

By: Rodríguez

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 8.104, Education Code, is amended to read as follows:

1           Sec. 8.104. SANCTIONS. The commissioner shall develop a  
2 system of corrective actions to require of a regional education  
3 service center that the commissioner determines to be deficient in  
4 an accountability measure under Section 8.103. The actions must  
5 include, in increasing order of severity:

6           (1) conducting a monitoring review [~~an on-site~~  
7 ~~investigation~~] of the center;

8           (2) requiring the center to send notice of each  
9 deficiency to each school district and campus in the center's  
10 region or served by the center the previous year;

11           (3) requiring the center to prepare for the  
12 commissioner's approval a plan to address each area of deficiency;

13           (4) appointing a master to oversee the operations of  
14 the center;

15           (5) replacing the executive director or board of  
16 directors; and

17           (6) in the case of deficient performance in two  
18 consecutive years, closing the center.

19           SECTION 3. Sections 29.062(c) and (d), Education Code, are  
20 amended to read as follows:

21           (c) Not later than the 30th day after the date of a  
22 monitoring review [~~an on-site monitoring inspection~~], the agency  
23 shall report its findings to the school district or open-enrollment  
24 charter school and to the division of accreditation.

25           (d) The agency shall notify a school district or  
26 open-enrollment charter school found in noncompliance in writing,  
27 not later than the 30th day after the date of the monitoring review

1 [~~on-site monitoring~~]. The district or open-enrollment charter  
2 school shall take immediate corrective action.

3 SECTION 4. Section 29.315, Education Code, is amended to  
4 read as follows:

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

10 (1) the method for developing and reevaluating a set  
11 of indicators of the quality of learning at the Texas School for the  
12 Deaf;

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

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

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

22 (5) the type of information the school shall be  
23 required to provide through the Public Education Information  
24 Management System (PEIMS).

25 SECTION 5. Section 30.005, Education Code, is amended to  
26 read as follows:

27 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY

1 IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education Agency  
2 and the Texas School for the Blind and Visually Impaired shall  
3 develop, agree to, and by commissioner rule adopt a memorandum of  
4 understanding to establish:

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

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

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

13 (4) the process for the agency to:

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

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

16 (C) if necessary, 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 6. Section 39.056, Education Code, is amended to  
22 read as follows:

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

24 (a) The commissioner may[+]

25 [~~(1)~~] direct the agency to conduct monitoring reviews  
26 [~~on-site investigations~~] of a school district at any time as  
27 authorized by Section 7.028 [~~to answer any questions concerning a~~

1 ~~program, including special education, required by federal law or~~  
2 ~~for which the district receives federal funds; and~~

3 ~~(2) as a result of the investigation, change the~~  
4 ~~accreditation status of a district, change the accountability~~  
5 ~~rating of a district or campus, or withdraw a distinction~~  
6 ~~designation under Subchapter G].~~

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

10           (1) annual comprehensive analyses of student  
11 performance and equity in relation to the student achievement  
12 indicators adopted under Section 39.053;

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

15           (3) comprehensive analyses of financial  
16 accountability standards under Subchapter D.

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

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

27           (2) obtaining information from other district

1 employees [~~teachers~~] in a manner that prevents a district or campus  
2 from screening the information.

3 (d) The agency shall give written notice to the  
4 superintendent and the board of trustees of a school district of any  
5 impending monitoring review [~~investigation of the district's~~  
6 ~~accreditation~~].

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

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

19 (g) A monitoring review may include desk reviews and on-site  
20 visits.

21 (h) The commissioner may at any time convert a monitoring  
22 review to a special accreditation investigation under Section  
23 39.057, provided the commissioner promptly notifies the school  
24 district of the conversion.

25 SECTION 7. Section 39.058, Education Code, is amended to  
26 read as follows:

27 Sec. 39.058. CONDUCT OF SPECIAL ACCREDITATION

1 INVESTIGATIONS. (a) The agency shall adopt written procedures for  
2 conducting special accreditation [~~on-site~~] investigations under  
3 this subchapter, including procedures that allow the agency to  
4 obtain information from district employees in a manner that  
5 prevents a district or campus from screening the information. The  
6 agency shall make the procedures available on the agency Internet  
7 website [~~to the complainant, the alleged violator, and the public~~].  
8 Agency staff must be trained in the procedures and must follow the  
9 procedures in conducting the special accreditation investigation.

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

17 SECTION 8. Section 39.102(a), Education Code, is amended to  
18 read as follows:

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

27 (1) issue public notice of the deficiency to the board

1 of trustees;

2 (2) order a hearing conducted by the board of trustees  
3 of the district for the purpose of notifying the public of the  
4 insufficient performance, the improvements in performance expected  
5 by the agency, and the interventions and sanctions that may be  
6 imposed under this section if the performance does not improve;

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

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

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

19 (6) appoint an agency monitor to participate in and  
20 report to the agency on the activities of the board of trustees or  
21 the superintendent;

22 (7) appoint a conservator to oversee the operations of  
23 the district;

24 (8) appoint a management team to direct the operations  
25 of the district in areas of insufficient performance or require the  
26 district to obtain certain services under a contract with another  
27 person;



1           (9) if a district has a current accreditation status  
2 of accredited-warned or accredited-probation, fails to satisfy any  
3 standard under Section 39.054(e), or fails to satisfy financial  
4 accountability standards as determined by commissioner rule,  
5 appoint a board of managers to exercise the powers and duties of the  
6 board of trustees;

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

13           (A) order closure of the district and annex the  
14 district to one or more adjoining districts under Section 13.054;  
15 or

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

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

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

25           (B) restructuring the district or appropriate  
26 school campuses to improve identification of and service to  
27 students who are at risk of dropping out of school, as defined by

1 Section 29.081;

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

4 (D) ordering the use of any other intervention  
5 strategy effective in reducing dropout rates, including mentor  
6 programs and flexible class scheduling.

7 SECTION 9. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2015.