

By: Shaheen

H.B. No. 1025

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of an inspector general for education,
3 the creation of a division of inspector general for education in the
4 State Board of Education to investigate public education, and the
5 authority of the commissioner of education to conduct special
6 investigations.

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

8 SECTION 1. Section 7.102(c), Education Code, is amended by
9 adding Subdivision (35) to read as follows:

10 (35) The board shall appoint an inspector general for
11 education in accordance with Subchapter E.

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

14 SUBCHAPTER E. INSPECTOR GENERAL FOR EDUCATION

15 Sec. 7.151. DEFINITIONS. In this subchapter:

16 (1) "Abuse" has the meaning assigned by Section
17 261.001, Family Code.

18 (2) "Division" means the division of inspector general
19 for education established under this subchapter.

20 (3) "Fraud" means an intentional deception or
21 misrepresentation made by a person with the knowledge that the
22 deception or misrepresentation could result in some unauthorized
23 benefit to that person or some other person. The term includes any
24 act that constitutes fraud under applicable federal or state law.

1 (4) "Local education agency" includes a school
2 district or county system described by Subchapter G, Chapter 11.

3 Sec. 7.152. DIVISION OF INSPECTOR GENERAL FOR EDUCATION.

4 (a) The division of inspector general for education is established
5 as a division within the board.

6 (b) The board shall, by majority vote, appoint an inspector
7 general to serve as director of the division. The inspector general
8 serves until removed by the board.

9 (c) From money appropriated for that purpose, the inspector
10 general may employ staff and pay for administrative resources,
11 support services, and operating expenses as necessary to ensure
12 investigations and reviews authorized by this subchapter are
13 conducted expeditiously.

14 Sec. 7.153. GENERAL RESPONSIBILITIES. (a) The division is
15 responsible for:

16 (1) the investigation, prevention, and detection of
17 wrongdoing and fraud, waste, and abuse in public education by
18 school districts, open-enrollment charter schools, regional
19 education service centers, and other local education agencies in
20 this state; and

21 (2) the investigation of violations of state or
22 federal law by school districts, open-enrollment charter schools,
23 regional education service centers, and other local education
24 agencies in this state, including violations by employees,
25 representatives, and contractors of those entities, of:

26 (A) parental rights under Chapter 26 or other
27 state law;

1 (B) school safety and security requirements
2 under Sections 37.108, 37.1081, and 37.109; or

3 (C) any other provision of this code.

4 (b) The division may investigate:

5 (1) allegations of fraud, waste, and abuse;

6 (2) alleged violations of:

7 (A) the requirement to report educator
8 misconduct under Section 21.006;

9 (B) the required transfer of a student in
10 accordance with Section 25.0342;

11 (C) parental rights under Chapter 26 of this code
12 or Chapter 151, Family Code;

13 (D) requirements and prohibitions under Section
14 28.0022;

15 (E) discipline and law and order under Chapter
16 37, including school safety and security requirements under
17 Sections 37.108, 37.1081, and 37.109;

18 (F) any other provision of this code;

19 (G) the reporting requirement under Section
20 261.101, Family Code;

21 (H) the code of ethics and standard practices for
22 educators adopted by State Board for Educator Certification rule;

23 (I) a student's right of due process in
24 administrative investigations; or

25 (J) the free speech clause of the First Amendment
26 to the United States Constitution or Section 8, Article I, Texas
27 Constitution;

1 (3) alleged incidents of misconduct that may
2 constitute an offense under Section 15.032, 20A.02(a)(7) or (8),
3 25.04, 43.23, or 43.24, Penal Code;

4 (4) complaints submitted to the division with respect
5 to alleged violations of civil rights or other requirements imposed
6 on the state by federal law or court order;

7 (5) a determination of extraordinary numbers of
8 student placements in disciplinary alternative education programs,
9 other than placements under Sections 37.006 and 37.007;

10 (6) decisions concerning discretionary student
11 placements in disciplinary alternative education programs; and

12 (7) allegations involving a conflict between the board
13 of trustees of a school district and the district administration if
14 it appears that the conflict involves a violation of a role or duty
15 of the board members or the administration clearly defined by this
16 code.

