

1-1 By: Bettencourt S.B. No. 1222  
1-2 (In the Senate - Filed March 11, 2015; March 17, 2015, read  
1-3 first time and referred to Committee on Education; April 27, 2015,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 10, Nays 0; April 27, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Garcia	X			
1-12 Huffines	X			
1-13 Kolthorst	X			
1-14 Rodríguez	X			
1-15 Seliger			X	
1-16 Taylor of Collin	X			
1-17 West	X			
1-18				

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1222 By: Bettencourt

1-20 A BILL TO BE ENTITLED  
1-21 AN ACT

1-22 relating to the authority of the commissioner of education to issue  
1-23 subpoenas during an investigation of educator misconduct.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 21, Education Code, is  
1-26 amended by adding Section 21.062 to read as follows:

1-27 Sec. 21.062. ISSUANCE OF SUBPOENAS. (a) During an  
1-28 investigation by the commissioner of an educator for an alleged  
1-29 incident of misconduct, the commissioner may issue a subpoena to  
1-30 compel the production, for inspection or copying, of relevant  
1-31 evidence that is located in this state.

1-32 (b) A subpoena may be served personally or by certified  
1-33 mail.

1-34 (c) If a person fails to comply with a subpoena, the  
1-35 commissioner, acting through the attorney general, may file suit to  
1-36 enforce the subpoena in a district court in this state. On finding  
1-37 that good cause exists for issuing the subpoena, the court shall  
1-38 order the person to comply with the subpoena. The court may punish  
1-39 a person who fails to obey the court order.

1-40 (d) All information and materials subpoenaed or compiled in  
1-41 connection with an investigation described by Subsection (a) are  
1-42 confidential and not subject to disclosure under Chapter 552,  
1-43 Government Code.

1-44 (e) Except as provided by a protective order, and  
1-45 notwithstanding Subsection (d), all information and materials  
1-46 subpoenaed or compiled in connection with an investigation  
1-47 described by Subsection (a) may be used in a disciplinary  
1-48 proceeding against an educator based on an alleged incident of  
1-49 misconduct.

1-50 SECTION 2. This Act takes effect immediately if it receives  
1-51 a vote of two-thirds of all the members elected to each house, as  
1-52 provided by Section 39, Article III, Texas Constitution. If this  
1-53 Act does not receive the vote necessary for immediate effect, this  
1-54 Act takes effect September 1, 2015.

1-55 \* \* \* \* \*