

1-1 By: Rodríguez S.B. No. 471  
 1-2 (In the Senate - Filed February 6, 2015; February 10, 2015,  
 1-3 read first time and referred to Committee on Education;  
 1-4 April 27, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 27, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

|                         | Yea | Nay | Absent | PNV |
|-------------------------|-----|-----|--------|-----|
| 1-8 Taylor of Galveston | X   |     |        |     |
| 1-9 Lucio               | X   |     |        |     |
| 1-10 Bettencourt        | X   |     |        |     |
| 1-11 Campbell           | X   |     |        |     |
| 1-12 Garcia             | X   |     |        |     |
| 1-13 Huffines           | X   |     |        |     |
| 1-14 Kolkhorst          | X   |     |        |     |
| 1-15 Rodríguez          | X   |     |        |     |
| 1-16 Seliger            |     |     | X      |     |
| 1-17 Taylor of Collin   | X   |     |        |     |
| 1-18 West               | X   |     |        |     |

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 471 By: Rodríguez

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to reviews and investigations conducted by the Texas  
 1-24 Education Agency.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 7.028(a), Education Code, is amended to  
 1-27 read as follows:

1-28 (a) Except as provided by Section 29.001(5), 29.010(a),  
 1-29 [~~39.056~~], or 39.057, the agency may monitor compliance with  
 1-30 requirements applicable to a process or program provided by a  
 1-31 school district, campus, program, or school granted charters under  
 1-32 Chapter 12, including the process described by Subchapter F,  
 1-33 Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or  
 1-34 I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the  
 1-35 use of funds provided for such a program under Subchapter C, Chapter  
 1-36 42, only as necessary to ensure:

- 1-37 (1) compliance with federal law and regulations;
- 1-38 (2) financial accountability, including compliance  
 1-39 with grant requirements; and

1-40 (3) data integrity for purposes of:

- 1-41 (A) the Public Education Information Management  
 1-42 System (PEIMS); and
- 1-43 (B) accountability under Chapter 39.

1-44 SECTION 2. Section 29.315, Education Code, is amended to  
 1-45 read as follows:

1-46 Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF  
 1-47 UNDERSTANDING. The Texas Education Agency and the Texas School for  
 1-48 the Deaf shall develop, agree to, and by commissioner rule adopt no  
 1-49 later than September 1, 1998, a memorandum of understanding to  
 1-50 establish:

1-51 (1) the method for developing and reevaluating a set  
 1-52 of indicators of the quality of learning at the Texas School for the  
 1-53 Deaf;

1-54 (2) the process for the agency to conduct and report on  
 1-55 an annual evaluation of the school's performance on the indicators;

1-56 (3) the requirements for the school's board to  
 1-57 publish, discuss, and disseminate an annual report describing the  
 1-58 educational performance of the school;

1-59 (4) the process for the agency to assign an  
 1-60 accreditation status to the school, to reevaluate the status on an

2-1 annual basis, and, if necessary, to conduct monitoring reviews  
2-2 [~~make on-site accreditation investigations~~]; and

2-3 (5) the type of information the school shall be  
2-4 required to provide through the Public Education Information  
2-5 Management System (PEIMS).

2-6 SECTION 3. Section 30.005, Education Code, is amended to  
2-7 read as follows:

2-8 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY  
2-9 IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education Agency  
2-10 and the Texas School for the Blind and Visually Impaired shall  
2-11 develop, agree to, and by commissioner rule adopt a memorandum of  
2-12 understanding to establish:

2-13 (1) the method for developing and reevaluating a set  
2-14 of indicators of the quality of learning at the Texas School for the  
2-15 Blind and Visually Impaired;

2-16 (2) the process for the agency to conduct and report on  
2-17 an annual evaluation of the school's performance on the indicators;

2-18 (3) the requirements for the school's board to  
2-19 publish, discuss, and disseminate an annual report describing the  
2-20 educational performance of the school;

2-21 (4) the process for the agency to:  
2-22 (A) assign an accreditation status to the school;  
2-23 (B) reevaluate the status on an annual basis; and  
2-24 (C) if necessary, conduct monitoring reviews

2-25 [~~make on-site accreditation investigations~~]; and  
2-26 (5) the type of information the school shall be  
2-27 required to provide through the Public Education Information  
2-28 Management System (PEIMS).

