

CHAPTER 771

H.B. No. 2585

AN ACT

relating to advisory commissions for the Central Education Agency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 11.25(d), Education Code, is amended to read as follows:

(d) ~~The~~ [On recommendation of the] commissioner of education[, the State Board of Education] may [authorize the commissioner to] appoint as many *advisory committees*,

*subject to confirmation by the State Board of Education and in accordance with the provisions of Subchapter H of this code, [official commissions composed of citizens of the state] as are necessary to advise the commissioner [of education] in carrying out the duties and mission of the Central Education Agency [the discharge of his duties. A member of such a commission shall not receive any pay for his services on a commission other than reimbursement for actual expenses incurred. Necessary expenses for the operation of such commissions shall be included in the appropriate operating budget of the Central Education Agency and shall be subject to the same budget controls applied to all other items in the budget].*

SECTION 2. Sections 11.311(a) and (b), Education Code, are amended to read as follows:

(a) To provide college students facilities, additional instructional materials required for student teachers, and supervision for student teaching required by law as prerequisites to the issuance of a valid Texas certificate for the appropriate position, it is necessary that joint responsibility among the colleges and universities approved for teacher education by the *commissioner* [~~Commission on Standards for the Teaching Profession of this state~~], the Texas public school districts, and the State of Texas be hereby established.

(b) The *commissioner* [~~Commission on Standards for the Teaching Profession~~], with the assistance of colleges, universities, and public school personnel, subject to the approval of the State Board of Education, shall establish standards for the approval of local cooperative teacher education centers, and define the cooperative relationship between the college or university and the public school which serves the teacher education program.

SECTION 3. Section 11.53, Education Code, is amended to read as follows:

Sec. 11.53. ENVIRONMENTAL EDUCATION. ~~[(a)]~~ The commissioner of education shall foster the development and dissemination of educational activities and materials which will assist Texas public school students, teachers, and administrators in the perception, appreciation, and understanding of environmental principles and problems. In order to do so, the commissioner shall:

(1) encourage the integration of environmental topics into the regular curriculum, where appropriate;

(2) encourage the Central Education Agency to coordinate state, federal, and other funding sources to develop and disseminate to school districts instructional materials for use in environmental education, with special concern given to the ecological systems of Texas and the ways human beings depend on and interact with the systems;

(3) encourage the Central Education Agency to coordinate state, federal, and other available funding sources to develop and deliver teacher inservice programs, including summer seminars and institutes, on various aspects of environmental pollution and conservation;

(4) collect, analyze, evaluate, and disseminate to school districts information about environmental curriculum materials, validated projects, and other successful programs;

(5) solicit, receive, and expend funds which may become available through federal grants under any national environmental education programs or from other public or private sources;

(6) prepare an annual status report on environmental education activities and deliver it to the legislature and the governor on or before September 1 of each year.

~~[(b)(1) To assist in the development of environmental education curricula, materials, and teacher training programs, the commissioner of education shall establish an advisory committee on environmental education.~~

~~[(2) Members of the advisory committee shall include the following persons or their designees:~~

~~[(A) the commissioner of education, who serves as chairperson;~~

~~[(B) the commissioner of the Texas Department of Health;~~

~~[(C) the commissioner of the General Land Office;~~

~~[(D) the executive director of the Texas Water Commission;~~

~~[(E) the executive director of the Texas Air Control Board;~~

- ~~[(F) the director of the Governor's Energy Office;~~  
~~[(G) the executive director of the Water Development Board; and~~  
~~[(H) the Commissioner of the Department of Agriculture.~~

~~[(3) The commissioner of education shall also appoint additional members who represent statewide teacher and education organizations, statewide environmental organizations, and business and industry.]~~

SECTION 4. Section 11.63(a), Education Code, is amended to read as follows:

(a) The State Department of Education shall:

(1) carry out the mandates, prohibitions, and regulations for which it is made responsible whether by statute, the State Board of Education, the State Board for Vocational Education, or the commissioner of education; *and*

~~(2) [make free and full use of advisory committees and commissions composed of professional educators and/or other citizens of the state; and~~

~~[(3)] seek to assist local school districts in developing effective and improved programs of education through research and experimentation, consultation, conferences, and evaluation, but shall have no power over local school districts except those specifically granted by statute.~~

SECTION 5. Chapter 11, Education Code, is amended by adding Subchapter H to read as follows:

#### SUBCHAPTER H. POWERS AND DUTIES RELATED TO ADVISORY COMMITTEES

Sec. 11.950. *DEFINITIONS. In this subchapter:*

(1) "Advisory committee" means an official or unofficial committee, council, commission, task force, or other entity in the Central Education Agency that:

(A) is created by or under state or federal law; *and*

(B) has as its primary function advising the Central Education Agency.

