

The Texas Education Agency (TEA) proposes the repeal of §103.1205, concerning the pilot program for placement of students in Junior Reserve Officers Training Corps (JROTC) programs. The proposed repeal would remove the section since its authorizing statute has expired.

BACKGROUND INFORMATION AND JUSTIFICATION: House Bill 156, 85th Texas Legislature, Regular Session, 2017, established a pilot program under Texas Education Code (TEC), Chapter 37, Subchapter A-1, for placement of high school students in JROTC programs as an alternative to placement in disciplinary alternative education programs or juvenile justice alternative education programs. TEC, §37.031, required TEA to designate not more than two high schools that met certain criteria to participate in the pilot program and also required the commissioner to adopt by rule additional criteria to promote positive student educational outcomes for the agency to use in making designations for participation in the pilot program. TEC, §37.042, established an expiration date of September 1, 2019, for the subchapter that authorized the pilot program.

Section 103.1205 implemented TEC, §37.031, by adopting in rule additional criteria that TEA used in making designations for the JROTC pilot program. The rule also required schools participating in the pilot program to follow the minimum standards and best practices for truancy prevention measures as outlined in TEC, §25.0915, and comply with the data reporting required under TEC, §37.020(d).

The proposal would repeal §103.1205 since the statutory authority for the rule expired on September 1, 2019.

FISCAL IMPACT: Julie Kopycinski, chief of staff, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal an existing regulation by removing a rule for which statutory authority no longer exists.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Kopycinski has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be removing a rule for which statutory authority no longer exists. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins January 1, 2021, and ends February 1, 2021. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on January 1, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §37.020(d), as that section existed prior to its expiration on September 1, 2019, which required districts who placed students in a Junior Reserve Officers Training Corps (JROTC) program to report information on each placement; TEC, §37.031, as that section existed prior to its expiration on September 1, 2019, which established a pilot program for placement of high school students in JROTC programs as an alternative to placement in disciplinary alternative education programs or juvenile justice alternative education programs. TEC, §37.031(c), required the commissioner to adopt additional criteria to promote positive student educational outcomes for use in making designations of not more than two high schools for the JROTC pilot program; and TEC, §37.042, which established an expiration date of September 1, 2019, for TEC, Chapter 37, Subchapter A-1.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§37.020(d), 37.031, and 37.042.

<rule>

§103.1205. Pilot Program for Placement of Students in Junior Reserve Officers Training Corps (JROTC) Program