

By: Hinojosa

H.B. No. 3815

A BILL TO BE ENTITLED

AN ACT

relating to rules and policies of the Texas Education Agency regarding public involvement, complaints, negotiated rulemaking, alternative dispute resolution, and advisory committees.

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

SECTION 1. Subchapter B, Chapter 7, Education Code, is amended by adding Sections 7.034, 7.035, and 7.036 to read as follows:

Sec. 7.034. PUBLIC INVOLVEMENT POLICY. The agency shall develop and implement a policy regarding public involvement with the agency. The policy must:

(1) describe how the agency will proactively engage stakeholders;

(2) distinguish the purposes and appropriate uses of advisory committees and informal work groups, including by specifying that an informal work group:

(A) is not subject to Chapter 2110, Government Code; and

(B) must have a well-defined purpose and follow specific timelines for completing tasks;

(3) identify actions the agency will take that exceed the minimum open meetings requirements under Chapter 551, Government Code;

(4) include a strategy for providing updated

1 information regarding advisory committees and issues of concern to
2 stakeholders through the agency's Internet website;

3 (5) include an action plan for broadcasting and
4 archiving video and audio of open meetings on the Internet; and

5 (6) describe how public input will affect agency
6 decisions, including by providing information regarding the
7 specific outcomes for all types of public input.

8 Sec. 7.035. COMPLAINTS. (a) The agency shall maintain a
9 system to promptly and efficiently act on complaints filed with the
10 agency. The agency shall maintain information about parties to the
11 complaint, the subject matter of the complaint, a summary of the
12 results of the review or investigation of the complaint, and its
13 disposition.

14 (b) The agency shall make information available describing
15 its procedures for complaint investigation and resolution.

16 (c) The agency shall periodically notify the complaint
17 parties of the status of the complaint until final disposition.

18 Sec. 7.036. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
19 RESOLUTION. (a) The agency shall develop a policy to encourage the
20 use of:

21 (1) negotiated rulemaking procedures under Chapter
22 2008, Government Code, for the adoption of agency rules; and

23 (2) appropriate alternative dispute resolution
24 procedures under Chapter 2009, Government Code, to assist in the
25 resolution of internal and external disputes under the agency's
26 jurisdiction.

27 (b) The agency's procedures relating to alternative dispute

1 resolution must conform, to the extent possible, to any model
2 guidelines issued by the State Office of Administrative Hearings
3 for the use of alternative dispute resolution by state agencies.

4 (c) The agency shall:

5 (1) coordinate the implementation of the policy
6 adopted under Subsection (a);

7 (2) provide training as needed to implement the
8 procedures for negotiated rulemaking or alternative dispute
9 resolution; and

10 (3) collect data concerning the effectiveness of those
11 procedures.

12 SECTION 2. Subchapter C, Chapter 7, Education Code, is
13 amended by adding Section 7.067 to read as follows:

14 Sec. 7.067. ADVISORY COMMITTEE RULES. (a) The
15 commissioner shall adopt rules, in compliance with Chapter 2110,
16 Government Code, regarding an advisory committee that primarily
17 functions to advise the commissioner or the agency, including rules
18 governing an advisory committee's purpose, tasks, reporting
19 requirements, and abolishment date.

20 (b) The commissioner may adopt rules under this section
21 regarding an advisory committee's:

22 (1) size and quorum requirements;

23 (2) qualifications for membership, including
24 experience requirements and geographic representation;

25 (3) appointment procedures;

26 (4) terms of service; and

27 (5) compliance with the requirements for open meetings

1 under Chapter 551, Government Code.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2017.