

By: Shapiro

S.B. No. 1393

Substitute the following for S.B. No. 1393:

By: Grusendorf

C.S.S.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

1
2 relating to regional education service centers; providing a
3 criminal penalty.

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

5 SECTION 1. Subchapter A, Chapter 8, Education Code, is
6 amended by adding Section 8.0041 to read as follows:

7 Sec. 8.0041. FILING OF FINANCIAL STATEMENT BY EXECUTIVE
8 DIRECTOR. (a) The executive director of a regional education
9 service center shall file the financial statement required of state
10 officers under Subchapter B, Chapter 572, Government Code, with the
11 Texas Ethics Commission.

12 (b) Subchapter B, Chapter 572, Government Code:

13 (1) applies to an executive director as if the
14 executive director were a state officer; and

15 (2) governs the contents, timeliness of filing, and
16 public inspection of a statement filed under this section.

17 (c) An executive director commits an offense if the
18 executive director fails to file the statement required by this
19 section. An offense under this section is a Class B misdemeanor.

20 SECTION 2. Section 8.103, Education Code, is amended to
21 read as follows:

22 Sec. 8.103. ANNUAL EVALUATION. (a) The commissioner shall
23 conduct an annual evaluation of each executive director and
24 regional education service center. Each evaluation must include:

- 1 (1) an audit of the center's finances;
- 2 (2) a review of the center's performance on the
- 3 indicators adopted under Section 8.101;
- 4 (3) a review of client satisfaction with services
- 5 provided under Subchapter B; ~~and~~
- 6 (4) a survey of the center's board of directors
- 7 concerning the performance of the center's executive director;
- 8 (5) a review of:
- 9 (A) the number of programs offered by the center
- 10 to improve student performance on assessment instruments
- 11 administered under Section 39.023; and
- 12 (B) the attendance rate at each program described
- 13 by Paragraph (A) during each year of the preceding two years;
- 14 (6) a review of the center's performance on four goals
- 15 established by the center for improving the center's performance;
- 16 and
- 17 (7) a review of any other factor the commissioner
- 18 determines to be appropriate.

19 (b) The agency shall post the results of an evaluation

20 conducted under this section on the agency's Internet website.

21 SECTION 3. Subchapter C, Chapter 8, Education Code, is

22 amended by adding Section 8.1031 to read as follows:

23 Sec. 8.1031. RATING SYSTEM. (a) The commissioner shall

24 establish a system for rating regional education service centers on

25 the basis of the results of evaluations conducted under Section

26 8.103.

27 (b) The rating system must include a minimum level of

1 performance that a regional education service center is expected to
2 achieve on each area evaluated under Section 8.103 and on the
3 overall evaluation. A center that does not meet the minimum level
4 of overall performance is considered to be low-performing.

5 SECTION 4. Section 8.104, Education Code, is amended to
6 read as follows:

7 Sec. 8.104. SANCTIONS. (a) The commissioner shall develop
8 a system of corrective actions to require of a regional education
9 service center that the commissioner determines to be
10 low-performing [~~deficient in an accountability measure~~] under
11 Section 8.1031 [~~8.103~~].

12 (b) The actions must include, in increasing order of
13 severity:

14 (1) conducting an on-site investigation of the center;
15 (2) requiring the center to send notice [~~of each~~
16 ~~deficiency~~] to each school district and campus in the center's
17 region or served by the center the previous year concerning any area
18 of performance, including overall performance, that is below the
19 minimum level of performance established for that area under
20 Section 8.1031; and

21 (3) requiring the center to prepare for the
22 commissioner's approval a plan to address each area of performance
23 that is below the minimum level of performance established for that
24 area under Section 8.1031 [~~deficiency,~~

25 [~~(4) appointing a master to oversee the operations of~~
26 ~~the center,~~

27 [~~(5) replacing the executive director or board of~~

1 ~~directors, and~~

2 ~~[(6) in the case of deficient performance in two~~
3 ~~consecutive years, closing the center].~~

4 (c) In addition to the actions required under Subsection
5 (b), the commissioner shall take the following actions:

6 (1) for a regional education service center that has
7 been low-performing for one school year, place the center on
8 probation;

9 (2) for a regional education service center that has
10 been low-performing for two consecutive school years, continue the
11 center's probation and:

12 (A) withhold any state money to which the center
13 is otherwise entitled; and

14 (B) distribute the money withheld to school
15 districts in the region that the center serves; and

16 (3) for a regional education service center that has
17 been low-performing for three consecutive school years:

18 (A) both:

19 (i) appoint a master to oversee the
20 operations of the center; and

21 (ii) replace the executive director or
22 board of directors; or

23 (B) order the closure of the center.

24 SECTION 5. Section 8.0041, Education Code, as added by this
25 Act, applies beginning January 1, 2007. An executive director
26 subject to Section 8.0041, Education Code, as added by this Act, is
27 not required to include financial activity occurring before January

1 1, 2006, in a financial disclosure statement required under Section
2 8.0041, Education Code, as added by this Act.

3 SECTION 6. (a) As soon as practicable after the effective
4 date of this Act, the commissioner of education shall establish a
5 rating system for regional education service centers as required by
6 Section 8.1031, Education Code, as added by this Act.

7 (b) The Texas Education Agency shall begin rating regional
8 education service centers as required by Section 8.1031, Education
9 Code, as added by this Act, beginning with the 2006-2007 school
10 year.

11 (c) The commissioner of education may not take an action
12 under Section 8.104, Education Code, as amended by this Act, based
13 on the performance of a regional education service center for the
14 2005-2006 school year or an earlier school year.

15 SECTION 7. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.