

## **BILL ANALYSIS**

S.B. 1222  
By: Bettencourt  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Education Agency (TEA), interested parties note, currently has subpoena power with regard to certain information, but not with regard to educator records. According to the parties, a recent report by the Sunset Advisory Commission stated that school administrators often refuse to provide TEA with documents necessary for the investigation of educator misconduct. S.B. 1222 seeks to address this issue as it relates to the authority of the commissioner of education to issue subpoenas during such an investigation.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1222 amends the Education Code to authorize the commissioner of education to issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is located in Texas during an investigation by the commissioner of an educator for an alleged incident of misconduct. The bill authorizes the subpoena to be served personally or by certified mail and authorizes the commissioner, acting through the attorney general, to file suit to enforce the subpoena in a Texas district court if a person fails to comply with the subpoena. The bill requires a court to order the person to comply with the subpoena on finding that good cause exists for issuing the subpoena and authorizes the court to punish a person who fails to obey the court order. The bill establishes that all information and materials subpoenaed or compiled in connection with the investigation are confidential and not subject to disclosure under state public information law but authorizes the use of such information and materials in a disciplinary proceeding against an educator based on an alleged incident of misconduct, except as provided by a protective order.

### **EFFECTIVE DATE**

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