

By: Huberty

H.B. No. 4334

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the office of inspector general at the Texas Education Agency to investigate the administration of public education.

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

SECTION 1. Chapter 7, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. OFFICE OF INSPECTOR GENERAL

Sec. 7.151. DEFINITIONS. In this subchapter:

(1) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or some other person. The term includes any act that constitutes fraud under applicable federal or state law.

(2) "Office" means the office of inspector general established under this subchapter.

Sec. 7.152. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established as a division within the agency.

(b) The commissioner shall appoint an inspector general to serve as director of the office. The inspector general serves until removed by the commissioner.

Sec. 7.153. GENERAL RESPONSIBILITIES. (a) The office is responsible for the investigation, prevention, and detection of criminal misconduct and wrongdoing and of fraud, waste, and abuse

1 in the administration of public education by school districts,
2 open-enrollment charter schools, regional education service
3 centers, and other local education agencies in this state.

4 (b) The office shall investigate allegations of fraud,
5 waste, and abuse and violations of this code or other law.

6 (c) The office may:

7 (1) conduct criminal, civil, and administrative
8 investigations and initiate reviews of a school district,
9 open-enrollment charter school, regional education service center,
10 or other local education agency as considered appropriate by the
11 inspector general;

12 (2) receive and investigate complaints from any source
13 on its own initiative; and

14 (3) conduct special accreditation investigations
15 authorized by the commissioner under Section 39.057(a).

16 (d) The office shall perform all other duties and exercise
17 all other powers granted to the office by this subchapter or another
18 law.

19 Sec. 7.154. GENERAL POWERS. The office has all the powers
20 necessary or appropriate to carry out its responsibilities and
21 functions under this subchapter and other law.

22 Sec. 7.155. SUBPOENAS. (a) The inspector general may issue
23 a subpoena to compel the attendance of a relevant witness at a
24 hearing or deposition under this subchapter or to compel the
25 production, for inspection or copying, of books, papers, records,
26 documents, or other relevant materials, including electronic data,
27 in connection with an investigation, review, hearing, or deposition

1 conducted under this subchapter.

2 (b) A subpoena may be served personally or by certified
3 mail. If a person fails to comply with a subpoena, the inspector
4 general, acting through the attorney general, may file suit to
5 enforce the subpoena in a district court in this state.

6 (c) On finding that good cause exists for issuing the
7 subpoena, the court shall order the person to comply with the
8 subpoena. The court may hold in contempt a person who fails to obey
9 the court order.

10 Sec. 7.156. COOPERATION WITH LAW ENFORCEMENT OFFICIALS AND
11 OTHER ENTITIES. (a) The office may provide information and
12 evidence relating to criminal acts to the State Auditor's Office
13 and appropriate law enforcement officials.

14 (b) The office may refer matters for further civil,
15 criminal, and administrative action to appropriate administrative
16 and prosecutorial agencies, including the attorney general.

17 SECTION 2. Section 39.057(a), Education Code, is amended to
18 read as follows:

19 (a) The commissioner may authorize special accreditation
20 investigations to be conducted:

21 (1) when excessive numbers of absences of students
22 eligible to be tested on state assessment instruments are
23 determined;

24 (2) when excessive numbers of allowable exemptions
25 from the required state assessment instruments are determined;

26 (3) in response to complaints submitted to the agency
27 with respect to alleged violations of civil rights or other

1 requirements imposed on the state by federal law or court order;

2 (4) in response to established compliance reviews of
3 the district's financial accounting practices and state and federal
4 program requirements;

5 (5) when extraordinary numbers of student placements
6 in disciplinary alternative education programs, other than
7 placements under Sections 37.006 and 37.007, are determined;

8 (6) in response to an allegation involving a conflict
9 between members of the board of trustees or between the board and
10 the district administration if it appears that the conflict
11 involves a violation of a role or duty of the board members or the
12 administration clearly defined by this code;

13 (7) when excessive numbers of students in special
14 education programs under Subchapter A, Chapter 29, are assessed
15 through assessment instruments developed or adopted under Section
16 39.023(b);

17 (8) in response to an allegation regarding or an
18 analysis using a statistical method result indicating a possible
19 violation of an assessment instrument security procedure
20 established under Section 39.0301, including for the purpose of
21 investigating or auditing a school district under that section;

22 (9) when a significant pattern of decreased academic
23 performance has developed as a result of the promotion in the
24 preceding two school years of students who did not perform
25 satisfactorily as determined by the commissioner under Section
26 39.0241(a) on assessment instruments administered under Section
27 39.023(a), (c), or (l);

1 (10) when excessive numbers of students eligible to
2 enroll fail to complete an Algebra II course or any other advanced
3 course as determined by the commissioner;

4 (11) when resource allocation practices as evaluated
5 under Section 39.0821 indicate a potential for significant
6 improvement in resource allocation;

7 (12) when a disproportionate number of students of a
8 particular demographic group is graduating with a particular
9 endorsement under Section 28.025(c-1);

10 (13) when an excessive number of students is
11 graduating with a particular endorsement under Section
12 28.025(c-1);

13 (14) in response to a complaint submitted to the
14 agency with respect to alleged inaccurate data that is reported
15 through the Public Education Information Management System (PEIMS)
16 or through other reports required by state or federal law or rule or
17 court order and that is used by the agency to make a determination
18 relating to public school accountability, including accreditation,
19 under this chapter;

20 (15) when a school district for any reason fails to
21 produce, at the request of the agency, evidence or an investigation
22 report relating to an educator who is under investigation by the
23 State Board for Educator Certification; ~~[or]~~

24 (16) by the office of inspector general for the
25 purpose of investigating allegations of fraud, waste, and abuse in
26 the administration of public education; or

27 (17) as the commissioner otherwise determines

1 necessary.

2 SECTION 3. This Act takes effect September 1, 2019.