

Item 17:

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. 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 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. 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

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 member's official conduct;
 2. Not accept other employment or engage in a business or professional activity that the board member might reasonably expect would require or induce the board member to disclose confidential information acquired by reason of the official position;
 3. Not accept other employment or compensation that could reasonably be expected to imp9.7 (ted)J-1.7 eemd membersn3n723r pr.4 (..1 (nes)-1.7 (s)3.7 (or)0iem)- (m)l #M5nduon
-

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 associate commissioner copying the chair.

E. Non-Voting SBEC Members

To ensure there is no conflict of interest of non-voting members regarding Board action, the Board agreed that non-voting members will not:

1. Make or second motions or
2. Serve as SBEC officers.

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
-

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 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 majority, vote to adjust the total time allocated to public comment on agenda items.
- iii. Appropriate physical arrangements for taking comment shall be provided.

(3) Committee Comment

- i. Public comment to a committee shall be limited to items posted for action or discussion.

- 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.

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 representative or the party.
 - e. An authorized party representative or the party may present oral argument for a period not to exceed ten minutes in total. Responses to questions of Board members shall not be counted against the party's time.
 - f. The Board's attorney shall assist the Board in implementing this procedure.
12. Motions for Rehearing
- a. The Board may consider a motion for rehearing in accordance with Section §2001.146(d) of the Texas Government Code.
 - b. Motions for rehearing and responses to motions for rehearing shall be submitted to the Administrative Liaison to the Board by facsimile to (512)

46-501-0101 in accordance with the timeline established under Section 8001.14(6) of the Texas Government Code.

- c. The Administrative Liaison to the Board shall prepare the motions and advise the Board's legal counsel. The Board's legal counsel shall prepare the motion and advise each board member in a separate email using an authorized email address. The Board's legal counsel shall include a brief reminder of the procedure and time frame in the correspondence.
- d. Board members shall direct questions regarding motions and advise the Board's legal counsel and not the EA staff and shall not confer with each other regarding motions and advise.
- e. Each board member shall send an individual email to the Board's legal counsel indicating approval or denial of the motion for hearing to the Board's legal counsel within the time frame established under Section 8001.14(6) of the Texas Government Code. Failure to respond within the appropriate time frame shall be considered a denial of the motion.
- f. For purposes of IVA.6 all members shall be deemed present and a majority needed to grant a motion for hearing shall be an affirmative vote from six voting members.

B. Exclusions

Executive Sessions of the Board are closed meetings of the Board which may be held as authorized by the Open Meetings Act, Texas Government Code Ch. 5.

V. BOARD COMMITTEES

The Board may establish regular, standing, temporary advisory committees as it may deem appropriate for or in fact or as it may designate.

A. Board Committees

The Board Chairman shall appoint an appropriate number of members to serve on the committees including one to serve as chair. The Board has established the following standing committees:

1. Educator Preparation Program Commendation Committee. This committee is established to review and evaluate educator preparation programs (EPP) application submissions for consideration of designation for an EPP Commendation in category of Innovative Educator Preparation. The committee will make recommendations to the full Board for commendations in this category at each meeting.

Bj

1. **Hydrogen**
Hydrogen is a colorless, odorless, and tasteless gas. It is the lightest and most abundant element in the universe. It is used in various industries, including the production of ammonia, methanol, and hydrogen peroxide. It is also used as a fuel in fuel cells and rockets.

VIII. MISCELLANEOUS

A. ~~ED 0000~~
~~ED 0000~~

B. ~~ED 0000~~
~~ED 0000~~

1. ~~ED 0000~~
2. ~~ED 0000~~
~~ED 0000~~
~~ED 0000~~
3. ~~ED 0000~~
~~ED 0000~~
~~ED 0000~~
~~ED 0000~~
~~ED 0000~~

IX. POLICIES AND PROCEDURES: GUIDELINES

A. ~~ED 0000~~
~~ED 0000~~

B. ~~ED 0000~~
~~ED 0000~~
~~ED 0000~~

C. ~~ED 0000~~
~~ED 0000~~

D. ~~ED 0000~~
~~ED 0000~~

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 ryem.6 (g)-5.4 (a)-t6 (o)-4.eohhtle2 (o)

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.

(10) The Commissioner of Education will appoint staff to perform internal audit functions, as authorized by the Board.

Executed in multiple original copies by the parties this 8 day of March, 2017.