

By: Marquez, Moody, N. Gonzalez of El Paso

H.B. No. 210

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of the commissioner of education to issue  
3 subpoenas and conduct accreditation investigations.

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

5 SECTION 1. Section 39.0302(a), Education Code, is amended  
6 to read as follows:

7 (a) During an agency investigation or audit of a school  
8 district under Section 39.0301(e) or (f), an accreditation  
9 investigation under Section 39.057(a)(8) or (13) [~~39.075(a)(8)~~],  
10 or an investigation by the State Board for Educator Certification  
11 of 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 2. Section 39.057(a), Education Code, is amended to  
17 read as follows:

18 (a) The commissioner shall authorize special accreditation  
19 investigations to be conducted:

20 (1) when excessive numbers of absences of students  
21 eligible to be tested on state assessment instruments are  
22 determined;

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

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

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

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

10          (6) in response to an allegation involving a conflict  
11 between members of the board of trustees or between the board and  
12 the district administration if it appears that the conflict  
13 involves a violation of a role or duty of the board members or the  
14 administration clearly defined by this code;

15          (7) when excessive numbers of students in special  
16 education programs under Subchapter A, Chapter 29, are assessed  
17 through assessment instruments developed or adopted under Section  
18 39.023(b);

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

24          (9) when a significant pattern of decreased academic  
25 performance has developed as a result of the promotion in the  
26 preceding two school years of students who did not perform  
27 satisfactorily as determined by the commissioner under Section

1 39.0241(a) on assessment instruments administered under Section  
2 39.023(a), (c), or (1);

3 (10) when excessive numbers of students graduate under  
4 the minimum high school program;

5 (11) when excessive numbers of students eligible to  
6 enroll fail to complete an Algebra II course or any other course  
7 determined by the commissioner as distinguishing between students  
8 participating in the recommended high school program from students  
9 participating in the minimum high school program;

10 (12) when resource allocation practices as evaluated  
11 under Section 39.0821 indicate a potential for significant  
12 improvement in resource allocation; ~~or~~

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

20 (14) as the commissioner otherwise determines  
21 necessary.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2013.