

## **BILL ANALYSIS**

Senate Research Center

S.B. 1108  
By: Shapiro  
Education  
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Enrolled

### **DIGEST AND PURPOSE**

According to the *Closing the Gaps* report, Texas must increase the number of students completing bachelor's degrees from 57,000 to 104,000 by 2015 to place Texas above the national average. S.B. 1108 establishes a statewide standard for high-quality teachers; requires personal graduation plans for students at risk of not receiving a diploma; permits students who have performed poorly on statewide assessments to receive credit for additional core courses in lieu of an elective enrichment course; requires the development of an on-line diagnostic and assistance program in each TAKS subject area to help students prepare for the 11th grade exit-level test administration; and allows participation in an innovative redesign project as one of the options to improve low-performing schools.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 5 (Section 21.005, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 12, Education Code, by adding Section 12.0521, as follows:

Sec. 12.0521. ALTERNATIVE AUTHORIZATION. (a) Authorizes the board of trustees of a school district or the governing body of a home-rule school district to grant a charter for a new campus; or a program that is operated by an entity that has entered into contract with the district under Section 11.157 to provide educational services to the district through the campus or program and at a facility located in the boundaries of the district, notwithstanding Section 12.052, in accordance with this subchapter and in the manner provided by this section

(b) Authorizes a student's parent or guardian to choose to enroll the student at a campus or in a program under this section. Prohibits a school district from assigning a student to a campus or program under this section unless the student's parent or guardian has voluntarily enrolled the student at the campus or in the program. Authorizes a student's parent or guardian, at any time, to remove the student from a campus or program under this section and enroll the student at the campus to which the student would ordinarily be assigned.

(c) Prohibits a school district from assigning to a campus or program under this section a teacher who has signed a written statement that teacher does not agree to that assignments.

SECTION 2. Amends Sections 12.057, 12.058, and 12.062, Education Code, as follows:

Sec. 12.057. STATUS. (a) Provides that the governing body of the campus or program provided for under the charter is considered a governmental body for purposes of Chapter 551 (Open Meetings) and Chapter 552 (Public Information), Government Code, with the respect to the operation of a campus program granted a charter under this subchapter.

(b) Requires an employee of a campus or program granted a charter under Section 12.052, 12.0521(a)(1), or 12.053, rather than this subchapter, who qualifies for membership in the Teacher Retirement System (TRS) to be covered under this system in the same manner and to the same extent as a qualified employee employed on a regularly operating campus or in a regularly operating program is covered.

(c) Provides that a campus or program granted a charter under Section 12.052, 12.0521(a)(1), or 12.053, is immune from liability to the same extent as a school district, and its employees and volunteers are immune from liability to the same extent as school district employees and volunteers.

Sec. 12.058. **CHARTER POLICY.** Requires each school district to adopt a campus charter and program charter policy. Requires the policy to meet certain requirements. Deletes Subsection (b) requiring each school district to adopt a campus charter and campus program charter policy by January 1, 1998.

Sec. 12.062. (a) Authorizes a charter granted under Section 12.052 or 12.053 to be revised.

(b) Authorizes a charter granted under Section 12.0521 to be revised with the approval of the board of trustees that granted the charter. Authorizes a charter to be revised under this subsection only before the first day of instruction of a school year or after the final day of instruction of a school year.

SECTION 3. Amends Section 12.104(b), Education Code, to provide that an open-enrollment charter is subject to certain requirements, including a prohibition, restriction or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to intensive programs of instruction under Section 28.0213. Makes conforming changes.

SECTION 4. Amends Section 12.111, Education Code, as follows:

(a) Creates Subsection (a) from existing text.

(b) Requires a charter holder of an open-enrollment charter school to consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Section 28.0212.