(2) "Agency" means the Central Education Agency.

Sec. 11.951. *COMPOSITION OF ADVISORY COMMITTEES. Notwithstanding other law, an advisory committee must be composed of a number of members that is reasonable, considering the ability of the committee to reach a decision on matters before the committee. The composition of the committee must also provide a balanced representation between:*

(1) educational professionals affected by the agency; *and*

(2) consumers of services provided by the agency.

Sec. 11.952. *PRESIDING OFFICER. (a) An advisory committee shall select from among its members a presiding officer, unless a different procedure for selecting the presiding officer is prescribed by other law.*

*(b) The presiding officer shall preside over the advisory committee and report to the commissioner.*

Sec. 11.953. *REIMBURSEMENT OF MEMBERS' EXPENSES. (a) Unless the commissioner adopts rules stating compelling reasons for a contrary practice, members serve without compensation, except for the reimbursement of their travel expenses as provided for in the General Appropriations Act.*

*(b) The agency must request authority to reimburse the expenses of members of the committee through the appropriations or budget execution process, as appropriate, if the agency determines that the expenses of committee members should be reimbursed. The request must:*

(1) identify the costs related to the advisory committee's existence, including the cost of agency staff time spent in support of the committee's activities;

(2) state the reasons the advisory committee should continue in existence; *and*

(3) identify any other advisory committees created to advise the agency that should be consolidated or abolished.

Sec. 11.954. **AGENCY-DEVELOPED STATEMENT OF PURPOSE; REPORTING REQUIREMENTS.** *The commissioner shall adopt rules that:*

(1) state the purpose of the committee; and

(2) describe the task of the committee and the manner in which the committee will report to the commissioner.

Sec. 11.955. **AGENCY EVALUATION OF COMMITTEE COSTS AND EFFECTIVENESS.** *Under the direction of the commissioner, the agency shall annually evaluate:*

(1) the committee's work;

(2) the committee's usefulness; and

(3) the costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities.

Sec. 11.956. **REPORT TO LEGISLATIVE BUDGET BOARD.** *The agency shall report to the Legislative Budget Board the information developed in the evaluation required by Section 11.955 of this subchapter. The report shall be filed biennially in connection with the agency's request for appropriations.*

Sec. 11.957. **DURATION OF ADVISORY COMMITTEES.** (a) *The commissioner shall establish by rule a date on which the committee will automatically be abolished. The advisory committee may continue in existence after that date only if the commissioner decides the committee should continue to exist.*

(b) *An advisory committee is automatically abolished on the fourth anniversary of the date of its creation unless the commissioner establishes a different date under Subsection (a) of this section.*

(c) *This section does not apply to a federally mandated advisory committee that has a specific duration prescribed by statute.*

Sec. 11.958. **REESTABLISHMENT OF ADVISORY COMMITTEES.** (a) *As soon as possible after the effective date of this Act, the commissioner must reestablish all federally mandated advisory committees abolished by this Act in accordance with federal requirements and, where possible, the provisions of this subchapter.*

(b) *The commissioner may reestablish any advisory committee provided it is reestablished in accordance with the provisions of this subchapter.*

SECTION 6. Section 12.20(b), Education Code, is amended to read as follows:

(b) In relation to a bidder's eligibility, an affidavit filed must contain the following:

(1) the names of all persons employed to act for the bidder, directly or indirectly, in any way whatsoever in securing the contract or in the preparation of the bid or bids and supporting documents, together with the addresses of such individuals and the capacity in which each served;

(2) the names of any persons who may have at any time during the preceding year received, either directly or indirectly, any money or other thing of value from the bidder by way of emolument for services rendered in this state, either directly or indirectly, in securing or attempting to secure contracts for the sale of books of the publisher or in promoting the sale of such books to the State of Texas; and

(3) a statement that no member of the State Board of Education [~~or of the State Textbook Committee~~] is in any way interested, directly or indirectly, in the individual, firm, or corporation bidding.

SECTION 7. Section 12.24(c), Education Code, is amended to read as follows:

(c) No textbook shall be adopted until it has been read carefully and examined by *an* [at least a majority of the] appropriate subject area *expert* [~~committee of the State Textbook Committee~~].

