. 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 the Board and Texas Education Agency (TEA) staff.

B. Goals

In exercising its powers and fulfilling its duties the Board shall strive to:

1. Establish major visionary guiding policies and procedures;
2. Establish the vision and goals that define the results that the Board seeks to achieve;
3. Serve as a link between the Board and state policy makers;
4. Accept accountability for its decisions and actions;
5. Establish an effective relationship with TEA staff;
6. Maintain objectivity in reviewing the facts during the decision-making process;
7. Act in the best interest of school children, their parents, professional educators, and the public;
8. Continually learn and be willing to take risks to improve the educational system within the boundaries of statutory authority; and
9. Review the Board Operating Policies and Procedures annually.

- c. Board member responsibilities, including the proper role of the member in policy making, deliberations, communications, and relations with the administrative staff of the Texas Education Agency;
- d. Standards of conduct as public officials;
- e. Board meetings and other Board functions;
- f. Legislative and rule-making processes;
- g. Texas open government laws, including information regarding mandatory training in open meetings and public information as required by the Chapters

1. Not participate in stakeholder committee or advisory group meetings brought together to advise the Board or TEA staff;
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

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

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 begin its response to public comment 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

- 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

463-7795 or by personal delivery in accordance with timelines established under Section §2001.146(d) of the Texas Government Code.

- c. The Administrative Liaison to the Board shall submit copies of the motions shall submit copies of the motion and replies to each board member in a counsel shall inc8 Tfr a 3(b4(bri)-3(m)-(re)ini)-3(er S3(onfthe))-(rpr)-2(ncedur)-2(s nd)t

B. Advisory Committees

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 member unless specifically authorized by the provisions of the General Appropriations Act or other law.

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,

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 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
with the Secretary of State non-
-substantive rule corrections may include
typographical, grammatical, referencing, or spelling errors and technical edits to comply with
Texas Register style and format requirements.

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

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 th

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

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

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2007 amendment.

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