

SUBJECT: Limiting compliance monitoring of school districts

COMMITTEE: Public Education — committee substitute recommended

VOTE: 7 ayes — Grusendorf, Oliveira, Branch, Dawson, Eissler, Griggs, Madden
0 nays
1 present not voting — Hochberg
1 absent — Dutton

WITNESSES: *(On original bill:)*
For — Sandi Borden, Texas Elementary Principals and Supervisors Association; Cathy Douglass, Texas Association of School Boards

Against — Lindsay Gustafson, Texas Classroom Teachers Association; Ted Melina Raab, Texas Federation of Teachers; Marjorie Wall, Texas State Teachers Association; JoHannah Whitsett, Association of Texas Professional Educators

On — Kay Lambert, Advocacy, Inc.

BACKGROUND: The Texas Education Agency (TEA) administers and monitors compliance with education programs required by federal or state law. Education Code, ch. 39 governs public school accountability and sets accreditation standards. Sec. 39.074 allows the education commissioner to direct TEA to conduct on-site investigations at any time to answer any questions concerning a program required by federal law or for which the district receives federal funds and to raise or lower the performance rating as a result of the investigation. Education Code, sec. 39.075 requires the commissioner to authorize special accreditation investigations to be conducted in the following circumstances:

- when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
- when excessive numbers of allowable exemptions from the required state assessment are determined;

- in response to complaints of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
- in response to established compliance reviews of the district's financial accounting practices and of state and federal program requirements;
- when extraordinary numbers of student placements in alternative education programs are determined;
- in response to an allegation involving a conflict between members of the board of trustees or between the board and district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined in statute; or
- as the commissioner otherwise deems necessary.

Each school district must participate in the Public Education Information Management System (PEIMS) and provide the required information. Each district must use a uniform accounting system adopted by the commissioner for reporting the required data.

DIGEST:

CSHB 2825 would require the education commissioner to limit TEA monitoring of school districts to determining compliance with federal law and regulations and to maintaining the accuracy of data submitted through the PEIMS for accountability purposes under Education Code, ch. 39.

The commissioner would not be prohibited from monitoring a school district for compliance with state or federal programs through on-site and special accreditation investigations if:

- the commissioner identified sufficient funds within TEA's budget to conduct the investigation;
- the funds identified could be used for that purpose; and
- the investigation was based on an assessment of the risk that the district was not in compliance with the law.

A risk assessment would have to include consideration of any complaints about the district's compliance or lack of compliance with the law. TEA would have to give written notice to the superintendent and board of trustees at least 30 days before the date on which the agency would begin an on-site investigation of a district's accreditation.

A school district or open-enrollment charter school would be responsible for determining the district's or school's compliance with a requirement of state law that was not monitored by the commissioner or TEA, unless the commissioner waived that requirement.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

Texas' laws and regulations for public schools are more onerous and extensive than those imposed by the federal government. CSHB 2825 would eliminate burdensome requirements that exceed federal law, reducing the workload placed on TEA and school districts. In so doing, it would save the state more than \$1.7 million in general revenue during the coming biennium, according to the fiscal note.

Monitoring compliance with federal and state laws and regulations is cumbersome for TEA and school districts. According to the state auditor, TEA monitors more than 1,200 school districts and charter schools, an expensive process that drains valuable resources. State resources for public education could be spent better in the classroom. Federal law already provides adequate protections for students and ensures that their basic needs are met.

CSHB 2825 would preserve the commissioner's ability to conduct on-site and special accreditation investigations as needed, as long as sufficient funds were identified. A school district still would be responsible for ensuring its own compliance with a statutory requirement if the commissioner did not monitor compliance, unless the commissioner waived that requirement.

**OPPONENTS
SAY:**

If Texas imposes rules and regulations that exceed federal requirements, it does so for a reason. Forcing TEA to cease monitoring compliance with state law would send a message to school districts that they would not have to worry about complying.

CSHB 2825 would be a step in the wrong direction for Texas and would harm school children. Texas law goes beyond federal law in affording substantive rights to special education students. For example, state law prohibits a school district from placing students in locked seclusion, limits the use of physical

restraint, and requires a special education student's program to be translated into Spanish for non-English-speaking families. Without TEA monitoring, school districts might slacken in enforcing these policies.

Rather than cut back on monitoring, the bill should require TEA to examine its compliance monitoring process to identify cost-cutting measures.

NOTES:

As filed, HB 2825 would have allowed the education commissioner to waive any state law or rule that imposed a more strenuous reporting or monitoring requirement than required by federal law, unless waiving the state law or rule would jeopardize the health, safety, or welfare of a child.

HB 3459 by Pitts, on today's House Major State Calendar, also would amend requirements for TEA monitoring of school district compliance. Cyclical monitoring would be performed only as necessary to ensure school district compliance with federal law, financial accountability, and data integrity with regard to the Public Education Information Management System and accountability in certain areas.