

## **BILL ANALYSIS**

Senate Research Center  
86R1462 MEW-D

S.B. 933  
By: Bettencourt et al.  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the commissioner of education lacks explicit statutory authority to investigate and take action regarding instances of fraud, waste, and abuse by school districts, open-enrollment charter schools, regional education service centers, and other entities subject to the commissioner's regulatory authority. When entities subject to the commissioner's authority commit fraud, waste, or abuse, the commissioner must rely on implicit authority to investigate such misconduct and act on it, which subjects the commissioner's investigations and actions regarding fraud, waste, and abuse to legal challenges in administrative and court proceedings. In addition, the commissioner does not currently have a formally designated Office of Inspector General to investigate on the commissioner's behalf instances of fraud, waste, and abuse by entities subject to the commissioner's regulatory authority.

#### **Purpose:**

This bill would modify statute to make explicit the commissioner's authority to investigate and take action regarding instances of fraud, waste, and abuse by school districts, open-enrollment charter schools, regional education service centers, and other entities subject to the commissioner's regulatory authority. In addition, the bill would establish an Office of Inspector General to carry out investigations of fraud, waste, and abuse on behalf of the commissioner.

As proposed, S.B. 933 amends current law relating to the creation of the office of inspector general at the Texas Education Agency to investigate the administration of public education.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 7, Education Code, by adding Subchapter E, as follows:

#### **SUBCHAPTER E. OFFICE OF INSPECTOR GENERAL**

Sec. 7.151. DEFINITIONS. Defines "fraud" and "office."

Sec. 7.152. OFFICE OF INSPECTOR GENERAL. (a) Provides that the office of inspector general (office) is established as a division within the Texas Education Agency.

(b) Requires commissioner of education (commissioner) to appoint an inspector general to serve as director of the office. Provides that the inspector general serves until removed by the commissioner.

Sec. 7.153. GENERAL RESPONSIBILITIES. (a) Provides that the office is responsible for the investigation, prevention, and detection of criminal misconduct and wrongdoing and of fraud, waste, and abuse in the administration of public education by school districts, open-enrollment charter schools, regional education service centers, and other local education agencies in this state.

(b) Requires the office to investigate allegations of fraud, waste, and abuse and violations of this code or other law.

(c) Authorizes the office to:

(1) conduct criminal, civil, and administrative investigations and initiate reviews of a school district, open-enrollment charter school, regional education service center, or other local education agency as considered appropriate by the inspector general;

(2) receive and investigate complaints from any sources on its own initiative; and

(3) conduct special accreditation investigations authorized by the commissioner under Section 39.057(a).

(d) Requires the office to perform all other duties and exercise all other powers granted to the office by this subchapter or another law.

Sec. 7.154. GENERAL POWERS. Provides that the office has all the powers necessary or appropriate to carry out its responsibilities and functions under this subchapter and other law.

Sec. 7.155. SUBPOENAS. (a) Authorizes the inspector general to issue a subpoena to compel the attendance of a relevant witness at a hearing or deposition under this subchapter or to compel the production, for inspection or copying, of books, papers, records, documents, or other relevant materials, including electronic data, in connection with an investigation, review, hearing, or deposition conducted under this subchapter.

(b) Authorizes a subpoena to be served personally or by certified mail. Authorizes the inspector general, if a person fails to comply with a subpoena, acting through the Texas attorney general to file suit to enforce the subpoena in a district court in this state.

Sec. 7.156. COOPERATION WITH LAW ENFORCEMENT OFFICIALS AND OTHER ENTITIES. (a) Authorizes the office to provide information and evidence relating to criminal acts to the Texas State Auditor's Office and appropriate law enforcement officials.

(b) Authorizes the office to refer matters for further civil, criminal, and administrative action to appropriate administrative and prosecutorial agencies, including the attorney general.

SECTION 2. Amends Section 39.057(a), Education Code, as follows:

(a) Authorizes the commissioner to authorize special accreditation investigations to be conducted for certain purposes, including by the office for the purpose of investigating allegations of fraud, waste, and abuse in the administration of public education. Makes nonsubstantive changes to this section.

SECTION 3. Effective date: September 1, 2019.