

Texas Education Agency

S.B. 218 Patrick (Dutton) — Not Enacted

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Despite the inclusion of major changes to reshape the role and priorities of the Texas Education Agency (TEA), the Legislature did not pass the agency's Sunset bill, instead continuing it for another two years through separate legislation. Through its review of TEA, the Sunset Commission concluded that Texas clearly needs a state-level agency to oversee public education, but that changes are needed to allow TEA to focus on its key duties and improve its effectiveness. To focus more on the agency's mission of ensuring the delivery of quality primary and secondary education, the Sunset Commission recommended moving both regulation of the private driver training industry and management of the adult education program to other, more appropriate agencies, and eliminating a variety of outdated and unnecessary statutory requirements. Sunset also found that TEA would benefit from better tools to address schools with serious academic and financial accountability problems, in particular the few chronically poor-performing charter schools. In addition, the Sunset Commission determined that the remaining duties of the State Board for Educator Certification could be performed by the Commissioner of Education without the need for a separate Governor-appointed board.

The Sunset Commission's 56 statutory recommendations were incorporated into Senate Bill 218. The Senate Education Committee discussed a significant number of changes and additions to the bill, but pended those amendments for consideration by the full Senate. However, in the end, S.B. 218 never came up on the Senate floor.

Although S.B. 218 failed passage, the Legislature did adopt several Sunset Commission recommendations related to adult education, charter school regulation, and financial accountability in other legislation, as described below. The following material also lists management actions recommended by the Sunset Commission for implementation by the agency that do not require statutory changes. These management actions address contracting practices, educator certification, driver training regulation, and succession planning. Some of these recommendations have been modified to work within existing agency structures when suggested transfers were not enacted in law.

For additional information see the *Texas Education Agency Sunset Final Report with Legislative Action* available on the Sunset Commission website at www.sunset.state.tx.us.

Continuation

- Continues TEA until 2015 and places the agency under a limited-scope Sunset review in the 2014–15 biennium. (H.B. 1675)

Adult Education

- Transfers responsibility for adult education from TEA to the Texas Workforce Commission. (S.B. 307)
- Creates an adult education and literacy advisory committee at the Texas Workforce Commission. (S.B. 307)

Charter Schools

- Requires revocation of a charter for failure to meet basic academic or financial accountability standards for three years in a row. (S.B. 2)
- Authorizes the Commissioner to revoke a charter that is on the verge of insolvency. (S.B. 2)
- Sets an initial five-year term and subsequent 10-year terms for charters and restructures the renewal process to ensure that failure to meet basic standards for accountability can lead to nonrenewal. (S.B. 2)
- Authorizes the Commissioner to reconstitute the governing board of a charter holder in certain circumstances. (S.B. 2)
- Applies standard prohibitions on nepotism to all charter schools, while providing an exception for existing employees. (S.B. 2)
- TEA should revise its practices for applying interventions and sanctions to clarify expectations and ensure appropriate and timely action against poor-performing charters. (management action – nonstatutory)

Financial Accountability

- Incorporates the financial solvency review into the FIRST financial accountability system. (H.B. 5)
- Requires TEA to project revenues and expenditures for districts and charters that will likely become insolvent within three years. (H.B. 5)
- Requires districts and charters that fail FIRST to prepare a corrective action plan, and authorizes TEA to apply its standard set of sanctions to schools that fail to submit or implement adequate plans. (H.B. 5)
- Requires TEA to re-evaluate all FIRST indicators every three years. (H.B. 5)

Reporting Requirements

- Makes the *Comprehensive Annual Report to the Legislature on Texas Public Schools* biennial. (S.B. 59)

Contracting

- TEA should improve collection and reporting of all contract sanctions. (management action – nonstatutory)
- TEA should ensure staff follow guidelines regarding contracting with education service centers. (management action – nonstatutory)
- TEA should complete training of the agency’s contract managers by April 1, 2013. (management action – nonstatutory)
- Direct TEA to include a section on ethics in contracting in its contracting manual. (management action – nonstatutory)

- Direct TEA to ensure staff assess all contracts to identify lessons learned and report assessments of major contracts to senior management. (management action – nonstatutory)

Educator Certification

- Direct the State Board for Educator Certification (SBEC) to adjust fees in rule for educator certification and educator preparation programs to ensure they adequately cover costs and are equitable across fee payers. Originally written for the Commissioner of Education, this recommendation would now apply to SBEC. (management action – nonstatutory)
- TEA should provide a more comprehensive preliminary criminal history evaluation for individuals who may later apply for educator certification. (management action – nonstatutory)
- Direct TEA staff to comprehensively track and analyze enforcement data for educator misconduct cases. (management action – nonstatutory)
- TEA should encourage the use of mediation in educator misconduct cases as an alternative to formal administrative hearings. (management action – nonstatutory)
- Direct TEA to develop procedures outlining all phases of the educator preparation program complaint process and track and analyze complaint data. (management action – nonstatutory)

Driver Training

- TEA should develop performance measures that help ensure driver training complaint investigations are resolved in a timely manner. Originally written for the Texas Department of Licensing and Regulation (TDLR), this recommendation would now apply to TEA. (management action – nonstatutory)
- TEA should make public final driver training school disciplinary orders and sanctions on its website. Originally written for TDLR, this recommendation would now apply to TEA. (management action – nonstatutory)

Succession Planning

- TEA should develop and implement a succession plan to prepare for impending retirements and other potential workforce changes. (management action – nonstatutory)

Fiscal Implication

None of these provisions will have a significant fiscal impact to the State.

