

By: Rodríguez, et al.
(Huberty)

S.B. No. 471

A BILL TO BE ENTITLED

AN ACT

relating to reviews and investigations conducted by the Texas
Education Agency.

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

SECTION 1. Section 7.028(a), Education Code, is amended to
read as follows:

(a) Except as provided by Section 29.001(5), 29.010(a),
~~39.056,~~ or 39.057, the agency may monitor compliance with
requirements applicable to a process or program provided by a
school district, campus, program, or school granted charters under
Chapter 12, including the process described by Subchapter F,
Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or
I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the
use of funds provided for such a program under Subchapter C, Chapter
42, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance
with grant requirements; and
- (3) data integrity for purposes of:
 - (A) the Public Education Information Management
System (PEIMS); and
 - (B) accountability under Chapter 39.

SECTION 2. Section 29.315, Education Code, is amended to
read as follows:

1 Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF
2 UNDERSTANDING. The Texas Education Agency and the Texas School for
3 the Deaf shall develop, agree to, and by commissioner rule adopt no
4 later than September 1, 1998, a memorandum of understanding to
5 establish:

6 (1) the method for developing and reevaluating a set
7 of indicators of the quality of learning at the Texas School for the
8 Deaf;

9 (2) the process for the agency to conduct and report on
10 an annual evaluation of the school's performance on the indicators;

11 (3) the requirements for the school's board to
12 publish, discuss, and disseminate an annual report describing the
13 educational performance of the school;

14 (4) the process for the agency to assign an
15 accreditation status to the school, to reevaluate the status on an
16 annual basis, and, if necessary, to conduct monitoring reviews
17 [~~make on-site accreditation investigations~~]; and

18 (5) the type of information the school shall be
19 required to provide through the Public Education Information
20 Management System (PEIMS).

21 SECTION 3. Section 30.005, Education Code, is amended to
22 read as follows:

23 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY
24 IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education Agency
25 and the Texas School for the Blind and Visually Impaired shall
26 develop, agree to, and by commissioner rule adopt a memorandum of
27 understanding to establish:

1 (1) the method for developing and reevaluating a set
2 of indicators of the quality of learning at the Texas School for the
3 Blind and Visually Impaired;

4 (2) the process for the agency to conduct and report on
5 an annual evaluation of the school's performance on the indicators;

6 (3) the requirements for the school's board to
7 publish, discuss, and disseminate an annual report describing the
8 educational performance of the school;

9 (4) the process for the agency to:

10 (A) assign an accreditation status to the school;

11 (B) reevaluate the status on an annual basis; and

12 (C) if necessary, conduct monitoring reviews
13 [~~make on-site accreditation investigations~~]; and

14 (5) the type of information the school shall be
15 required to provide through the Public Education Information
16 Management System (PEIMS).

17 SECTION 4. Section [39.056](#), Education Code, is amended to
18 read as follows:

19 Sec. 39.056. MONITORING REVIEWS [~~ON-SITE INVESTIGATIONS~~].

20 (a) The commissioner may⁺

21 [~~(1)~~] direct the agency to conduct monitoring reviews
22 and random on-site visits [~~investigations~~] of a school district at
23 any time as authorized by Section [7.028](#) [~~to answer any questions~~
24 ~~concerning a program, including special education, required by~~
25 ~~federal law or for which the district receives federal funds, and~~

26 [~~(2)~~] ~~as a result of the investigation, change the~~
27 ~~accreditation status of a district, change the accountability~~

1 ~~rating of a district or campus, or withdraw a distinction~~
2 ~~designation under Subchapter G].~~

3 (b) The commissioner shall determine the frequency of
4 monitoring reviews [~~on-site investigations~~] by the agency
5 according to:

6 (1) annual comprehensive analyses of student
7 performance and equity in relation to the student achievement
8 indicators adopted under Section 39.053;

9 (2) reviews of fiscal reports and other fiscal data as
10 set forth in Section 44.010; or

11 (3) comprehensive analyses of financial
12 accountability standards under Subchapter D.

13 (c) In conducting a monitoring review [~~making an on-site~~
14 ~~accreditation investigation~~], the agency may [~~investigators shall~~]
15 obtain information from administrators, other district employees
16 [~~teachers~~], [~~and~~] parents of students enrolled in the school
17 district, and other persons as necessary. [~~The investigation may~~
18 ~~not be closed until information is obtained from each of those~~
19 ~~sources.~~] The commissioner [~~State Board of Education~~] shall adopt
20 rules for:

21 (1) obtaining information from parents and using that
22 information in the monitoring review [~~investigator's~~] report; and

23 (2) obtaining information from other district
24 employees [~~teachers~~] in a manner that prevents a district or campus
25 from screening the information.

26 (d) The agency shall give written notice to the
27 superintendent and the board of trustees of a school district of any

1 impending monitoring review [~~investigation of the district's~~
2 ~~accreditation~~].