17 (c) The division shall, as necessary:

18 (1) conduct civil and administrative investigations,
19 refer criminal investigations to the appropriate local law
20 enforcement agency, and initiate reviews of a school district, an
21 open-enrollment charter school, a regional education service
22 center, or another local education agency as considered appropriate
23 by the inspector general;

24 (2) conduct, in coordination with the comptroller,
25 audits of the use of money by a school district, an open-enrollment
26 charter school, a regional education service center, or another
27 local education agency, including money used for school security,

1 school-based health, student mental health, capital expenditures,
2 the school health and related services program, and legal
3 representation;

4 (3) receive complaints from any source and investigate
5 those complaints on the division's own initiative;

6 (4) conduct investigations authorized by this
7 section;

8 (5) review public school safety and security audits
9 conducted under Section 37.108;

10 (6) investigate reports of educator or employee
11 misconduct under Section 21.006 or 22.093;

12 (7) make findings of fact that a school district, an
13 open-enrollment charter school, a regional education service
14 center, or another local education agency or an employee or agent of
15 one of those entities committed an act of wrongdoing, fraud, waste,
16 or abuse in public education or a violation or act of misconduct
17 described by Subsection (b) and take appropriate action as
18 determined by the inspector general in consultation with the board
19 and any appropriate law enforcement agencies, regardless of any
20 time requirement relating to the action under Chapter 8, 12, or 39A;
21 and

22 (8) notwithstanding Subdivision (7), on a finding of a
23 violation described by Subsection (b), including a requirement
24 relating to a school district's or open-enrollment charter school's
25 multihazard emergency operations plan, by an entity described by
26 that subdivision, prescribe binding corrective or disciplinary
27 action, including timelines for those actions, to be taken.

1 (d) The division shall perform all other duties and exercise
2 all other powers granted to the division by this subchapter or other
3 law.

4 Sec. 7.154. GENERAL POWERS. (a) The division has all the
5 powers necessary or appropriate to carry out its responsibilities
6 and functions under this subchapter and other law.

7 (b) Subject to Subsection (c), in conducting an
8 investigation under this subchapter of the board of trustees of a
9 school district, the governing body of an open-enrollment charter
10 school, the board of directors of a regional education service
11 center or another local education agency, or the executive
12 leadership of any of those entities, the division may:

13 (1) attend any meeting or proceeding of the school
14 district, open-enrollment charter school, regional education
15 service center, or other local education agency, including a
16 meeting or proceeding that is closed to the public, except for a
17 private consultation of the entity with its attorney permitted
18 under Section 551.071, Government Code; and

19 (2) inspect the records, documents, and files of the
20 school district, open-enrollment charter school, regional
21 education service center, or other local education agency,
22 including any record, document, or file that is not subject to
23 public disclosure under Chapter 552, Government Code, or other law.

24 (c) The division's authority under Subsection (b) applies
25 only to a meeting, a proceeding, or information that is relevant to
26 the discovery of relevant information regarding an allegation of
27 wrongdoing or a violation described by Section 7.153 or of fraud,

1 waste, or abuse in public education by a person or entity described
2 by Subsection (b). Except as provided by Subsection (e), the
3 division may not inspect a record, document, or file that is a
4 privileged communication between an individual and the
5 individual's attorney.

6 (d) The inspection or disclosure of a record, document, or
7 file for purposes of an investigation under this subchapter is not a
8 voluntary disclosure under Section 552.007, Government Code. A
9 record, document, or file made available to the division for
10 purposes of an investigation under this subchapter is not subject
11 to public disclosure by the division.

12 (e) The division may, for purposes of conducting an
13 investigation under this subchapter, access:

14 (1) any information under the agency's control,
15 including information contained in the Public Education
16 Information Management System (PEIMS) and information relating to
17 school disciplinary records, educator misconduct reports, and
18 school safety requirements; and

19 (2) any information under the control of an entity
20 described by Subsection (b), including, to the extent permitted by
21 law, communications with an attorney paid for using public money.

22 Sec. 7.155. SUBPOENAS. (a) The inspector general may issue
23 a subpoena to compel the attendance of a relevant witness at a
24 hearing or deposition under this subchapter or to compel the
25 production, for inspection or copying, of books, papers, records,
26 documents, or other relevant materials, including electronic data,
27 in connection with an investigation, review, hearing, or deposition

1 conducted under this subchapter.

2 (b) A subpoena may be served personally or by certified
3 mail. If a person fails to comply with a subpoena, the inspector
4 general, acting through the attorney general, may file suit to
5 enforce the subpoena in a district court in this state.

6 (c) On finding that good cause exists for issuing the
7 subpoena, the court shall order the person to comply with the
8 subpoena. The court may hold in contempt a person who fails to obey
9 the court order.

