

By: Patterson

H.B. No. 1456

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the office of inspector general at the Texas Education Agency to investigate complaints by parents of children enrolled in public school.

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

SECTION 1. Subtitle E, Title 2, Education Code, is amended by adding Chapter 26A to read as follows:

CHAPTER 26A. OFFICE OF INSPECTOR GENERAL

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 26A.001. DEFINITION. In this chapter, "office" means the office of inspector general established under this chapter.

Sec. 26A.002. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established as a division within the agency.

(b) The governor shall appoint an inspector general to serve as director of the office. The inspector general serves until removed by the governor.

(c) The agency shall provide staff and administrative resources and support services as necessary to ensure investigations authorized by this chapter are conducted expeditiously.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 26A.051. GENERAL RESPONSIBILITIES. (a) The office is responsible for the investigation of complaints received from

1 parents of children enrolled in public school regarding issues
2 involving the agency, the State Board of Education, or a school
3 district or open-enrollment charter school.

4 (b) The office may:

5 (1) receive and investigate complaints from parents of
6 children enrolled in public school regarding unethical conduct or a
7 violation of state or federal law relating to public education or
8 agency procedure or policy by:

9 (A) the agency, the State Board of Education, or
10 a school district or open-enrollment charter school; or

11 (B) an employee of the agency, the State Board of
12 Education, or a school district or open-enrollment charter school;

13 (2) conduct special investigations authorized by the
14 commissioner under Section 39.003(a); and

15 (3) make findings of fact that the agency, the State
16 Board of Education, a school district, or an open-enrollment
17 charter school or an employee of the entity engaged in unethical
18 conduct or a violation of state or federal law and take appropriate
19 action as determined by the commissioner, regardless of any time
20 requirement relating to the action under Chapter 12 or 39A.

21 (c) The office shall perform all other duties and exercise
22 all other powers granted to the office by this chapter or other law.

23 Sec. 26A.052. GENERAL POWERS. (a) The office has all the
24 powers necessary or appropriate to carry out its responsibilities
25 and functions under this chapter and other law.

26 (b) Subject to Subsection (c), in conducting an
27 investigation under this chapter of the board of trustees of a

1 school district or the governing body of an open-enrollment charter
2 school, the office may:

3 (1) attend any meeting or proceeding of the district
4 or school, including a meeting or proceeding that is closed to the
5 public, except for a private consultation of the entity with its
6 attorney permitted under Section 551.071, Government Code; and

7 (2) inspect the records, documents, and files of the
8 district or school, including any record, document, or file that is
9 not subject to public disclosure under Chapter 552, Government
10 Code, or other law.

11 (c) The office's authority under Subsection (b) applies
12 only to a meeting, a proceeding, or information that is relevant to
13 the discovery of relevant information regarding an allegation of
14 unethical conduct or a violation of state or federal law. The
15 office may not inspect a record, document, or file that is a
16 privileged communication between an individual and the
17 individual's attorney.

18 (d) The inspection or disclosure of a record, document, or
19 file for purposes of an investigation under this chapter is not a
20 voluntary disclosure under Section 552.007, Government Code. A
21 record, document, or file made available to the office for purposes
22 of an investigation under this chapter is not subject to public
23 disclosure by the office.

24 Sec. 26A.053. INVESTIGATION OF UNREPORTED VIOLATIONS. If,
25 during the investigation of a complaint, the inspector general
26 discovers unreported unethical conduct or violations described by
27 Section 26A.051(b)(1), the inspector general shall open a new

1 investigation for each unreported occurrence of unethical conduct
2 or violation.

3 Sec. 26A.054. SUBPOENAS. (a) The inspector general may
4 issue a subpoena to compel the attendance of a relevant witness at a
5 hearing or deposition under this chapter or to compel the
6 production, for inspection or copying, of books, papers, records,
7 documents, or other relevant materials, including electronic data,
8 in connection with an investigation, review, hearing, or deposition
9 conducted under this chapter.

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

14 (c) On finding that good cause exists for issuing the
15 subpoena, the court shall order the person to comply with the
16 subpoena. The court may hold in contempt a person who fails to obey
17 the court order.

18 Sec. 26A.055. COOPERATION WITH OTHER ENTITIES. The office
19 may refer matters for further civil and administrative action to
20 appropriate administrative agencies, including the attorney
21 general.

22 Sec. 26A.056. CONFIDENTIALITY. (a) Information received
23 by the office regarding a complaint is confidential and not subject
24 to disclosure under Chapter 552, Government Code. The office shall
25 maintain the information in a manner that preserves the
26 information's confidentiality.

27 (b) The disclosure of confidential information to the

1 office under this chapter does not constitute a waiver of
2 confidentiality. Any information disclosed to the office under this
3 chapter remains confidential and privileged following disclosure.

4 (c) This section does not prohibit the office from
5 communicating with the agency, the State Board of Education, or a
6 school district or open-enrollment charter school regarding
7 confidential information disclosed to the office by the agency,
8 board, district, or school.