2-29 SECTION 4. Section 39.056, Education Code, is amended to  
2-30 read as follows:

2-31 Sec. 39.056. MONITORING REVIEWS [~~ON-SITE INVESTIGATIONS~~].

2-32 (a) The commissioner may~~+~~  
2-33 [~~(1)~~] direct the agency to conduct monitoring reviews  
2-34 and random on-site visits [~~investigations~~] of a school district at  
2-35 any time as authorized by Section 7.028 [~~to answer any questions~~  
2-36 ~~concerning a program, including special education, required by~~  
2-37 ~~federal law or for which the district receives federal funds; and~~

2-38 [~~(2)~~] ~~as a result of the investigation, change the~~  
2-39 ~~accreditation status of a district, change the accountability~~  
2-40 ~~rating of a district or campus, or withdraw a distinction~~  
2-41 ~~designation under Subchapter C].~~

2-42 (b) The commissioner shall determine the frequency of  
2-43 monitoring reviews [~~on-site investigations~~] by the agency  
2-44 according to:

2-45 (1) annual comprehensive analyses of student  
2-46 performance and equity in relation to the student achievement  
2-47 indicators adopted under Section 39.053;

2-48 (2) reviews of fiscal reports and other fiscal data as  
2-49 set forth in Section 44.010; or

2-50 (3) comprehensive analyses of financial  
2-51 accountability standards under Subchapter D.

2-52 (c) In conducting a monitoring review [~~making an on-site~~  
2-53 ~~accreditation investigation~~], the agency may [~~investigators shall~~]  
2-54 obtain information from administrators, other district employees  
2-55 [~~teachers~~], [~~and~~] parents of students enrolled in the school  
2-56 district, and other persons as necessary. [~~The investigation may~~  
2-57 ~~not be closed until information is obtained from each of those~~  
2-58 ~~sources.~~] The commissioner [~~State Board of Education~~] shall adopt  
2-59 rules for:

2-60 (1) obtaining information from parents and using that  
2-61 information in the monitoring review [~~investigator's~~] report; and

2-62 (2) obtaining information from other district  
2-63 employees [~~teachers~~] in a manner that prevents a district or campus  
2-64 from screening the information.

2-65 (d) The agency shall give written notice to the  
2-66 superintendent and the board of trustees of a school district of any  
2-67 impending monitoring review [~~investigation of the district's~~  
2-68 ~~accreditation~~].

2-69 (e) The agency [~~investigators~~] shall report [~~orally and~~] in

3-1 writing to the superintendent and president of the board of  
3-2 trustees of the school district [~~and, as appropriate, to campus~~  
3-3 ~~administrators~~] and shall make recommendations concerning any  
3-4 necessary improvements or sources of aid such as regional education  
3-5 service centers.

3-6 (f) A district which takes action with regard to the  
3-7 recommendations provided by the agency [~~investigators~~] as  
3-8 prescribed by Subsection (e) shall make a reasonable effort to seek  
3-9 assistance from a third party in developing an action plan to  
3-10 improve district performance using improvement techniques that are  
3-11 goal oriented and research based.

3-12 (g) A monitoring review may include desk reviews and on-site  
3-13 visits, including random on-site visits.

3-14 (h) The commissioner may at any time convert a monitoring  
3-15 review to a special accreditation investigation under Section  
3-16 39.057, provided the commissioner promptly notifies the school  
3-17 district of the conversion.

3-18 SECTION 5. Section 39.058, Education Code, is amended to  
3-19 read as follows:

3-20 Sec. 39.058. CONDUCT OF SPECIAL ACCREDITATION  
3-21 INVESTIGATIONS. (a) The agency shall adopt written procedures for  
3-22 conducting special accreditation [~~on-site~~] investigations under  
3-23 this subchapter, including procedures that allow the agency to  
3-24 obtain information from district employees in a manner that  
3-25 prevents a district or campus from screening the information. The  
3-26 agency shall make the procedures available on the agency Internet  
3-27 website [~~to the complainant, the alleged violator, and the public~~].  
3-28 Agency staff must be trained in the procedures and must follow the  
3-29 procedures in conducting the special accreditation investigation.

