

By: Alonzo

H.B. No. 881

A BILL TO BE ENTITLED

1 AN ACT
2 relating to abolishing the State Board of Education and
3 transferring the functions of the board to the Texas Education
4 Agency and the commissioner of education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 7.055(b)(9) and (24), Education Code,
7 are amended to read as follows:

8 (9) The commissioner shall have a manual published at
9 least once every two years that contains Title 1 and this title, any
10 other provisions of this code relating specifically to public
11 primary or secondary education, and an appendix of all other state
12 laws relating to public primary or secondary education and shall
13 provide for the distribution of the manual [~~as determined by the~~
14 ~~board~~].

15 (24) The commissioner [~~, with the approval of the~~
16 ~~board~~] shall develop and implement a plan for the coordination of
17 services to children with disabilities as required under Section
18 30.001.

19 SECTION 2. Section 7.112, Education Code, is amended by
20 adding Subsection (d) to read as follows:

21 (d) This section expires January 31, 2014.

22 SECTION 3. Sections 7.113(a), (c), (d), and (e), Education
23 Code, are amended to read as follows:

24 (a) The agency [~~board~~] shall create the Employers for

1 Education Excellence Award to honor employers that implement a
2 policy to encourage and support employees who actively participate
3 in activities of schools.

4 (c) The agency [~~board~~] shall establish the following levels
5 of recognition for employers:

6 (1) bronze for an employer that implements a policy to
7 encourage and support employees who attend parent-teacher
8 conferences;

9 (2) silver for an employer that:

10 (A) meets the requirements of bronze; and

11 (B) implements a policy to encourage and support
12 employees who volunteer in school activities; and

13 (3) gold for an employer that:

14 (A) meets the requirements of silver; and

15 (B) implements a policy to encourage and support
16 employees who participate in student mentoring programs in schools.

17 (d) The commissioner [~~board~~] shall establish criteria to
18 certify businesses to receive the Employers for Education
19 Excellence Award at the appropriate level of recognition. The
20 commissioner shall review the applications submitted by employers
21 under Subsection (b), select [~~and make recommendations to the board~~
22 ~~regarding~~] businesses that should be recognized, and determine the
23 level at which each [~~a~~] business should be recognized. [~~The board~~
24 ~~may approve or modify the commissioner's recommendation.~~]

25 (e) The agency [~~board~~] shall honor the recipient of an
26 Employers for Education Excellence Award by presenting the
27 recipient with a suitable certificate that includes the business's

1 level of recognition and other appropriate information.

2 SECTION 4. Section 12.012(a), Education Code, is amended to
3 read as follows:

4 (a) A home-rule school district is subject to federal and
5 state laws and rules governing school districts, except that a
6 home-rule school district is subject to:

7 (1) this code only to the extent that the
8 applicability to a home-rule school district of a provision of this
9 code is specifically provided;

10 (2) a rule adopted under this code by the [~~State Board~~
11 ~~of Education or the~~] commissioner only if the code provision
12 authorizing the rule specifically applies to a home-rule school
13 district; and

14 (3) all requirements of federal law and applicable
15 court orders relating to eligibility for and the provision of
16 special education and bilingual programs.

17 SECTION 5. Section 12.112, Education Code, is amended to
18 read as follows:

19 Sec. 12.112. FORM. A charter for an open-enrollment
20 charter school shall be in the form of a written contract signed by
21 the commissioner [~~chair of the State Board of Education~~] and the
22 chief operating officer of the school.

23 SECTION 6. Section 21.042, Education Code, is amended to
24 read as follows:

25 Sec. 21.042. APPROVAL OF RULES. The State Board for
26 Educator Certification must submit a written copy of each rule it
27 proposes to adopt to the commissioner [~~State Board of Education for~~

1 review]. The commissioner [~~State Board of Education~~] may reject a
2 proposed rule [~~by a vote of at least two-thirds of the members of~~
3 ~~the board present and voting~~]. If the commissioner [~~State Board of~~
4 ~~Education~~] fails to reject a proposal before the 90th day after the
5 date on which the commissioner [~~it~~] receives the proposal, the
6 proposal takes effect as a rule of the State Board for Educator
7 Certification as provided by Chapter 2001, Government Code. The
8 commissioner [~~State Board of Education~~] may not modify a rule
9 proposed by the State Board for Educator Certification.

