

## **BILL ANALYSIS**

S.B. 471  
By: Rodríguez  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law limits the Texas Education Agency (TEA) to on-site monitoring in investigating school district compliance with certain laws and regulations, but interested parties believe it would be a better use of TEA resources to perform desk audits, especially when it comes to financial and data integrity investigations. S.B. 471 seeks to give TEA more flexibility with regard to reviews and investigations the agency conducts.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority previously granted to the State Board of Education is transferred to the commissioner of education in SECTION 4 of this bill.

### **ANALYSIS**

S.B. 471 amends the Education Code to remove the authority of the commissioner of education to direct the Texas Education Agency (TEA) to conduct on-site investigations of a school district at any time to answer any questions concerning a program required by federal law or for which the district receives federal funds and, as a result of such investigation, to change the accreditation status of a district, change the accountability rating of a district or campus, or withdraw a distinction designation. The bill instead authorizes the commissioner to direct TEA to conduct monitoring reviews and random on-site visits of a school district at any time as authorized by statutory provisions relating to limitations on compliance monitoring, replaces statutory references to on-site accreditation investigations with references to monitoring reviews as appropriate, and replaces certain references to investigators with references to TEA. The bill includes the following as factors according to which the commissioner is to determine the frequency of monitoring reviews: reviews of fiscal reports and other fiscal data as set forth in statutory provisions relating to TEA fiscal review and comprehensive analyses of financial accountability standards.

S.B. 471 authorizes TEA, in conducting a monitoring review, to obtain information from administrators, other district employees, parents of students enrolled in the school district, and other persons as necessary and removes the requirement that information be obtained from administrators, teachers, and parents of enrolled students. The bill removes the requirement that the State Board of Education adopt rules for obtaining certain investigatory information and replaces it with a requirement that the commissioner adopt such rules. The bill clarifies that the entities to which TEA is required to report its findings and recommendations are the superintendent and president of the board of trustees of the school district, removes the district board of trustees and unspecified campus administrators from such entities, and removes the

requirement that TEA make the report orally. The bill authorizes a monitoring review to include desk reviews and on-site visits, including random on-site visits, and authorizes the commissioner to at any time convert a monitoring review to a special accreditation investigation, provided the commissioner promptly notifies the school district of the conversion.

S.B. 471 changes the type of TEA investigation to which certain statutory provisions relating to the conduct of investigations apply from on-site investigations conducted by TEA to special accreditation investigations and includes among the written procedures for conducting such investigations that TEA is required to adopt procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. The bill replaces the requirement that TEA make investigation procedures available to the complainant, the alleged violator, and the public with a requirement that TEA make such procedures available on the TEA website. The bill specifies that the commissioner may take certain actions relating to district interventions and sanctions if considered appropriate by the commissioner on the basis of a special accreditation investigation.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.