3-30 (b) After completing a special accreditation [~~an~~]  
3-31 investigation, the agency shall present preliminary findings to any  
3-32 person or entity the agency finds has violated a law, rule, or  
3-33 policy. Before issuing a report with its final findings, the agency  
3-34 must provide a person or entity the agency finds has violated a law,  
3-35 rule, or policy an opportunity for an informal review by the  
3-36 commissioner or a designated hearing examiner.

3-37 SECTION 6. Section 39.102(a), Education Code, is amended to  
3-38 read as follows:

3-39 (a) If a school district does not satisfy the accreditation  
3-40 criteria under Section 39.052, the academic performance standards  
3-41 under Section 39.053 or 39.054, or any financial accountability  
3-42 standard as determined by commissioner rule, or if considered  
3-43 appropriate by the commissioner on the basis of a special  
3-44 accreditation investigation under Section 39.057, the commissioner  
3-45 shall take any of the following actions to the extent the  
3-46 commissioner determines necessary:

3-47 (1) issue public notice of the deficiency to the board  
3-48 of trustees;

3-49 (2) order a hearing conducted by the board of trustees  
3-50 of the district for the purpose of notifying the public of the  
3-51 insufficient performance, the improvements in performance expected  
3-52 by the agency, and the interventions and sanctions that may be  
3-53 imposed under this section if the performance does not improve;

3-54 (3) order the preparation of a student achievement  
3-55 improvement plan that addresses each student achievement indicator  
3-56 under Section 39.053(c) for which the district's performance is  
3-57 insufficient, the submission of the plan to the commissioner for  
3-58 approval, and implementation of the plan;

3-59 (4) order a hearing to be held before the commissioner  
3-60 or the commissioner's designee at which the president of the board  
3-61 of trustees of the district and the superintendent shall appear and  
3-62 explain the district's low performance, lack of improvement, and  
3-63 plans for improvement;

3-64 (5) arrange a monitoring review [~~an on-site~~  
3-65 ~~investigation~~] of the district;

3-66 (6) appoint an agency monitor to participate in and  
3-67 report to the agency on the activities of the board of trustees or  
3-68 the superintendent;

3-69 (7) appoint a conservator to oversee the operations of

4-1 the district;

4-2 (8) appoint a management team to direct the operations

4-3 of the district in areas of insufficient performance or require the

4-4 district to obtain certain services under a contract with another

4-5 person;

4-6 (9) if a district has a current accreditation status

4-7 of accredited-warned or accredited-probation, fails to satisfy any

4-8 standard under Section 39.054(e), or fails to satisfy financial

4-9 accountability standards as determined by commissioner rule,

4-10 appoint a board of managers to exercise the powers and duties of the

4-11 board of trustees;

4-12 (10) if for two consecutive school years, including

4-13 the current school year, a district has received an accreditation

4-14 status of accredited-warned or accredited-probation, has failed to

4-15 satisfy any standard under Section 39.054(e), or has failed to

4-16 satisfy financial accountability standards as determined by

4-17 commissioner rule, revoke the district's accreditation and:

4-18 (A) order closure of the district and annex the

4-19 district to one or more adjoining districts under Section 13.054;

4-20 or

4-21 (B) in the case of a home-rule school district or

4-22 open-enrollment charter school, order closure of all programs

4-23 operated under the district's or school's charter; or

4-24 (11) if a district has failed to satisfy any standard

4-25 under Section 39.054(e) due to the district's dropout rates, impose

4-26 sanctions designed to improve high school completion rates,

4-27 including:

4-28 (A) ordering the development of a dropout

4-29 prevention plan for approval by the commissioner;

4-30 (B) restructuring the district or appropriate

4-31 school campuses to improve identification of and service to

4-32 students who are at risk of dropping out of school, as defined by

4-33 Section 29.081;

4-34 (C) ordering lower student-to-counselor ratios

4-35 on school campuses with high dropout rates; and

4-36 (D) ordering the use of any other intervention

4-37 strategy effective in reducing dropout rates, including mentor

4-38 programs and flexible class scheduling.

4-39 SECTION 7. This Act takes effect immediately if it receives

4-40 a vote of two-thirds of all the members elected to each house, as

4-41 provided by Section 39, Article III, Texas Constitution. If this

4-42 Act does not receive the vote necessary for immediate effect, this

4-43 Act takes effect September 1, 2015.

4-44 \* \* \* \* \*