10 SECTION 7. Section 31.024, Education Code, is amended to
11 read as follows:

12 Sec. 31.024. ADOPTION BY AGENCY [~~STATE BOARD OF EDUCATION~~].

13 (a) The agency [~~By majority vote, the State Board of Education~~]
14 shall:

15 (1) place each submitted textbook on a conforming or
16 nonconforming list; or

17 (2) reject a textbook submitted for placement on a
18 conforming or nonconforming list.

19 (b) Not later than December 1 of the year preceding the
20 school year for which the textbooks for a particular subject and
21 grade level will be purchased under the cycle adopted by the agency
22 [~~board~~] under Section 31.022, the agency [~~board~~] shall provide the
23 lists of adopted textbooks to each school district. Each
24 nonconforming list must include the reasons an adopted textbook is
25 not eligible for the conforming list.

26 SECTION 8. Section 31.201, Education Code, is amended to
27 read as follows:

1 Sec. 31.201. DISPOSITION OF TEXTBOOKS. (a) The
2 commissioner [~~, with the approval of the State Board of Education,~~]
3 may provide for the disposition of:

4 (1) textbooks, other than electronic textbooks, that
5 are no longer in acceptable condition to be used for instructional
6 purposes; or

7 (2) discontinued textbooks, other than electronic
8 textbooks.

9 (b) The commissioner, as provided by rules adopted by the
10 commissioner [~~State Board of Education~~], shall make available on
11 request copies of discontinued textbooks, other than electronic
12 textbooks, for use in libraries maintained in municipal and county
13 jails, facilities operated by the Texas Department of Criminal
14 Justice for the imprisonment of individuals convicted of felonies
15 other than state jail felonies, and other state agencies.

16 (c) The commissioner [~~State Board of Education~~] shall adopt
17 rules under which a school district or open-enrollment charter
18 school may donate discontinued textbooks, other than electronic
19 textbooks, to a student, to an adult education program, or to a
20 nonprofit organization.

21 SECTION 9. Sections 32.034(a), (c), (d), and (e), Education
22 Code, are amended to read as follows:

23 (a) The commissioner [~~, as provided by State Board of~~
24 ~~Education policy,~~] may enter into an interagency contract with a
25 public institution of higher education or a consortium of public
26 institutions of higher education in this state to sponsor a center
27 for educational technology under this section.

1 (c) The membership of the center shall consist of public
2 school educators, regional education service centers, institutions
3 of higher education, nonprofit organizations, and private sector
4 representatives. The commissioner [~~State Board of Education~~] shall
5 establish membership policies for the center.

6 (d) The board of directors of the center is composed of the
7 commissioner or the commissioner's representative and other
8 persons [~~shall be~~] appointed by the commissioner, as follows [~~State~~
9 ~~Board of Education and shall consist of~~]:

10 (1) representatives of the center, including members
11 of the public education system; and

12 (2) a representative of each sponsoring institution of
13 higher education[~~, and~~

14 [~~(3) the commissioner or the commissioner's~~
15 ~~representative~~].

16 (e) The board of directors shall:

17 (1) employ a director for the center;

18 (2) establish priorities for the center's activities;

19 and

20 (3) report annually on the operation, projects, and
21 fiscal affairs of the center to the commissioner if the
22 commissioner does not serve on the board and to [~~State Board of~~
23 ~~Education and~~] the membership of the center.

