

BILL ANALYSIS

Senate Research Center
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S.B. 212
By: Lucio
Education
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As Filed

DIGEST AND PURPOSE

Currently, due to the size of the public education system, the duties of the commissioner of education may be difficult for a single commissioner. As proposed, S.B. 212 abolishes the office of the commissioner of education, creates the education commission, and transfers the powers and duties of the commissioner of education to the education commission.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Commissioner of Education is transferred to the Education Commission in SECTION 3 (Section 7.0511, Education Code), and in SECTION 6 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 7C, Education Code, as follows:

SUBCHAPTER C. New heading: EDUCATION COMMISSION

SECTION 2. Amends Section 7.051, Education Code, as follows:

Sec. 7.051. New heading: EDUCATION COMMISSION; MEMBERSHIP. Requires the governor, with the advice and consent of the senate, to appoint three persons to serve as members of the education commission, rather than the commissioner of education, as follows:

- one member who represents the interests of public school employees other than administrators;
- one member who represents the interests of public school administrators, including administrators responsible for school district facilities; and
- one member who represents the interests of public school students, the parents of public school students, and parent-teacher organizations.

Requires each person appointed to represent the interests of a group as provided by Subsection (a) to be selected on the basis of the person's specific qualifications to represent the interests of that group. Requires appointments to the commission to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

SECTION 3. Amends Chapter 7C, Education Code, by adding Section 7.0511 as follows:

Sec. 7.0511. TRANSFER OF COMMISSIONER'S POWER AND DUTIES. Provides that the powers and duties of the commissioner under this code or other law are transferred to the education commission. Provides that a reference in law to the commissioner of education is a reference to the education commission.

SECTION 4. Amends Sections 7.052 and 7.053, Education Code, as follows:

Sec. 7.052. New heading: TERMS OF OFFICE. Provides that members of the commission are appointed for staggered terms of six years. Provides that the term of one member expires on February 1 of each odd-numbered year. Deletes text regarding the term of office of the commissioner.

Sec. 7.053. New heading: GROUNDS FOR REMOVAL. Provides standard Sunset language regarding grounds for removal. Deletes text regarding removal of the commissioner.

SECTION 5. Amends Chapter 7C, Education Code, by adding Sections 7.0531 and 7.0532, as follows:

Sec. 7.0531. OFFICERS. Requires the governor to designate one member of the education commission as presiding officer of the commission. Provides that the presiding officer serves in that capacity at the will of the governor.

Sec. 7.0532. MEETINGS. Requires the commission to meet at the times and places specified by commission rule or at the call of the presiding officer.

SECTION 6. Effective date: September 1, 2001.

- Requires the governor to appoint initial members to the education commission for terms beginning February 1, 2002, in accordance with Section 7.051, Education Code, as amended by this Act. Provides that notwithstanding Section 7.052, Education Code, as amended by this Act, initial members appointed to the commission serve terms as provided by this section. Provides that the initial member appointed to represent the interests of public school students, the parents of public school students, and parent-teacher organizations serves a term expiring February 1, 2007. Provides that the initial member appointed to represent the interests of public school employees other than administrative serves a term expiring February 1, 2005. Provides that the initial member appointed to represent the interests of public school administrators serves a term expiring February 1, 2003.
- Abolishes the office of the commissioner of education on February 1, 2002. Provides that on that date, all powers, duties, rights, contracts, leases, and records of the commissioner of education are transferred to the education commission.
- Provides that the abolishment of the office of commissioner of education does not affect the validity of a right, privilege, or obligation accrued, a contract or acquisition made, any liability incurred, a penalty assessed, a rule adopted, a proceeding investigation or remedy begun, a decision made, or other action taken, by or in connection with the commissioner of education.
- Provides that all rules, policies, procedures, and decisions of the commissioner of education are continued in effect as rules, policies, procedures, and decisions of the education commission until superseded by a rule or other appropriate action of the education commission.
- Provides that any action or proceeding before the commissioner of education is transferred without change in status to the education commission, and the education commission assumes, without a change in status, the position of the commissioner of education in any action or proceeding to which the commissioner of education is a party.

