

BILL ANALYSIS

Senate Research Center
84R23635 KKA-D

C.S.S.B. 471
By: Rodríguez
Education
4/23/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law limits the Texas Education Agency (TEA) to on-site monitoring in investigating school district compliance with certain laws and regulations, but it would be a better use of TEA resources to perform desk audits, especially when it comes to financial and data integrity investigations.

S.B. 471 gives TEA more flexible authority to conduct monitoring reviews instead of limiting their authority to on-site audits in their investigations of compliance with federal law, financial accountability, and data integrity. It also allows the commissioner of education to convert a monitoring review to a special accreditation investigation with proper notification.

The committee substitute removes Sections 2 and 3 of the bill as introduced.

The committee substitute removes Section 2 of the bill because there are many fewer service centers than schools districts and it would be more appropriate to do an on-site visit and meet in-person than a desk audit when it comes to educational service centers.

The committee substitute removes Section 3 of the bill because of a drafting error. Legislative Council made some conforming edits by changing a reference to a “on-site monitoring inspection” to “a monitoring review.” The “monitoring review” is a Chapter 39 review. The Section 3 monitoring inspection is a different review operated under the bilingual program.

This legislation was requested by TEA. The Texas Association of Community Schools had concerns about altering the review process for Educational Service Centers and TEA agreed that it would be okay to remove ESC's from the bill. There is no known opposition at this time.

C.S.S.B. 471 amends current law relating to reviews and investigations conducted by the Texas Education Agency.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 2 (Section 29.315, Education Code) and SECTION 3 (Section 30.005, Education Code) of this bill.

Rulemaking authority previously granted to the State Board of Education is transferred to the commissioner of education and modified in SECTION 4 (Section 39.056, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.028(a), Education Code, to delete Section 39.056 (On-Site Investigations) from the excepted sections in the provision of this section authorizing the Texas Education Agency (TEA) to monitor compliance with requirements applicable to certain processes or programs provided by a school district, campus, program, or school granted charters.

SECTION 2. Amends Section 29.315, Education Code, to require TEA and the Texas School for the Deaf (TSD) to develop, agree to, and by commissioner of education (commissioner) rule adopt a memorandum of understanding to establish certain criteria, including to establish the process for TEA to assign an accreditation status to the school, to reevaluate the status on an annual basis, and, if necessary, to conduct monitoring reviews, rather than make on-site accreditation investigations, not later than September 1, 1998.

SECTION 3. Amends Section 30.005, Education Code, to require TEA and the Texas School for the Blind and Visually Impaired (TSBVI) to develop, agree to, and by commissioner rule adopt a memorandum of understanding to establish certain criteria, including to establish the process for TEA to assign an accreditation status to the school, reevaluate the status on an annual basis, and, if necessary, conduct monitoring reviews, rather than make on-site accreditation investigations.

SECTION 4. Amends Section 39.056, Education Code, as follows:

Sec. 39.056. New heading: MONITORING REVIEWS. (a) Authorizes the commissioner to direct TEA to conduct monitoring reviews and random on-site visits of a school district at any time as authorized by Section 7.028 (Limitation on Compliance Monitoring).

Deletes existing text authorizing the commissioner to direct TEA to conduct on-site investigations of a school district at any time to answer any questions concerning a program, including special education, required by federal law or for which the district receives federal funds, and, as a result of the investigation, change the accreditation status of a district, change the accountability rating of a district or campus, or withdraw a distinction designation under Subchapter B (Assessment of Academic Skills).

(b) Requires the commissioner to determine the frequency of monitoring reviews, rather than on-site investigations, by TEA according to certain analyses and reports, including reviews of fiscal reports and other fiscal data as set forth in Section 44.010 (Review by Agency), or comprehensive analyses of financial accountability standards under Subchapter D (Financial Accountability).

(c) Authorizes TEA, rather than requires investigators, to obtain information from administrators, other district employees, parents of students enrolled in the school district, and other persons as necessary in conducting a monitoring review, rather than making an on-site accreditation investigation. Authorizes the commissioner to adopt rules for obtaining information from parents and using that information in the monitoring review report, and obtaining information from other district employees in a manner that prevents a district or campus from screening the information.

Deletes existing text prohibiting the investigation from being closed until information is obtained from each of the listed sources. Deletes existing text authorizing the State Board of Education to adopt rules regarding obtaining information from parents and using that information in the investigator's report, and obtaining information from teachers in a manner that prevents a district or campus from screening the information. Makes nonsubstantive changes.

(d) Changes a reference to any impending investigation of the district's accreditation to any impending monitoring review.

(e) Requires TEA, rather than the investigators, to report in writing, rather than orally and in writing, to the superintendent and president of the board of trustees of the school district and to make recommendations concerning any necessary improvements or sources of aid such as regional education service centers.

Deletes existing text requiring TEA to report to campus administrators as appropriate.

(f) Changes a reference to investigators to TEA.

(g) Authorizes a monitoring review to include desk review and on-site visits, including random on-site visits.

(h) Authorizes the commissioner to, at any time, convert a monitoring review to a special accreditation investigation under Section 39.057 (Special Accreditation Investigations), provided the commissioner promptly notifies the school district of the conversion.

SECTION 5. Amends Section 39.058, Education Code, as follows:

Sec. 39.058. New heading: CONDUCT OF SPECIAL ACCREDITATION INVESTIGATIONS. (a) Requires TEA to adopt written procedures for conducting special accreditation investigations, rather than on-site investigations, under this subchapter, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. Requires TEA to make the procedures available on TEA Internet website, rather than to the complainant, the alleged violator, and the public. Requires TEA staff to be trained in the procedures and to follow the procedures in conducting the special accreditation investigation.

(b) Requires TEA to present preliminary findings to any person or entity TEA finds has violated a law, rule, or policy after completing a special accreditation investigation. Requires TEA to provide a person or entity TEA finds has violated a law, rule, or policy an opportunity for an informal review by the commissioner or a designated hearing examiner before issuing a report with its final findings. Makes a nonsubstantive change.

SECTION 6. Amends Section 39.102(a), Education Code, as follows:

(a) Provides that if a school does not satisfy the accreditation criteria under Section 39.052 (Determination of Accreditation Status or Performance Rating), the academic performance standards under Section 39.053 (Performance Indicators: Student Achievement) or 39.054 (Methods and Standards for Evaluating Performance), or any financial accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Section 39.057, the commissioner is required to arrange a monitoring review, rather than an on-site investigation, of the district, among other actions to the extent the commissioner determines necessary.

SECTION 7. Effective date: upon passage or September 1, 2015.