24 SECTION 10. Sections 33.084(a) and (e), Education Code, are
25 amended to read as follows:

26 (a) The interscholastic league advisory council is composed
27 of:

1 (1) the commissioner [~~two members of the State Board~~
2 ~~of Education appointed by the chair of the board~~];

3 (2) a member of the house of representatives appointed
4 by the speaker of the house;

5 (3) a member of the senate appointed by the lieutenant
6 governor;

7 (4) two members of the legislative council of the
8 University Interscholastic League appointed by the chairman of the
9 council;

10 (5) two public school board members appointed by the
11 commissioner; and

12 (6) four [~~three~~] members of the public appointed by
13 the commissioner.

14 (e) The advisory council shall review the rules of the
15 University Interscholastic League and shall make recommendations
16 relating to the rules to the governor, the legislature, the
17 legislative council of the University Interscholastic League, and
18 the commissioner [~~State Board of Education~~].

19 SECTION 11. Section 37.216(a), Education Code, is amended
20 to read as follows:

21 (a) Not later than January 1 of each odd-numbered year, the
22 board shall provide a report to the governor, the legislature, [~~the~~
23 ~~State Board of Education,~~] and the agency.

24 SECTION 12. Section 39.026, Education Code, is amended to
25 read as follows:

26 Sec. 39.026. LOCAL OPTION. In addition to the assessment
27 instruments adopted and administered by the agency [~~and~~

1 ~~administered by the State Board of Education~~], a school district
2 may adopt and administer criterion-referenced or norm-referenced
3 assessment instruments, or both, at any grade level. A
4 norm-referenced assessment instrument adopted under this section
5 must be economical, nationally recognized, and state-approved.

6 SECTION 13. Section 39.052(b), Education Code, is amended
7 to read as follows:

8 (b) In determining the accreditation status of a school
9 district, the commissioner:

10 (1) shall evaluate and consider:

11 (A) performance on student achievement
12 indicators described by Section 39.053(c); and

13 (B) performance under the financial
14 accountability rating system developed under Subchapter D; and

15 (2) may evaluate and consider:

16 (A) the district's compliance with statutory
17 requirements and requirements imposed by rule of the commissioner
18 [~~or State Board of Education~~] under specific statutory authority
19 that relate to:

20 (i) reporting data through the Public
21 Education Information Management System (PEIMS) or other reports
22 required by state or federal law or court order;

23 (ii) the high school graduation
24 requirements under Section 28.025; or

25 (iii) an item listed under Sections
26 7.056(e)(3)(C)-(I) that applies to the district;

27 (B) the effectiveness of the district's programs

1 for special populations; and

2 (C) the effectiveness of the district's career
3 and technology program.

4 SECTION 14. Section 39.263(c), Education Code, is amended
5 to read as follows:

6 (c) The commissioner shall select annually schools and
7 districts qualified to receive successful school awards for their
8 performance and report the selections to the governor [~~and the~~
9 ~~State Board of Education~~].

10 SECTION 15. Section 39.307, Education Code, is amended to
11 read as follows:

12 Sec. 39.307. USES OF PERFORMANCE REPORT. The information
13 required to be reported under Section 39.306 shall be:

14 (1) the subject of public hearings or meetings
15 required under Sections 11.252, 11.253, and 39.306;

16 (2) a primary consideration in school district and
17 campus planning; and

18 (3) a primary consideration of:

19 (A) [~~the State Board of Education in the~~
20 ~~evaluation of the performance of the commissioner,~~

21 [~~(B)~~] the commissioner in the evaluation of the
22 performance of the directors of the regional education service
23 centers;

24 (B) [~~(C)~~] the board of trustees of a school
25 district in the evaluation of the performance of the superintendent
26 of the district; and

27 (C) [~~(D)~~] the superintendent in the evaluation

1 of the performance of the district's campus principals.

2 SECTION 16. Sections 39.331(d) and (e), Education Code, are
3 amended to read as follows:

4 (d) Subsections (a) and (b) apply to any report required by
5 statute that the agency [~~or the State Board of Education~~] must
6 prepare and deliver to the governor, lieutenant governor, speaker
7 of the house of representatives, or legislature.