10 Sec. 7.156. COOPERATION WITH OTHER ENTITIES. The division
11 may refer matters for further civil, criminal, and administrative
12 action to appropriate agencies, including the attorney general.

13 Sec. 7.157. ANNUAL REPORT. (a) The inspector general shall
14 prepare and submit annually to the commissioner, the board, and the
15 presiding officer of each legislative standing committee with
16 primary jurisdiction over primary and secondary education a report
17 on the division's findings and recommendations related to all
18 investigations conducted by the division during the preceding year.

19 (b) If the inspector general conducted any audits under
20 Section 7.153(c)(2) during the year for which a report under
21 Subsection (a) is prepared, the inspector general shall include in
22 the report any amounts paid by a local education agency to an
23 attorney for legal representation.

24 (c) The division shall make the report publicly available on
25 the division's Internet website.

26 SECTION 3. Section 37.009, Education Code, is amended by
27 amending Subsection (a) and adding Subsection (a-3) to read as

1 follows:

2 (a) Not later than the third class day after the day on which
3 a student is removed from class by the teacher under Section
4 37.002(b) or (d) or by the school principal or other appropriate
5 administrator under Section 37.001(a)(2) or 37.006, the campus
6 behavior coordinator or other appropriate administrator shall
7 schedule a conference among the campus behavior coordinator or
8 other appropriate administrator, a parent or guardian of the
9 student, the teacher removing the student from class, if any, and
10 the student. At the conference, the student is entitled to written
11 or oral notice of the reasons for the removal, an explanation of the
12 basis for the removal, and an opportunity to respond to the reasons
13 for the removal. The student may not be returned to the regular
14 classroom pending the conference. Following the conference, and
15 whether or not each requested person is in attendance after valid
16 attempts to require the person's attendance, the campus behavior
17 coordinator, after consideration of the factors under Section
18 37.001(a)(4), shall order the placement of the student for a period
19 consistent with the student code of conduct. Before ordering the
20 suspension, expulsion, removal to a disciplinary alternative
21 education program, or placement in a juvenile justice alternative
22 education program of a student, the behavior coordinator must
23 consider whether the student acted in self-defense, the intent or
24 lack of intent at the time the student engaged in the conduct, the
25 student's disciplinary history, and whether the student has a
26 disability that substantially impairs the student's capacity to
27 appreciate the wrongfulness of the student's conduct, regardless of

1 whether the decision of the behavior coordinator concerns a
2 mandatory or discretionary action. Subject to Subsection (a-3), if
3 ~~[If]~~ school district policy allows a student to appeal to the board
4 of trustees or the board's designee a decision of the campus
5 behavior coordinator or other appropriate administrator, other
6 than an expulsion under Section 37.007, the decision of the board or
7 the board's designee is final and may not be appealed. If the
8 period of the placement is inconsistent with the guidelines
9 included in the student code of conduct under Section 37.001(a)(5),
10 the order must give notice of the inconsistency. The period of the
11 placement may not exceed one year unless, after a review, the
12 district determines that the student is a threat to the safety of
13 other students or to district employees.

14 (a-3) If the decision of the campus behavior coordinator or
15 other appropriate administrator to place a student in a
16 disciplinary alternative education program concerns a
17 discretionary action, the parent or guardian of the student may
18 appeal the decision to the division of inspector general
19 established under Subchapter E, Chapter 7.

20 SECTION 4. The heading to Section 37.1085, Education Code,
21 is amended to read as follows:

22 Sec. 37.1085. INTERVENTIONS ~~[ASSIGNMENT OF CONSERVATOR]~~
23 FOR NONCOMPLIANCE WITH SCHOOL SAFETY AND SECURITY REQUIREMENTS.

24 SECTION 5. Section 37.1085, Education Code, is amended by
25 amending Subsection (c) and adding Subsection (d) to read as
26 follows:

27 (c) Subsections (a) and (b) do ~~[This section does]~~ not apply

1 to a school district's failure to comply with Section 37.0814 or a
2 good cause exception claimed under that section.

3 (d) If the division of inspector general for education
4 established under Subchapter E, Chapter 7, makes a finding of fact
5 under Section 7.153(c)(7) that a school district, an
6 open-enrollment charter school, a regional education service
7 center, or another local education agency committed a violation of
8 a school safety and security requirement, the commissioner may take
9 control of the management, or any part of the management, of the
10 entity that committed the violation.

