

1-1 By: Rodriguez S.B. No. 123
 1-2 (In the Senate - Filed November 12, 2012; January 29, 2013,
 1-3 read first time and referred to Committee on Education;
 1-4 March 27, 2013, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the authority of the commissioner of education to issue
 1-20 subpoenas and conduct accreditation investigations.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsection (a), Section 39.0302, Education Code,
 1-23 is amended to read as follows:

1-24 (a) During an agency investigation or audit of a school
 1-25 district under Section 39.0301(e) or (f), an accreditation
 1-26 investigation under Section 39.057(a)(8) or (13) [~~39.075(a)(8)~~],
 1-27 or an investigation by the State Board for Educator Certification
 1-28 of an educator for an alleged violation of an assessment instrument
 1-29 security procedure established under Section 39.0301(a), the
 1-30 commissioner may issue a subpoena to compel the attendance of a
 1-31 relevant witness or the production, for inspection or copying, of
 1-32 relevant evidence that is located in this state.

1-33 SECTION 2. Subsection (a), Section 39.057, Education Code,
 1-34 is amended to read as follows:

1-35 (a) The commissioner shall authorize special accreditation
 1-36 investigations to be conducted:

1-37 (1) when excessive numbers of absences of students
 1-38 eligible to be tested on state assessment instruments are
 1-39 determined;

1-40 (2) when excessive numbers of allowable exemptions
 1-41 from the required state assessment instruments are determined;

1-42 (3) in response to complaints submitted to the agency
 1-43 with respect to alleged violations of civil rights or other
 1-44 requirements imposed on the state by federal law or court order;

1-45 (4) in response to established compliance reviews of
 1-46 the district's financial accounting practices and state and federal
 1-47 program requirements;

1-48 (5) when extraordinary numbers of student placements
 1-49 in disciplinary alternative education programs, other than
 1-50 placements under Sections 37.006 and 37.007, are determined;

1-51 (6) in response to an allegation involving a conflict
 1-52 between members of the board of trustees or between the board and
 1-53 the district administration if it appears that the conflict
 1-54 involves a violation of a role or duty of the board members or the
 1-55 administration clearly defined by this code;

1-56 (7) when excessive numbers of students in special
 1-57 education programs under Subchapter A, Chapter 29, are assessed
 1-58 through assessment instruments developed or adopted under Section
 1-59 39.023(b);

1-60 (8) in response to an allegation regarding or an
 1-61 analysis using a statistical method result indicating a possible

2-1 violation of an assessment instrument security procedure
2-2 established under Section 39.0301, including for the purpose of
2-3 investigating or auditing a school district under that section;

2-4 (9) when a significant pattern of decreased academic
2-5 performance has developed as a result of the promotion in the
2-6 preceding two school years of students who did not perform
2-7 satisfactorily as determined by the commissioner under Section
2-8 39.0241(a) on assessment instruments administered under Section
2-9 39.023(a), (c), or (1);

2-10 (10) when excessive numbers of students graduate under
2-11 the minimum high school program;

2-12 (11) when excessive numbers of students eligible to
2-13 enroll fail to complete an Algebra II course or any other course
2-14 determined by the commissioner as distinguishing between students
2-15 participating in the recommended high school program from students
2-16 participating in the minimum high school program;

2-17 (12) when resource allocation practices as evaluated
2-18 under Section 39.0821 indicate a potential for significant
2-19 improvement in resource allocation; ~~[or]~~

2-20 (13) in response to a complaint submitted to the
2-21 agency with respect to alleged inaccurate data that is reported
2-22 through the Public Education Information Management System (PEIMS)
2-23 or through other reports required by state or federal law or rule or
2-24 court order and that is used by the agency to make a determination
2-25 relating to public school accountability, including accreditation,
2-26 under this chapter; or

2-27 (14) as the commissioner otherwise determines
2-28 necessary.

2-29 SECTION 3. This Act takes effect immediately if it receives
2-30 a vote of two-thirds of all the members elected to each house, as
2-31 provided by Section 39, Article III, Texas Constitution. If this
2-32 Act does not receive the vote necessary for immediate effect, this
2-33 Act takes effect September 1, 2013.

2-34 * * * * *