

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1222
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Education
4/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Education Agency (TEA) has subpoena power over testing irregularities. TEA, however, does not have subpoena power for educator records. A recent report (February 2015) by the Sunset Advisory Commission stated that school administrators often refuse to provide documents to TEA necessary for the investigation of educator misconduct. C.S.S.B. 1222 provides administrative subpoena power for the production of records, papers, and other objects related to a certified educator misconduct investigation.

C.S.S.B. 1222 amends current law relating to the authority of the commissioner of education to issue subpoenas during an investigation of educator misconduct.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 21, Education Code, by adding Section 21.062, as follows:

Sec. 21.062. ISSUANCE OF SUBPOENAS. (a) Authorizes the commissioner of education (commissioner), during an investigation by the commissioner of an educator for an alleged incident of misconduct, to issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is located in this state.

(b) Authorizes a subpoena to be served personally or by certified mail.

(c) Authorizes the commissioner, acting through the attorney general, if a person fails to comply with a subpoena, to file suit to enforce the subpoena in a district court in this state. Requires the court, on finding that good cause exists for issuing the subpoena, to order the person to comply with the subpoena. Authorizes the court to punish a person who fails to obey the court order.

(d) Provides that all information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) are confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

(e) Authorizes all information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a), except as provided by a protective order, and notwithstanding Subsection (d), to be used in a disciplinary proceeding against an educator based on an alleged incident of misconduct.

SECTION 2. Effective date: upon passage or September 1, 2015.