11 SECTION 6. Section 39.003, Education Code, is amended by
12 amending Subsection (a) and adding Subsection (c-1) to read as
13 follows:

14 (a) The commissioner may authorize special investigations
15 to be conducted:

16 (1) when excessive numbers of absences of students
17 eligible to be tested on state assessment instruments are
18 determined;

19 (2) when excessive numbers of allowable exemptions
20 from the required state assessment instruments are determined;

21 ~~(3) [in response to complaints submitted to the agency~~
22 ~~with respect to alleged violations of civil rights or other~~
23 ~~requirements imposed on the state by federal law or court order;~~

24 ~~(4)~~ in response to established compliance reviews of
25 the district's financial accounting practices and state and federal
26 program requirements;

27 ~~(5) when extraordinary numbers of student placements~~

1 ~~in disciplinary alternative education programs, other than~~
2 ~~placements under Sections 37.006 and 37.007, are determined,~~

3 ~~[(6) in response to an allegation involving a conflict~~
4 ~~between members of the board of trustees or between the board and~~
5 ~~the district administration if it appears that the conflict~~
6 ~~involves a violation of a role or duty of the board members or the~~
7 ~~administration clearly defined by this code,]~~

8 (4) ~~[(7)]~~ when excessive numbers of students in
9 special education programs under Subchapter A, Chapter 29, are
10 assessed through assessment instruments developed or adopted under
11 Section 39.023(b);

12 (5) ~~[(8)]~~ in response to an allegation regarding or an
13 analysis using a statistical method result indicating a possible
14 violation of an assessment instrument security procedure
15 established under Section 39.0301, including for the purpose of
16 investigating or auditing a school district under that section;

17 (6) ~~[(9)]~~ when a significant pattern of decreased
18 academic performance has developed as a result of the promotion in
19 the preceding two school years of students who did not perform
20 satisfactorily as determined by the commissioner under Section
21 39.0241(a) on assessment instruments administered under Section
22 39.023(a), (c), or (l);

23 (7) ~~[(10)]~~ when excessive numbers of students
24 eligible to enroll fail to complete an Algebra II course or any
25 other advanced course as determined by the commissioner;

26 (8) ~~[(11)]~~ when resource allocation practices as
27 evaluated under Section 39.0821 indicate a potential for

1 significant improvement in resource allocation;

2 (9) [~~(12)~~] when a disproportionate number of students
3 of a particular demographic group is graduating with a particular
4 endorsement under Section 28.025(c-1);

5 (10) [~~(13)~~] when an excessive number of students is
6 graduating with a particular endorsement under Section
7 28.025(c-1);

8 (11) [~~(14)~~] in response to a complaint submitted to
9 the agency with respect to alleged inaccurate data that is reported
10 through the Public Education Information Management System (PEIMS)
11 or through other reports required by state or federal law or rule or
12 court order and that is used by the agency to make a determination
13 relating to public school accountability, including accreditation,
14 under this chapter; or

15 (12) [~~(15)~~] when 10 percent or more of the students
16 graduating in a particular school year from a particular high
17 school campus are awarded a diploma based on the determination of an
18 individual graduation committee under Section 28.0258[+

19 ~~[(16) when a school district for any reason fails to~~
20 ~~produce, at the request of the agency, evidence or an investigation~~
21 ~~report relating to an educator who is under investigation by the~~
22 ~~State Board for Educator Certification; or~~

23 ~~[(17) as the commissioner otherwise determines~~
24 ~~necessary].~~

25 (c-1) If the commissioner does not authorize a special
26 investigation under Subsection (a)(5) through (12) in response to a
27 complaint submitted to the agency within 90 days of receiving that

1 complaint, the complainant may report the matter to the division of
2 inspector general established under Subchapter E, Chapter 7, for
3 investigation.

4 SECTION 7. Section 39.0302(a), Education Code, is amended
5 to read as follows:

6 (a) During an agency investigation or audit of a school
7 district under Section 39.0301(e) or (f), a special investigation
8 under Section 39.003(a)(5) [~~39.003(a)(8)~~] or (11) [~~(14)~~], a
9 compliance review under Section 21.006(k), 22.093(l), or 22.096, or
10 an investigation by the State Board for Educator Certification of
11 an educator for an alleged violation of an assessment instrument
12 security procedure established under Section 39.0301(a), the
13 commissioner may issue a subpoena to compel the attendance of a
14 relevant witness or the production, for inspection or copying, of
15 relevant evidence that is located in this state.

16 SECTION 8. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2025.