8 (e) Unless otherwise provided by law, any report required by
9 statute that the agency [~~or the State Board of Education~~] must
10 prepare and deliver to the governor, lieutenant governor, speaker
11 of the house of representatives, or legislature may be combined, at
12 the discretion of the commissioner, with a report required by this
13 subchapter.

14 SECTION 17. Section 39.332(b)(23), Education Code, is
15 amended to read as follows:

16 (23) The report must contain any additional
17 information considered important by the commissioner [~~or the State
18 Board of Education~~].

19 SECTION 18. Section 42.004, Education Code, is amended to
20 read as follows:

21 Sec. 42.004. ADMINISTRATION OF THE PROGRAM. The
22 commissioner, in accordance with the rules of the commissioner
23 [~~State Board of Education~~], shall take such action and require such
24 reports consistent with this chapter as may be necessary to
25 implement and administer the Foundation School Program.

26 SECTION 19. Section 43.0031, Education Code, is amended to
27 read as follows:

1 Sec. 43.0031. PERMANENT SCHOOL FUND ETHICS POLICY. (a) In
2 addition to any other requirements provided by law, the
3 commissioner [~~State Board of Education~~] shall adopt and enforce an
4 ethics policy that provides standards of conduct relating to the
5 agency's management and investment of the permanent school fund.
6 The ethics policy must include provisions that address the
7 following issues as they apply to the management and investment of
8 the permanent school fund and to persons responsible for managing
9 and investing the fund:

- 10 (1) general ethical standards;
- 11 (2) conflicts of interest;
- 12 (3) prohibited transactions and interests;
- 13 (4) the acceptance of gifts and entertainment;
- 14 (5) compliance with applicable professional
15 standards;
- 16 (6) ethics training; and
- 17 (7) compliance with and enforcement of the ethics
18 policy.

19 (b) The ethics policy must include provisions applicable
20 to:

- 21 (1) [~~members of the State Board of Education,~~
- 22 ~~(2)]~~ the commissioner;
- 23 (2) [~~(3)]~~ employees of the agency; and
- 24 (3) [~~(4)]~~ any person who provides services to the
25 agency [~~board~~] relating to the management or investment of the
26 permanent school fund.

27 (c) Not later than the 45th day before the date on which the

1 commissioner [~~board~~] intends to adopt a proposed ethics policy or
2 an amendment to or revision of an adopted ethics policy, the
3 commissioner [~~board~~] shall submit a copy of the proposed policy,
4 amendment, or revision to the Texas Ethics Commission and the state
5 auditor for review and comments. The commissioner [~~board~~] shall
6 consider any comments from the commission or state auditor before
7 adopting the proposed policy.

8 (d) The provisions of the ethics policy that apply to a
9 person who provides services to the agency [~~board~~] relating to the
10 management or investment of the permanent school fund must be based
11 on the Code of Ethics and the Standards of Professional Conduct
12 prescribed by the Association for Investment Management and
13 Research or other ethics standards adopted by another appropriate
14 professionally recognized entity.

15 (e) The agency [~~board~~] shall ensure that applicable
16 provisions of the ethics policy are included in any contract under
17 which a person provides services to the agency [~~board~~] relating to
18 the management and investment of the permanent school fund.

19 SECTION 20. Section 43.0032, Education Code, is amended to
20 read as follows:

21 Sec. 43.0032. CONFLICTS OF INTEREST. (a) The [~~A member of~~
22 ~~the State Board of Education, the~~] commissioner, an employee of the
23 agency, or a person who provides services to the agency [~~board~~] that
24 relate to the management or investment of the permanent school fund
25 who has a business, commercial, or other relationship that could
26 reasonably be expected to diminish the person's independence of
27 judgment in the performance of the person's responsibilities

1 relating to the management or investment of the fund shall disclose
2 the relationship in writing to the agency [~~board~~].

3 (b) The commissioner [~~board or the board's designee~~] shall,
4 in the ethics policy adopted under Section 43.0031, define the
5 kinds of relationships that may create a possible conflict of
6 interest.

