

## **BILL ANALYSIS**

C.S.S.B. 1393  
By: Shapiro  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current accountability standards for regional education service centers (centers) need improvement. The annual evaluation conducted by the commissioner of education does not provide for an overall rating system. After the review is complete, no score is given to determine how well the center director performed. In addition, there is no posting of the evaluation or the date when it was conducted.

The accountability standards do not provide an accurate comparison of all centers in terms of the number of programs offered by the center that focus on TAKS tested subjects and the attendance rate at each program. State dollars are specifically given to centers to provide programs dedicated to core services and core foundation subjects, but there is no system in place to effectively measure the success or failure of the programs offered by the center.

CSSB 1393 improves and strengthens the accountability standards in place for centers and strengthens the annual evaluation conducted by the commissioner of education. CSSB 1393 establishes an overall rating system for centers which will be based on their annual evaluation performed by the commissioner and posted on the Texas Education Agency's website. It also adds a new sanction for centers that are low-performing for more than two years.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSSB 1393 states that the executive director of a regional education service center is required to file the financial statement required of state officers with the Texas Ethics Commission. Subchapter B, Chapter 572, Government Code applies to an executive director as if the executive director was a state officer and governs the contents, filing and public inspection of the statement filed. An offense is committed by an executive director if the executor director fails to file the statement required by this section. An offense under this section is a class B misdemeanor.

This bill amends what is required in the annual evaluation that the commissioner is required to conduct on each executive director and regional education service center. The agency is to post the results of an evaluation, conducted under this section, on the agency's Internet website.

The commissioner is to establish a system for rating regional education service centers on the basis of the results of evaluations conducted under Section 8.103. The rating system must include a minimum level of performance that should be achieved by a regional education service center on each area evaluated and on the overall evaluation. A center not meeting the minimum level of overall performance is considered to be low-performing.

The commissioner is to develop a system of corrective actions, to require of a regional education service center, that the commissioner determines to be low-performing under Section 8.1031. The corrective actions must include, in increasing order of severity, requiring the center to send notice to certain school districts and campuses concerning any area of performance that is below the minimum level of performance established for that area under Section 81.1031, rather than a notice of each deficiency and requires the center to prepare for the commissioner's approval a plan to address each area of performance that is below the minimum level of

performance established for that area under Section 8.1031, rather than each area of deficiency. This bill removes existing text relating to the corrective actions of appointing a master to oversee the operations of the center, replacing the executive director or board of directors, and closing the center in the case of deficient performance in two consecutive years. In addition to the corrective actions, the commissioner is required to take specific actions including putting the center on probation, withholding and redistribution of funding, appointing a master to oversee the center, replacing the executive director or board of directors, and closing the center, based on years of low-performance status.

The bill requires the commissioner, as soon as practicable after the effective date of this Act, to establish a rating system for regional education service centers as required by Section 8.1031, Education Code, as added by this Act.

The bill requires TEA to begin rating regional education service centers as required by Section 8.1031, Education Code, as added by this Act, beginning with the 2006-2007 school year.

Prohibits the commissioner to take an action under Section 8.104, Education Code, as amended by this Act, based on the performance of a regional education service center for the 2005-2006 school year or an earlier school year.

### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSSB 1393 adds the requirement for the executive director of a regional education service center to file a financial statement as set forth by this legislation. The substitute states an offense is committed if the executive director fails to file the statement as required. Additionally, the substitute adds that Section 8.0041 of the Education Code as added by this Act applies beginning with January 1, 2007. An executive director subject to Section 8.0041 is not required to include financial activity occurring before January 1, 2006 in a financial disclosure statement required as added by this Act.