SECTION 5. Amends Subchapter A, Chapter 21, Education Code, by adding Section 21.005, as follows:

Sec. 21.005. **HIGH-QUALITY TEACHERS.** Authorizes the commissioner of education (commissioner) by rule to establish a statewide standard to be used to certify each school district that is preparing, training, and recruiting high-quality teachers in a manner consistent with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110).

SECTION 6. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.456, as follows:

Sec. 21.456. **TRAINING FOR TEACHERS OF STUDENTS OF LIMITED ENGLISH PROFICIENCY.** Requires the commissioner to develop and make available training materials and other teacher training resources to assist teachers in developing the expertise required to enable students of limited English proficiency to meet state performance expectations.

SECTION 7. Amends Subchapter B, Chapter 28, Education Code, by adding Sections 28.0212 and 28.0213, as follows:

Sec. 28.0212. PERSONAL GRADUATION PLAN. (a) Requires a principal to designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in a junior, middle, or high school who fails to meet certain standards.

(b) Requires a personal graduation plan to meet certain requirements.

(c) Authorizes a student's individualized education program developed under Section 29.005 to be used as the student's personal graduation plan under this section, notwithstanding Subsection (b).

Sec. 28.0213. INTENSIVE INSTRUCTION PROGRAM. (a) Requires a school district to offer an intensive instruction program for each student who does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39.

(b) Requires a school district to design the intensive program of instruction described by Subsection (a) to enable the student to meet certain standards and, if applicable, carries out the purposes of Section 28.0211.

(c) Requires a school district to use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping student satisfy state and local high school graduation requirements. Requires the commissioner to distribute funds to districts that implement a program under this section based on the number of students identified by the district who do not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39, or are not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the district.

(d) Provides that a school district's determination of appropriateness of a program for a student under this section is final and does not create a cause of action.

(e) Provides that for a student in a special education program under Subchapter A, Chapter 29, who does not perform satisfactorily on an assessment instrument administered under Section 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to enable the student to attain a standard of annual growth on the basis of the student's individualized education program, and if applicable, carry out the purposes of Section 28.0211.

SECTION 8. Amends Section 29.082(b), Education Code, to authorize the school district to set aside an amount from the district's allotment under Section 42.152 or to apply to the Texas Education Agency (TEA), for funding of an extended year program for a period not to exceed 30 instructional days for students in kindergarten through grade 11, rather than grade 8, who are identified as likely not to be promoted to the next grade level for the succeeding school year; or grade 12 who are identified as likely not to graduate from high school before the beginning of the succeeding school year.

SECTION 9. Amends Section 29.903, Education Code, as added by Chapter 944, Acts of the 77th Legislature, Regular Session, 2001, is renumbered as Section 29.909, Education Code, and amended to read as follows:

Redesignates Sec 29.903 as Sec. 29.909. ELECTRONIC COURSES. (a) Redefines "electronic course."

(b) Authorizes the district to offer the electronic courses through a designated campus

or through a full-time program serving students throughout the district. Makes nonsubstantive change.

(c) Makes no changes to this section.

(d) Requires school district seeking to participate in the program to submit a written application to the commissioner not later than July 1 preceding the school year the district proposes to begin participation in the program, or an earlier date set by the commissioner. Requires the application to provide certain information, including the information required under Subsection (f).

(e) Authorizes the commissioner to collect from each district that submits an application under Subsection (d) a reasonable fee sufficient to pay the costs of administering this section.

(f) Requires, each school district participating in the program, not later than a date determined by the commissioner, to create and maintain on the district's Internet website an "informed choice" report in a format determined by the commissioner. Requires TEA to maintain on its Internet website a link to each district report under this subsection. Requires each report to include certain information.

(g) Provides that a school district is entitled to receive federal, state, and local funding for a student enrolled in an electronic course in an amount equal to the funding the district is otherwise entitled to receive for a student enrolled in the district. Authorizes a school district to calculate the average daily attendance of a student enrolled in an electronic course based on hours of contact with the student; the student's successful completion of a course; or a method approved by the commissioner.