7 (c) A person who files a statement under Subsection (a)
8 disclosing a possible conflict of interest may not give advice or
9 make decisions about a matter affected by the possible conflict of
10 interest unless the commissioner [~~board~~], after consultation with
11 the general counsel of the agency, expressly waives this
12 prohibition. The commissioner [~~board~~] may delegate the authority
13 to waive the prohibition established by this subsection.

14 SECTION 21. Section 86.22, Education Code, is amended to
15 read as follows:

16 Sec. 86.22. ACCRUED INTEREST. The interest heretofore
17 collected by the State Board of Education in accordance with the
18 provisions of the act of August 21, 1876, due at the end of the
19 fiscal year of 1876, on the bonds belonging to the Agricultural and
20 Mechanical College and invested in six percent state bonds, shall
21 also constitute a part of the perpetual fund of the university until
22 the legislature shall otherwise provide. The agency [~~state board~~]
23 shall collect the semiannual interest on the bonds as it becomes
24 due, and place the money in the state treasury to the credit of the
25 fund. The interest on all such bonds is set apart exclusively for
26 the use of the university and shall be drawn from the treasury by
27 the board of directors on vouchers audited by the board, or approved

1 by the governor and attested by the secretary of the board. On the
2 vouchers being filed with the comptroller, the comptroller [~~he~~]
3 shall draw the [~~his~~] warrant on the state treasury as necessary to
4 pay the directors, professors and officers of the university.

5 SECTION 22. Section 105.302(b), Education Code, is amended
6 to read as follows:

7 (b) Each of the following shall appoint one member to serve
8 on the advisory board:

9 (1) the commissioner of education [~~chairman of the~~
10 ~~State Board of Education~~];

11 (2) the commissioner of higher education;

12 (3) the president of the Texas Association of School
13 Administrators;

14 (4) the president of the Texas Association for the
15 Gifted and Talented;

16 (5) the governor;

17 (6) the lieutenant governor; and

18 (7) the speaker of the Texas House of Representatives.

19 SECTION 23. Sections 42.005(a), Election Code, is amended
20 to read as follows:

21 (a) A county election precinct, including a consolidated
22 precinct, may not contain territory from more than one of each of
23 the following types of territorial units:

24 (1) a commissioners precinct;

25 (2) a justice precinct;

26 (3) a congressional district;

27 (4) a state representative district;

1 (5) a state senatorial district; or
2 (6) a ward in a city with a population of 10,000 or
3 more [~~7~~ ~~or~~
4 ~~[(7) a State Board of Education district]~~].

5 SECTION 24. Section 42.010(c), Election Code, is amended to
6 read as follows:

7 (c) After each redistricting of a territorial unit
8 described by Section 42.005(a)(3), (4), or (5) [~~7~~ ~~or~~ (7)], the
9 commissioners court may submit recommendations to the secretary of
10 state on changes to the territorial units to allow the county to
11 eliminate county election precincts with no population or a
12 substantially small population.

13 SECTION 25. Section 52.092(d), Election Code, is amended to
14 read as follows:

15 (d) District offices of the state government shall be listed
16 in the following order:

- 17 (1) [~~member, State Board of Education,~~
- 18 ~~[(2)]~~ statesenator;
- 19 (2) [~~(3)~~] state representative;
- 20 (3) [~~(4)~~] chief justice, court of appeals;
- 21 (4) [~~(5)~~] justice, court of appeals;
- 22 (5) [~~(6)~~] district judge;
- 23 (6) [~~(7)~~] criminal district judge;
- 24 (7) [~~(8)~~] family district judge;
- 25 (8) [~~(9)~~] district attorney;
- 26 (9) [~~(10)~~] criminal district attorney.