SECTION 8. Section 13.032(b), Education Code, is amended to read as follows:

(b) ~~The [In order to secure professional advice, the] State Board of Education shall consider recommendations of the [Commission on Standards for the Teaching Profession, after a review by, and with the comments of, the state] commissioner of education, in all matters covered by this subchapter.~~

SECTION 9. Section 13.302(b), Education Code, is amended to read as follows:

(b) *In accordance with rules adopted by the commissioner, the [The] board shall solicit and consider the advice of teachers in developing the appraisal process and performance criteria.*

SECTION 10. Section 14.022(b), Education Code, is amended to read as follows:

(b) The board shall base its approval of software for use in the classroom on recommendations made by the *commissioner [computer software advisory group].*

SECTION 11. Section 14.044(h), Education Code, is amended to read as follows:

(h) ~~The commissioner [advisory committee on technology standards, established under Section 14.047 of this code,] shall recommend standards for products produced by the center to the State Board of Education.~~

SECTION 12. Section 21.459(g), Education Code, is amended to read as follows:

(g) The State Board of Education, through the *commissioner [Commission on Standards for the Teaching Profession]*, and the Coordinating Board, Texas College and University System, shall develop a comprehensive plan for meeting the teacher supply needs created by the programs outlined in this subchapter. ~~[The board shall submit a plan, which includes legislative recommendations, to the 68th Legislature in January, 1983.]~~

SECTION 13. Section 31.38, Education Code, is amended to read as follows:

Sec. 31.38. GIFTS, GRANTS. The *commissioner [council]* may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation or the United States government, subject to such limitations or conditions as may be provided by law, and provided that gifts, grants, or donations of money shall be deposited with the state treasury and expended in accordance with the specific purpose for which given under such conditions as may be imposed by the donor and as provided by law.

SECTION 14. Section 32.22, Education Code, is amended to read as follows:

Sec. 32.22. THE STATE BOARD OF EDUCATION. The State Board of Education shall adopt policies, regulations and rules necessary for carrying out the provisions of this chapter after consultation with the *commissioner [Proprietary School Advisory Commission].*

SECTION 15. Section 51.916(c), Education Code, is amended to read as follows:

(c) In developing the standards for competitive review and in making the award of grants, the board shall consider the recommendations of the State Board of Education and the *commissioner [Commission on Standards for the Teaching Profession].*

SECTION 16. Section (4)(a), Article 4413(29c), Vernon's Texas Civil Statutes, is amended to read as follows:

(a) The agency shall exercise jurisdiction and control of the system of schools, and the commissioner shall administer this Act and enforce minimum standards for schools under this Act. ~~[The board shall adopt rules necessary to carry out this Act in consultation with the Driver Training School Advisory Commission.]~~

SECTION 17. To further the objective of providing public school students with textbooks that are factually accurate, if an advisory committee on selection of public school textbooks is established, the commissioner of education should appoint to the committee faculty members from institutions of higher education who are experts in the subjects for which textbooks are adopted.

SECTION 18. An advisory committee as defined in Section 11.950, Education Code, as added by this Act, that exists as of September 1, 1993, is automatically abolished.

SECTION 19. The following advisory entities are abolished:

(1) The Apprenticeship and Training Advisory Committee is abolished, and Sections 33.01(5), 33.05, and 33.06, Education Code, are repealed.

(2) The Texas Council on Vocational Education, created under the authority of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990, is abolished. The

following provisions of the Education Code are repealed: 31.11, 31.12, 31.13, 31.14, 31.15, 31.16, 31.17, 31.18, 31.19, 31.21, 31.22, 31.23, 31.24, 31.25, 31.31, 31.34, 31.36, 31.37, 31.39, 31.42, 31.43, 31.44, 31.71 and 31.91.

(3) The Texas Vocational and Applied Technology Education Committee of Practitioners, created under the authority of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990, is abolished.

(4) The State Parent Advisory Council for Migrant Education, created under 34 C.F.R. Section 201.35, Pub. L. 100-297, Section 1201, Subsection 201.35, is abolished.

(5) The Proprietary School Advisory Commission is abolished, and Section 32.23, Education Code, is repealed.

(6) The Driver Training School Advisory Commission is abolished, and Section 5, Article 4413(29c), Vernon's Texas Civil Statutes, as added by Chapter 835, Acts of the 72nd Legislature, Regular Session, 1991, is repealed.

(7) The Commission on Standards for the Teaching Profession is abolished, and Section 13.031, Education Code, is repealed.