(h) Deletes text authorizing the commissioner from waiving any requirement, restriction or prohibition imposed by this code relating to the computation of daily attendance. Creates new subsection from existing text.

(i) Redesignates Subsection (f) as Subsection (i).

(j) Requires the commissioner, not later than December 1, 2006, rather than December 1, 2002, to submit a report to the lieutenant governor and the speaker of the house of representatives. Requires the report to provide certain information, including methods proposed by school districts or funding electronic courses, including an evaluation of the fiscal costs or benefits of each method; a list of any waiver requests submitted to the commissioner by school districts under Subsection (d)(3), rather than (d)(6).

(k) Provides that this subsection and Subsection (j) expire January 1, 2007, rather than September 1, 2003.

SECTION 10 . Amends Subchapter Z, Chapter 29, Education Code, by adding Section 29.910, as follows:

Sec. 29.910. PROGRAMS OF MUTUAL BENEFIT. (a) Requires the commissioner, in coordination with appropriate representatives of institutions of higher education and school districts to develop a diagnostic and assistance program for each subject assessed by an assessment instrument under Section 39.023(c) and other academic programs of mutual benefit to school districts and institutions of higher education.

(b) Requires the commissioner to make available on the Internet each diagnostic and

assistance program developed under Subsection (a)(1).

SECTION 11. Amends Section 39.023(a), Education Code, to require TEA to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Requires all students, except students assessed under Subsection (b) or (l) or exempted under Section 39.027, to be assessed in certain subjects, including science, in grades five, eight, and 10.

SECTION 12. Amends Section 39.024, Education Code, by amending Subsection (c) and adding Subsections (d) and (e), as follows:

(c) Makes no changes to this section.

(d) Requires TEA to develop and make available teacher training materials and other teacher training resources to assist teachers in enabling students of limited English proficiency to meet state performance expectations. Requires the teacher training resources to be designed to support intensive, individualized, and accelerated instructional programs developed by school districts for students of limited English proficiency.

(e) Requires the commissioner to retain a portion of the total amount of funds allotted under Section 42.152(a) that the commissioner considers appropriate to finance activities under Subsections (c) and authorizes to retain a portion for activities under Subsection (d) and for intensive programs of instruction for students of limited English proficiency offered by school districts, rather than the development and distribution of the study guides, and require to reduce each district's allotment proportionately.

SECTION 13. Amends Section 39.131(b), Education Code, to authorize the commissioner to permit a low-performing campus to participate in an innovative redesign of the campus to improve campus performance or to take certain actions, listed in order of severity, to the extent the commissioner determines necessary.

SECTION 14. Repealer: Section 39.024(b), Education Code, (regarding intensive programs of instruction for certain students).

SECTION 15. Provides that Section 29.909(e), Education Code, as added by this Act, applies only to a district that applies for participation in the electronic course program under Section 29.909, Education Code, as renumbered by this Act, on or after the effective date of this Act.

SECTION 16. Requires the commissioner of education to adopt rules for for the implementation of Section 39.023(a)(6), Education Code, as amended by this Act. Requires the commissioner's rules to provide that not later than the 2006-2007 school year, the State Board of Education shall administer a science assessment instrument to students in the eighth grade as provided by Section 39.023(a)(6), Education Code, as amended by this Act; and not later than the 2008-2009 school year, the Texas Education Agency, in evaluating the performance of school districts, campuses, and open-enrollment charter schools under Subchapter D, Chapter 39, Education Code, shall include the results of student performance on the eighth grade science assessment instrument required by Section 39.023(a)(6), Education Code, as amended by this Act.

SECTION 17. Provides that this Act applies beginning with the 2003-2004 school year, except that the commissioner of education shall make available not later than the beginning of the 2004-2005 school year the programs developed under Section 29.910(a)(1), Education Code, as added by this Act.

SECTION 18. Effective date: upon passage or September 1, 2003.