27 SECTION 26. Section 68.001(a), Election Code, is amended to

1 read as follows:

2 (a) The secretary of state shall tabulate the unofficial
3 results as provided by this subchapter in each primary election and
4 general election for state and county officers on each proposed
5 amendment to the state constitution and for each contested race for
6 nomination or election to:

7 (1) a federal office or statewide office of the state
8 government;

9 (2) the office of state senator; and

10 (3) the office of state representative[~~;~~ and

11 [~~(4) the office of member, State Board of Education~~].

12 SECTION 27. Section 172.024(a), Election Code, is amended
13 to read as follows:

14 (a) The filing fee for a candidate for nomination in the
15 general primary election is as follows:

16 (1) United States senator \$5,000

17 (2) office elected statewide, except United States
18 senator 3,750

19 (3) United States representative 3,125

20 (4) state senator 1,250

21 (5) state representative 750

22 (6) [~~member, State Board of Education~~] 300

23 [~~(7)~~] chief justice or justice, court of appeals,
24 other than a justice specified by Subdivision (7) [~~(8)~~] 1,875

25 (7) [~~(8)~~] chief justice or justice of a court of
26 appeals that serves a court of appeals district in which a county
27 with a population of more than 750,000 is wholly or partly

1	situated	2,500
2	<u>(8)</u> [(9)] district judge or judge specified by Section	
3	52.092(d) for which this schedule does not otherwise prescribe a	
4	fee	1,500
5	<u>(9)</u> [(10)] district or criminal district judge of a	
6	court in a judicial district wholly contained in a county with a	
7	population of more than 850,000	2,500
8	<u>(10)</u> [(11)] judge, statutory county court, other than	
9	a judge specified by Subdivision <u>(11)</u> [(12)]	1,500
10	<u>(11)</u> [(12)] judge of a statutory county court in a	
11	county with a population of more than 850,000	2,500
12	<u>(12)</u> [(13)] district attorney, criminal district	
13	attorney, or county attorney performing the duties of a district	
14	attorney	1,250
15	<u>(13)</u> [(14)] county commissioner, district clerk,	
16	county clerk, sheriff, county tax assessor-collector, county	
17	treasurer, or judge, constitutional county court:	
18	(A) county with a population of 200,000 or more	
19	1,250	
20	(B) county with a population of under 200,000	
21	750	
22	<u>(14)</u> [(15)] justice of the peace or constable:	
23	(A) county with a population of 200,000 or more	
24	1,000	
25	(B) county with a population of under 200,000	
26	375	
27	<u>(15)</u> [(16)] county surveyor	75

1 (B) a district office filled by voters of more
2 than one county;

3 (C) a judicial district office filled by voters
4 of only one county;

5 (D) state senator; or

6 (E) state representative[~~;~~ ~~or~~

7 [~~(F) the State Board of Education~~];

8 (2) the county clerk, if the appointment is made for
9 candidacy for a county office, a precinct office, or a district
10 office other than one included in Subdivision (1);

11 (3) the clerk or secretary of the governing body of the
12 political subdivision or, if the political subdivision has no clerk
13 or secretary, with the governing body's presiding officer, if the
14 appointment is made for candidacy for an office of a political
15 subdivision other than a county;

16 (4) the county clerk if:

17 (A) the appointment is made for candidacy for an
18 office of a political subdivision other than a county;

19 (B) the governing body for the political
20 subdivision has not been formed; and

21 (C) no boundary of the political subdivision
22 crosses a boundary of the county; or

23 (5) the commission if:

24 (A) the appointment is made for candidacy for an
25 office of a political subdivision other than a county;

26 (B) the governing body for the political
27 subdivision has not been formed; and

1 (C) the political subdivision is situated in more
2 than one county.

