

By: Grusendorf, et al.

H.B. No. 973

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the applicability of certain laws to public school
3 districts and campuses rated exemplary by the Texas Education
4 Agency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 11, Education Code, is
7 amended by adding Section 11.003 to read as follows:

8 Sec. 11.003. APPLICABILITY OF TITLE TO EXEMPLARY DISTRICTS
9 AND CAMPUSES. A school district or campus rated exemplary under
10 Section 39.072 is subject only to the prohibitions, restrictions,
11 and requirements of this title that apply to an open-enrollment
12 charter school under Section 12.104(b).

13 SECTION 2. Section 39.182(a), Education Code, is amended to
14 read as follows:

15 (a) Not later than December 1 of each year, the agency shall
16 prepare and deliver to the governor, the lieutenant governor, the
17 speaker of the house of representatives, each member of the
18 legislature, the Legislative Budget Board, and the clerks of the
19 standing committees of the senate and house of representatives with
20 primary jurisdiction over the public school system a comprehensive
21 report covering the preceding school year and containing:

22 (1) an evaluation of the achievements of the state
23 educational program in relation to the statutory goals for the
24 public education system under Section 4.002;

1 (2) an evaluation of the status of education in the
2 state as reflected by the academic excellence indicators adopted
3 under Section 39.051;

4 (3) a summary compilation of overall student
5 performance on academic skills assessment instruments required by
6 Section 39.023 with the number and percentage of students exempted
7 from the administration of those instruments and the basis of the
8 exemptions, aggregated by grade level, subject area, campus, and
9 district, with appropriate interpretations and analysis, and
10 disaggregated by race, ethnicity, gender, and socioeconomic
11 status;

12 (4) a summary compilation of overall performance of
13 students placed in an alternative education program established
14 under Section 37.008 on academic skills assessment instruments
15 required by Section 39.023 with the number of those students
16 exempted from the administration of those instruments and the basis
17 of the exemptions, aggregated by district, grade level, and subject
18 area, with appropriate interpretations and analysis, and
19 disaggregated by race, ethnicity, gender, and socioeconomic
20 status;

21 (5) a summary compilation of overall performance of
22 students at risk of dropping out of school, as defined by Section
23 29.081(d), on academic skills assessment instruments required by
24 Section 39.023 with the number of those students exempted from the
25 administration of those instruments and the basis of the
26 exemptions, aggregated by district, grade level, and subject area,
27 with appropriate interpretations and analysis, and disaggregated

1 by race, ethnicity, gender, and socioeconomic status;

2 (6) an evaluation of the correlation between student
3 grades and student performance on academic skills assessment
4 instruments required by Section 39.023;

5 (7) a statement of the dropout rate of students in
6 grade levels 7 through 12, expressed in the aggregate and by grade
7 level, and a statement of the completion rates of students for grade
8 levels 9 through 12;

9 (8) a statement of:

10 (A) the completion rate of students who enter
11 grade level 9 and graduate not more than four years later;

12 (B) the completion rate of students who enter
13 grade level 9 and graduate, including students who require more
14 than four years to graduate;

15 (C) the completion rate of students who enter
16 grade level 9 and not more than four years later receive a high
17 school equivalency certificate;

18 (D) the completion rate of students who enter
19 grade level 9 and receive a high school equivalency certificate,
20 including students who require more than four years to receive a
21 certificate; and

22 (E) the number and percentage of all students who
23 have not been accounted for under Paragraph (A), (B), (C), or (D);

24 (9) a statement of the projected cross-sectional and
25 longitudinal dropout rates for grade levels 9 through 12 for the
26 next five years, assuming no state action is taken to reduce the
27 dropout rate;

1 (10) a description of a systematic, measurable plan
2 for reducing the projected cross-sectional and longitudinal
3 dropout rates to five percent or less for the 1997-1998 school year;

4 (11) a summary of the information required by Section
5 29.083 regarding grade level retention of students and information
6 concerning:

7 (A) the number and percentage of students
8 retained; and

9 (B) the performance of retained students on
10 assessment instruments required under Section 39.023(a);

11 (12) information, aggregated by district type and
12 disaggregated by race, ethnicity, gender, and socioeconomic
13 status, on:

14 (A) the number of students placed in an
15 alternative education program established under Section 37.008;

