

By: Hinojosa

H.B. No. 571

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 7.032, 7.033, and 7.034 to read as follows:

Sec. 7.032. 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

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

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

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

Sec. 7.033. COMPLAINTS. (a) The agency shall maintain a system to promptly and efficiently act on complaints filed with the agency. The agency shall maintain information about parties to the complaint, information about the subject matter of the complaint, and a summary of the results of the review or investigation of the complaint and its disposition.

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

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

Sec. 7.034. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) The agency shall develop a policy to encourage the use of:

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

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

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

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

(c) The agency shall:

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

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

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

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

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

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

(1) size and quorum requirements;

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

(3) appointment procedures;

(4) terms of service; and

(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, 2019.