3 (e) The agency [~~investigators~~] shall report [~~orally and~~] in
4 writing to the superintendent and president of the board of
5 trustees of the school district [~~and, as appropriate, to campus~~
6 ~~administrators~~] and shall make recommendations concerning any
7 necessary improvements or sources of aid such as regional education
8 service centers.

9 (f) A district which takes action with regard to the
10 recommendations provided by the agency [~~investigators~~] as
11 prescribed by Subsection (e) shall make a reasonable effort to seek
12 assistance from a third party in developing an action plan to
13 improve district performance using improvement techniques that are
14 goal oriented and research based.

15 (g) A monitoring review may include desk reviews and on-site
16 visits, including random on-site visits.

17 (h) The commissioner may at any time convert a monitoring
18 review to a special accreditation investigation under Section
19 39.057, provided the commissioner promptly notifies the school
20 district of the conversion.

21 SECTION 5. Section 39.058, Education Code, is amended to
22 read as follows:

23 Sec. 39.058. CONDUCT OF SPECIAL ACCREDITATION
24 INVESTIGATIONS. (a) The agency shall adopt written procedures for
25 conducting special accreditation [~~on-site~~] investigations under
26 this subchapter, including procedures that allow the agency to
27 obtain information from district employees in a manner that

1 prevents a district or campus from screening the information. The
2 agency shall make the procedures available on the agency Internet
3 website [~~to the complainant, the alleged violator, and the public~~].
4 Agency staff must be trained in the procedures and must follow the
5 procedures in conducting the special accreditation investigation.

6 (b) After completing a special accreditation [~~an~~]
7 investigation, the agency shall present preliminary findings to any
8 person or entity the agency finds has violated a law, rule, or
9 policy. Before issuing a report with its final findings, the agency
10 must provide a person or entity the agency finds has violated a law,
11 rule, or policy an opportunity for an informal review by the
12 commissioner or a designated hearing examiner.

13 SECTION 6. Section 39.102(a), Education Code, is amended to
14 read as follows:

15 (a) If a school district does not satisfy the accreditation
16 criteria under Section 39.052, the academic performance standards
17 under Section 39.053 or 39.054, or any financial accountability
18 standard as determined by commissioner rule, or if considered
19 appropriate by the commissioner on the basis of a special
20 accreditation investigation under Section 39.057, the commissioner
21 shall take any of the following actions to the extent the
22 commissioner determines necessary:

23 (1) issue public notice of the deficiency to the board
24 of trustees;

25 (2) order a hearing conducted by the board of trustees
26 of the district for the purpose of notifying the public of the
27 insufficient performance, the improvements in performance expected

1 by the agency, and the interventions and sanctions that may be
2 imposed under this section if the performance does not improve;

3 (3) order the preparation of a student achievement
4 improvement plan that addresses each student achievement indicator
5 under Section 39.053(c) for which the district's performance is
6 insufficient, the submission of the plan to the commissioner for
7 approval, and implementation of the plan;

8 (4) order a hearing to be held before the commissioner
9 or the commissioner's designee at which the president of the board
10 of trustees of the district and the superintendent shall appear and
11 explain the district's low performance, lack of improvement, and
12 plans for improvement;

13 (5) arrange a monitoring review [~~an on-site~~
14 ~~investigation~~] of the district;

15 (6) appoint an agency monitor to participate in and
16 report to the agency on the activities of the board of trustees or
17 the superintendent;

18 (7) appoint a conservator to oversee the operations of
19 the district;

20 (8) appoint a management team to direct the operations
21 of the district in areas of insufficient performance or require the
22 district to obtain certain services under a contract with another
23 person;

24 (9) if a district has a current accreditation status
25 of accredited-warned or accredited-probation, fails to satisfy any
26 standard under Section 39.054(e), or fails to satisfy financial
27 accountability standards as determined by commissioner rule,

1 appoint a board of managers to exercise the powers and duties of the
2 board of trustees;

3 (10) if for two consecutive school years, including
4 the current school year, a district has received an accreditation
5 status of accredited-warned or accredited-probation, has failed to
6 satisfy any standard under Section 39.054(e), or has failed to
7 satisfy financial accountability standards as determined by
8 commissioner rule, revoke the district's accreditation and:

9 (A) order closure of the district and annex the
10 district to one or more adjoining districts under Section 13.054;
11 or

12 (B) in the case of a home-rule school district or
13 open-enrollment charter school, order closure of all programs
14 operated under the district's or school's charter; or

15 (11) if a district has failed to satisfy any standard
16 under Section 39.054(e) due to the district's dropout rates, impose
17 sanctions designed to improve high school completion rates,
18 including:

19 (A) ordering the development of a dropout
20 prevention plan for approval by the commissioner;

21 (B) restructuring the district or appropriate
22 school campuses to improve identification of and service to
23 students who are at risk of dropping out of school, as defined by
24 Section 29.081;

25 (C) ordering lower student-to-counselor ratios
26 on school campuses with high dropout rates; and

27 (D) ordering the use of any other intervention

1 strategy effective in reducing dropout rates, including mentor
2 programs and flexible class scheduling.

3 SECTION 7. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2015.