

SUBJECT: Education commissioner's subpoena and investigative authority

COMMITTEE: Public Education — Favorable, without amendment

VOTE: 10 ayes — Aycock, Allen, J. Davis, Deshotel, Dutton, Farney, Huberty, K. King, Ratliff, J. Rodriguez

0 nays

1 absent — Villarreal

SENATE VOTE: On final passage, April 3, 2013 — 31–0

WITNESSES: (*On House companion bill, HB 210:*)
For — (*Registered, but did not testify:* Portia Bosse, Texas State Teachers Association; Lindsay Gustafson, Texas Classroom Teachers Association; Julie Shields, Texas Association of School Boards)

Against — None

On — (*Registered, but did not testify:* David Anderson, Texas Education Agency)

BACKGROUND: The Public Education Information Management System (PEIMS) encompasses all data requested and received by the Texas Education Agency (TEA) about public education, including student demographic and academic performance, personnel, financial, and organizational information.

Education Code, sec. 39.057 authorizes the commissioner of education to initiate special investigations related to factors affecting a school district's accreditation status.

DIGEST: SB 123 would require the commissioner of education to authorize special accreditation investigations in response to a complaint alleging the reporting of inaccurate data through PEIMS or through other reports required by state or federal law, rule, or court order and used by TEA to make a determination related to public school accountability.

The bill also would authorize the commissioner to issue a subpoena for witnesses or evidence related to a statistical analysis indicating violations of testing laws.

The bill would take immediate effect if passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 123 would broaden the authority of the commissioner of education to investigate allegations of inaccurate student data reported to PEIMS. This would allow the commissioner to move quickly on complaints about data manipulation and obtain evidence.

The bill is one response to the cheating scandal in which some students were pushed out of El Paso Independent School District schools, others were prevented from enrolling, and grade levels were manipulated to keep students from taking the tests that count toward state and federal accountability. TEA officials have said limits on their subpoena authority contributed to their failure to catch the cheating scheme when it was first alleged.

**OPPONENTS
SAY:**

SB 123 is unnecessary because the commissioner of education already has broad authority to initiate special accreditation investigations and issue subpoenas related to those investigations.

NOTES:

The House companion bill, HB 210, was placed on the House calendar for May 8, but not considered.