(8) The State Textbook Committee is abolished, and Section 12.11, Education Code, is repealed.

(9) The textbook proclamation advisory committees are abolished, and Section 12.04, Education Code, is repealed.

(10) The Commission on Braille Textbook Production is abolished.

(11) The Investment Advisory Committee on the Permanent School Fund, created under the authority of Section 11.25(d), Education Code, is abolished.

(12) The Advisory Committee for Budgeting, Accounting, and Auditing is abolished.

(13) The School Facilities Advisory Committee is abolished, and Section 16.403, Education Code, is repealed.

(14) The Advisory Committee on Technology Standards is abolished, and Section 14.047, Education Code, is repealed.

(15) The Computer Software Advisory Group is abolished, and Subchapter A, Chapter 14, Education Code, is repealed.

(16) The Committee of Practitioners-Chapter 1, appointed by the commissioner and created under 34 C.F.R., Part 75, Section 200.70(e)(3)(i), is abolished.

(17) The Minority Recruitment Advisory Committee is abolished, and Section 51.607, Education Code, is repealed.

(18) The Texas Successful School Awards System Advisory Committee is abolished, and Section 34.003, Education Code, is repealed.

(19) The Advisory Committee on Environmental Education is abolished.

(20) The Youth Suicide Prevention Advisory Committee is abolished, and Section 11.152, Education Code, is repealed.

(21) The State Advisory Board on National and Community Service is abolished.

(22) The HIV Education Program Review Panel, created under the authority of the Centers for Disease Control, is abolished.

(23) The Master Teacher Appraisal Advisory Committee is abolished.

(24) The Advisory Committee on Student Assessment, created under the authority of Section 11.25(d), Education Code, is abolished.

(25) The Commissioner's Cabinet for Regional Services, created under the authority of Section 11.25(d), Education Code, is abolished.

(26) The Commissioner's Advisory Panel of Superintendents, created under the authority of Section 11.25(d), Education Code, is abolished.

(27) The Policy Committee on Public Education, created under the authority of Section 11.25(d), Education Code, is abolished.

(28) The Chapter 2 Advisory Committee, created under the authority of Public Law 100-297, Elementary and Secondary Education Act, is abolished.

(29) The Teachers' Professional Practices Commission of Texas is abolished, and Sections 13.202(2) and 13.203, Education Code, are repealed.

(30) The Continuing Advisory Committee for Special Education, created under the authority of 20 U.S.C. Section 1413(a)(12), is abolished, and Section 21.5042, Education Code, is repealed.

(31) The Statewide Media Task Force on Dropout Prevention is abolished, and Section 2.13, Education Code, is repealed.

(32) The Texas Committee on Student Learning is abolished, and section 21.5513, Education Code, is repealed.

(33) The Task Force on Various State Agencies that Regulate Proprietary Schools is abolished.

SECTION 20. The following advisory committees are abolished:

- (1) Advisory Committee for Administrator Appraisal;
- (2) Advisory Committee on Site-Based Decision Making;
- (3) Advisory Task Force on the Education of Homeless Children and Youth (Homeless Assistance Act 722(d)(4) and (5));
- (4) Commissioner's Advisory Committee on the Long-Range Plan for Technology;
- (5) Committee of Practitioner's for Vocational Education;
- (6) Fine Arts Task Force;
- (7) Health Education Framework Advisory Committee;
- (8) Mathematics Curriculum/Assessment Advisory Committee;
- (9) Statewide Advisory Commission on Educational Service Centers;
- (10) Task Force for Review and Revision of Social Studies;
- (11) Task Force on Professional Preparation and Development;
- (12) Team Member Committee;
- (13) Technical Committee to the Texas High School Education Task Force;
- (14) Texas High School Education Task Force;
- (15) Special Education Cost Study Advisory Board;
- (16) Task Force on Early Childhood to Elementary Education;
- (17) Commissioner's Task Force for School Health Services and Staffing of the School Health Services Program;
- (18) Roundtable on School Safety and Violence Prevention;
- (19) Tri-Agency Task Force to Update the Master Plan for Vocational and Technical Education;
- (20) Committee on State Graduation Credit Options;
- (21) Parent Involvement Advisory Committee; and
- (22) Long-Range Advisory Committee.

SECTION 21. This Act takes effect September 1, 1993.

SECTION 22. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 11, 1993, by a non-record vote; passed by the Senate on May 21, 1993, by a viva-voce vote.

Approved June 18, 1993.

Effective Sept. 1, 1993.