3 SECTION 30. Section 323.0145(a)(2), Government Code, is
4 amended to read as follows:

5 (2) "Legislative information" means:

6 (A) a list of all the members of each house of the
7 legislature;

8 (B) a list of the committees of the legislature
9 and their members;

10 (C) the full text of each bill as filed and as
11 subsequently amended, substituted, engrossed, or enrolled in
12 either house of the legislature;

13 (D) the full text of each amendment or substitute
14 adopted by a legislative committee for each bill filed in either
15 house of the legislature;

16 (E) the calendar of each house of the
17 legislature, the schedule of legislative committee hearings, and a
18 list of the matters pending on the floor of each house of the
19 legislature;

20 (F) detailed procedural information about how a
21 bill filed in either house of the legislature becomes law,
22 including detailed timetable information concerning the times
23 under the constitution or the rules of either house when the
24 legislature may take certain actions on a bill;

25 (G) the district boundaries or other identifying
26 information for the following districts in Texas:

27 (i) house of representatives;

- 1 (ii) senate; and
2 (iii) [~~State Board of Education; and~~
3 [~~(iv)~~] United States Congress; and
4 (H) other information related to the legislative
5 process that in the council's opinion should be made available
6 through the Internet.

7 SECTION 31. Section 572.002(4), Government Code, is amended
8 to read as follows:

- 9 (4) "Elected officer" means:
10 (A) a member of the legislature;
11 (B) an executive or judicial officer elected in a
12 statewide election;
13 (C) a judge of a court of appeals or of a district
14 court;
15 (D) [~~a member of the State Board of Education;~~
16 [~~(E)~~] a district attorney or criminal district
17 attorney; or
18 (E) [~~(F)~~] an individual appointed to fill a
19 vacancy in an office or appointed to a newly created office who, if
20 elected to the office instead of appointed, would be an elected
21 officer under this subdivision.

22 SECTION 32. Section 1551.109(a), Insurance Code, is amended
23 to read as follows:

- 24 (a) Subject to Section 1551.351, on application to the board
25 of trustees and arrangement for payment of contributions, an
26 individual participating in the group benefits program on August
27 31, 2003, as a current or former member of a governing body with

1 administrative responsibility over a state agency created under a
2 statute of this state that has statewide jurisdiction and whose
3 employees are covered by this chapter, ~~or~~ as a ~~current or~~ former
4 member of the State Board of Education, or as a current or former
5 member of the governing body of an institution of higher education
6 remains eligible for participation in a health benefit plan offered
7 under this chapter if a lapse in coverage has not occurred.

8 SECTION 33. Section 504.401(d), Transportation Code, is
9 amended to read as follows:

10 (d) In this section, "state official" means:

- 11 (1) a member of the legislature;
- 12 (2) the governor;
- 13 (3) the lieutenant governor;
- 14 (4) a justice of the supreme court;
- 15 (5) a judge of the court of criminal appeals;
- 16 (6) the attorney general;
- 17 (7) the commissioner of the General Land Office;
- 18 (8) the comptroller;
- 19 (9) a member of the Railroad Commission of Texas;
- 20 (10) the commissioner of agriculture; or
- 21 (11) the secretary of state~~;~~ ~~or~~
- 22 [~~(12) a member of the State Board of Education~~].

23 SECTION 34. Section 545.360, Transportation Code, is
24 amended to read as follows:

25 Sec. 545.360. DUTY OF TEXAS TRANSPORTATION COMMISSION AND
26 COMMISSIONER OF EDUCATION [~~STATE BOARD OF EDUCATION~~] TO PROVIDE
27 INFORMATION AND ASSISTANCE. The chairman of the Texas

1 Transportation Commission and the commissioner of education
2 [~~chairman of the State Board of Education~~] shall provide assistance
3 and information relevant to consideration of speed limits to
4 commissioners courts, municipal governing bodies, and other
5 interested persons.

6 SECTION 35. On May 1, 2012, the following sections of the
7 Education Code are repealed:

- 8 (1) Section 7.101;
- 9 (2) Section 7.102;
- 10 (3) Section 7.103;
- 11 (4) Section 7.104;
- 12 (5) Section 7.105;
- 13 (6) Section 7.106;
- 14 (7) Section 7.107;
- 15 (8) Section 7.108;
- 16 (9) Section 7.110; and
- 17 (10) Section 43.006(d).