16 (B) the average length of a student's placement
17 in an alternative education program established under Section
18 37.008;

19 (C) the academic performance of students on
20 assessment instruments required under Section 39.023(a) during the
21 year preceding and during the year following placement in an
22 alternative education program; and

23 (D) the dropout rates of students who have been
24 placed in an alternative education program established under
25 Section 37.008;

26 (13) a list of each school district or campus that does
27 not satisfy performance standards, with an explanation of the

1 actions taken by the commissioner to improve student performance in
2 the district or campus and an evaluation of the results of those
3 actions;

4 (14) an evaluation of the status of the curriculum
5 taught in public schools, with recommendations for legislative
6 changes necessary to improve or modify the curriculum required by
7 Section 28.002;

8 (15) a description of all funds received by and each
9 activity and expenditure of the agency;

10 (16) a summary and analysis of the compliance of
11 school districts with administrative cost ratios set by the
12 commissioner under Section 42.201, including any improvements and
13 cost savings achieved by school districts;

14 (17) a summary of the effect of deregulation,
15 including exemptions and waivers granted under Section 7.056 or
16 11.003 [~~39.112~~];

17 (18) a statement of the total number and length of
18 reports that school districts and school district employees must
19 submit to the agency, identifying which reports are required by
20 federal statute or rule, state statute, or agency rule, and a
21 summary of the agency's efforts to reduce overall reporting
22 requirements;

23 (19) a list of each school district that is not in
24 compliance with state special education requirements, including:

25 (A) the period for which the district has not
26 been in compliance;

27 (B) the manner in which the agency considered the

1 district's failure to comply in determining the district's
2 accreditation status; and

3 (C) an explanation of the actions taken by the
4 commissioner to ensure compliance and an evaluation of the results
5 of those actions;

6 (20) a comparison of the performance of
7 open-enrollment charter schools and school districts on the
8 academic excellence indicators specified in Section 39.051(b) and
9 accountability measures adopted under Section 39.051(g), with a
10 separately aggregated comparison of the performance of
11 open-enrollment charter schools predominantly serving students at
12 risk of dropping out of school, as defined by Section 29.081(d),
13 with the performance of school districts; and

14 (21) any additional information considered important
15 by the commissioner or the State Board of Education.

16 SECTION 3. Section 39.183, Education Code, is amended to
17 read as follows:

18 Sec. 39.183. REGIONAL AND DISTRICT LEVEL REPORT. The
19 agency shall prepare and deliver to the governor, the lieutenant
20 governor, the speaker of the house of representatives, each member
21 of the legislature, the Legislative Budget Board, and the clerks of
22 the standing committees of the senate and house of representatives
23 with primary jurisdiction over the public school system a regional
24 and district level report covering the preceding two school years
25 and containing:

26 (1) a summary of school district compliance with the
27 student/teacher ratios and class-size limitations prescribed by

1 Sections 25.111 and 25.112, including:

2 (A) the number of campuses and classes at each
3 campus granted an exception from Section 25.112; and

4 (B) the performance rating under Subchapter D of
5 each campus granted an exception from Section 25.112;

6 (2) a summary of the exemptions and waivers granted to
7 school districts under Section 7.056 or 11.003 [~~39.112~~] and a
8 review of the effectiveness of each campus or district following
9 deregulation;

10 (3) an evaluation of the performance of the system of
11 regional education service centers based on the indicators adopted
12 under Section 8.101 and client satisfaction with services provided
13 under Subchapter B, Chapter 8;

14 (4) an evaluation of accelerated instruction programs
15 offered under Section 28.006, including an assessment of the
16 quality of such programs and the performance of students enrolled
17 in such programs; and

18 (5) the number of classes at each campus that are
19 currently being taught by individuals who are not certified in the
20 content areas of their respective classes.

21 SECTION 4. Section 39.112, Education Code, is repealed.

22 SECTION 5. This Act applies beginning with the 2003-2004
23 school year.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 973

1 Act takes effect September 1, 2003.

1 COMMITTEE AMENDMENT NO. 1

2 Amend Section 1 of the bill by striking the period at the end
3 of line 12 and in its place add the following language:

4 subject to the approval by the Commissioner, based on the
5 educational interest of the students, on the exemption from any
6 particular rule. A request for approval that is not denied by the
7 Commissioner within 30 days shall be deemed approved.

8 Hochberg