9 Sec. 26A.057. RETALIATION PROHIBITED. (a) The agency, a
10 school district, or an open-enrollment charter school may not
11 retaliate against:

12 (1) a parent of a child enrolled in a school district
13 or open-enrollment charter school who in good faith makes a
14 complaint to the office;

15 (2) a child enrolled in a school district or
16 open-enrollment charter school whose parent in good faith makes a
17 complaint to the office; or

18 (3) any person, including an employee of the agency,
19 State Board of Education, district, or school, who in good faith
20 cooperates with the office in an investigation.

21 (b) The office shall collaborate with the agency to
22 establish consequences for a retaliatory action taken in violation
23 of this section.

24 Sec. 26A.058. ACCESS TO INFORMATION. The agency shall
25 provide the office access to the agency's records relating to a
26 complaint filed with the office under this chapter.

27 Sec. 26A.059. REPORTS. (a) The inspector general shall

1 issue and file with the agency a report that contains the inspector
2 general's final determinations regarding a complaint and any
3 recommended corrective actions to be taken as a result of the
4 complaint.

5 (b) Notwithstanding Section 26A.056, the inspector general
6 may make a report relating to an investigation of a complaint public
7 after the complaint is resolved. A report made public under this
8 subsection may not include information that identifies any person
9 involved in the complaint, including the complainant, a child, a
10 child's parent, or an employee of the agency, the State Board of
11 Education, a school district, or an open-enrollment charter school.

12 (c) Not later than December 1 of each year, the inspector
13 general shall prepare and submit to the agency and the State Board
14 of Education a report on the inspector general's work during the
15 preceding year. The report must include:

16 (1) a description of the inspector general's work;
17 (2) any change made by the agency in response to a
18 substantiated complaint;

19 (3) a description of any trends in the nature of
20 complaints received by the inspector general, any recommendations
21 related to addressing those trends, and an evaluation of the
22 feasibility of the inspector general's recommendations;

23 (4) a glossary of terms used in the report; and

24 (5) any public feedback received by the inspector
25 general relating to the inspector general's previous reports under
26 this subsection.

27 (d) On receipt of the report required under Subsection (c),

1 the agency shall make the report publicly available on the agency's
2 Internet website.

3 SECTION 2. Section 39.003(a), Education Code, is amended to
4 read as follows:

5 (a) The commissioner may authorize special investigations
6 to be conducted:

7 (1) when excessive numbers of absences of students
8 eligible to be tested on state assessment instruments are
9 determined;

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

12 (3) in response to complaints submitted to the agency
13 with respect to alleged violations of civil rights or other
14 requirements imposed on the state by federal law or court order;

15 (4) in response to established compliance reviews of
16 the district's financial accounting practices and state and federal
17 program requirements;

18 (5) when extraordinary numbers of student placements
19 in disciplinary alternative education programs, other than
20 placements under Sections 37.006 and 37.007, are determined;

21 (6) in response to an allegation involving a conflict
22 between members of the board of trustees or between the board and
23 the district administration if it appears that the conflict
24 involves a violation of a role or duty of the board members or the
25 administration clearly defined by this code;

26 (7) when excessive numbers of students in special
27 education programs under Subchapter A, Chapter 29, are assessed

1 through assessment instruments developed or adopted under Section
2 39.023(b);

3 (8) in response to an allegation regarding or an
4 analysis using a statistical method result indicating a possible
5 violation of an assessment instrument security procedure
6 established under Section 39.0301, including for the purpose of
7 investigating or auditing a school district under that section;

8 (9) when a significant pattern of decreased academic
9 performance has developed as a result of the promotion in the
10 preceding two school years of students who did not perform
11 satisfactorily as determined by the commissioner under Section
12 39.0241(a) on assessment instruments administered under Section
13 39.023(a), (c), or (l);

14 (10) when excessive numbers of students eligible to
15 enroll fail to complete an Algebra II course or any other advanced
16 course as determined by the commissioner;

17 (11) when resource allocation practices as evaluated
18 under Section 39.0821 indicate a potential for significant
19 improvement in resource allocation;

20 (12) when a disproportionate number of students of a
21 particular demographic group is graduating with a particular
22 endorsement under Section 28.025(c-1);

23 (13) when an excessive number of students is
24 graduating with a particular endorsement under Section
25 28.025(c-1);

26 (14) in response to a complaint submitted to the
27 agency with respect to alleged inaccurate data that is reported

1 through the Public Education Information Management System (PEIMS)
2 or through other reports required by state or federal law or rule or
3 court order and that is used by the agency to make a determination
4 relating to public school accountability, including accreditation,
5 under this chapter;

6 (15) when 10 percent or more of the students
7 graduating in a particular school year from a particular high
8 school campus are awarded a diploma based on the determination of an
9 individual graduation committee under Section 28.0258;

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

14 by the office of inspector general for the
15 purpose of investigating complaints by parents of children enrolled
16 in public school; or

17 (18) as the commissioner otherwise determines
18 necessary.

19 SECTION 3. As soon as practicable after the effective date
20 of this Act, the governor shall appoint an inspector general under
21 Chapter 26A, Education Code, as added by this Act.

22 SECTION 4. This Act takes effect September 1, 2025.