18 SECTION 36. (a) On May 1, 2012:

19 (1) all functions and activities performed by the
20 State Board of Education immediately before that date are
21 transferred to the Texas Education Agency;

22 (2) a rule, form, policy, procedure, or decision of
23 the State Board of Education continues in effect as a rule, form,
24 policy, procedure, or decision of the Texas Education Agency and
25 remains in effect until amended or replaced by the commissioner of
26 education;

27 (3) a rule of the State Board for Educator

1 Certification approved by the State Board of Education remains in
2 effect until amended or replaced as provided by law;

3 (4) a reference in law or an administrative rule to the
4 State Board of Education or to the State Board for Career and
5 Technology Education means the Texas Education Agency, except for a
6 reference under:

7 (A) Section 86.22 or 133.006(b), Education Code,
8 or another law similarly referring to a past action taken by the
9 State Board of Education; or

10 (B) Section 7.112, Education Code, Section
11 1551.109(a), Insurance Code, or another law similarly based on a
12 person's former status as a member of the State Board of Education;

13 (5) all money, contracts, leases, rights, property,
14 records, and bonds and other obligations of the State Board of
15 Education are transferred to the Texas Education Agency, except
16 that a contract under Section 12.112, Education Code, is
17 transferred to the commissioner of education;

18 (6) a court case, administrative proceeding, contract
19 negotiation, or other proceeding involving the State Board of
20 Education is transferred without change in status to the Texas
21 Education Agency, and the Texas Education Agency assumes, without a
22 change in status, the position of the State Board of Education in a
23 negotiation or proceeding relating to an activity transferred by
24 this Act to the Texas Education Agency to which the State Board of
25 Education is a party;

26 (7) an employee of the State Board of Education
27 becomes an employee of the Texas Education Agency; and

1 (8) the unexpended and unobligated balance of any
2 money appropriated by the legislature for the State Board of
3 Education is transferred to the Texas Education Agency.

4 (b) Before May 1, 2012, the State Board of Education may
5 agree with the Texas Education Agency to transfer any property of
6 the State Board of Education to the Texas Education Agency to
7 implement the transfer required by this section.

8 (c) In the period beginning on January 1, 2012, and ending
9 on April 30, 2012:

10 (1) the State Board of Education shall continue to
11 perform functions and activities under the Education Code or other
12 law as if the law had not been amended or repealed, as applicable,
13 and the former law is continued in effect for that purpose; and

14 (2) a person who is authorized or required by law to
15 take an action relating to the State Board of Education or a member
16 of the State Board of Education shall continue to take that action
17 under the law as if the law had not been amended or repealed, as
18 applicable, and the former law is continued in effect for that
19 purpose.

20 SECTION 37. Section 12.112, Education Code, as amended by
21 this Act, applies only to the required signatories of a charter for
22 an open-enrollment charter school in the case of a charter entered
23 into on or after May 1, 2012. The required signatories of a charter
24 for an open-enrollment charter school in the case of a charter
25 entered into before May 1, 2012, are governed by the law in effect
26 on the date the charter is entered into, and the former law is
27 continued in effect for that purpose.

1 SECTION 38. This Act does not affect the reference to the
2 state board of education under Section 143.112(1)(A), Local
3 Government Code, or a similar reference to the extent that the
4 reference is to the state board of education of another state.

5 SECTION 39. (a) Except as provided by Subsection (b) of
6 this section, this Act takes effect January 1, 2012, but only if the
7 constitutional amendment abolishing the State Board of Education
8 and transferring functions of the board to the Texas Education
9 Agency is approved by the voters. If that amendment is not approved
10 by the voters, this Act has no effect.

11 (b) The change in law made by this Act to Section
12 1551.109(a), Insurance Code, takes effect May 1, 2012, but only if
13 the constitutional amendment abolishing the State Board of
14 Education and transferring functions of the board to the Texas
15 Education Agency is approved by the voters. If that amendment is
16 not approved by the voters, the change in law made by this Act to
17 Section 1551.109(a), Insurance Code, has no effect.