

By: Shapiro

S.B. No. 1108

A BILL TO BE ENTITLED

AN ACT

relating to academic achievement in public schools.

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

SECTION 1. Subsection (b), Section 12.104, Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) satisfactory performance on assessment instruments and to accelerated instruction under Section 28.0211;

(E) personal graduation plan under Section 28.0212;

(F) intensive instruction program under Section 28.0213;

1 (G) high school graduation under Section 28.025;
2 (H) [~~(F)~~] special education programs under
3 Subchapter A, Chapter 29;
4 (I) [~~(G)~~] bilingual education under Subchapter
5 B, Chapter 29;
6 (J) [~~(H)~~] prekindergarten programs under
7 Subchapter E, Chapter 29;
8 (K) [~~(I)~~] extracurricular activities under
9 Section 33.081;
10 (L) [~~(J)~~] discipline management practices or
11 behavior management techniques under Section 37.0021;
12 (M) [~~(K)~~] health and safety under Chapter 38; and
13 (N) [~~(L)~~] public school accountability under
14 Subchapters B, C, D, and G, Chapter 39.

15 SECTION 2. Subchapter A, Chapter 21, Education Code, is
16 amended by adding Section 21.005 to read as follows:

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

22 SECTION 3. Section 28.002, Education Code, is amended by
23 adding Subsection (d-1) to read as follows:

24 (d-1) If a high school student is at risk of dropping out of
25 school because of poor performance on an assessment instrument
26 administered under Section 39.023(a), (c), or (l), the State Board
27 of Education by rule may allow the student to substitute a

1 foundation curriculum course, in addition to any foundation
2 curriculum courses otherwise required for high school graduation,
3 for an elective enrichment curriculum course otherwise required for
4 high school graduation as necessary to improve the student's
5 performance on the assessment instrument. A student enrolled in a
6 foundation curriculum course under this subsection is entitled to
7 receive credit for purposes of high school graduation requirements
8 as if the student were enrolled in an enrichment curriculum course.

9 SECTION 4. Subchapter B, Chapter 28, Education Code, is
10 amended by adding Sections 28.0212 and 28.0213 to read as follows:

11 Sec. 28.0212. PERSONAL GRADUATION PLAN. (a) A principal
12 shall designate a guidance counselor, teacher, or other appropriate
13 individual to develop and administer a personal graduation plan for
14 each student enrolled in a junior, middle, or high school who:

15 (1) does not perform satisfactorily on an assessment
16 instrument administered under Subchapter B, Chapter 39; or

17 (2) is not likely to receive a high school diploma
18 before the fifth school year following the student's enrollment in
19 grade level 9, as determined by the district.

20 (b) A personal graduation plan must:

21 (1) identify educational goals for the student;
22 (2) include diagnostic information, appropriate
23 monitoring and intervention, and other evaluation strategies;

24 (3) include an intensive instruction program
25 described by Section 28.0213;

26 (4) address participation of the student's parent or
27 guardian, including consideration of the parent's or guardian's

1 educational expectations for the student; and

2 (5) provide innovative methods to promote the
3 student's advancement, including flexible scheduling, alternative
4 learning environments, on-line instruction, and other
5 interventions that are proven to accelerate the learning process
6 and have been scientifically validated to improve learning and
7 cognitive ability.

8 (c) Notwithstanding Subsection (b), a student's
9 individualized education program developed under Section 29.005
10 may be used as the student's personal graduation plan under this
11 section.

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

16 (b) For a student who does not perform satisfactorily on an
17 assessment instrument administered under Section 39.023(a), (c),
18 or (1), the school district shall design the program to:

19 (1) enable the student to:

20 (A) perform at the student's grade level at the
21 conclusion of the next regular school term; or

22 (B) attain a standard of annual growth specified
23 by the agency; and

24 (2) if applicable, carry out the purposes of Section
25 28.0211.

26 (c) For a student in a special education program under
27 Subchapter A, Chapter 29, who does not perform satisfactorily on an

1 assessment instrument administered under Section 39.023(a), (b),
2 or (c), the student's admission, review, and dismissal committee
3 shall design the program to:

4 (1) enable the student to attain a standard of annual
5 growth on the basis of the student's individualized education
6 program; and

7 (2) if applicable, carry out the purposes of Section
8 28.0211.

9 SECTION 5. Subchapter Z, Chapter 29, Education Code, is
10 amended by adding Section 29.908 to read as follows:

11 Sec. 29.908. PROGRAMS OF MUTUAL BENEFIT. (a) The
12 commissioner, in coordination with appropriate representatives of
13 institutions of higher education and school districts, shall
14 develop:

15 (1) a diagnostic and assistance program for each
16 subject assessed by an assessment instrument under Section
17 39.023(c); and

18 (2) other academic programs of mutual benefit to
19 school districts and institutions of higher education.

20 (b) The commissioner shall seek private funding to make
21 available and maintain on the Internet each diagnostic and
22 assistance program developed under Subsection (a)(1).

23 SECTION 6. Subsection (b), Section 39.131, Education Code,
24 is amended to read as follows:

25 (b) If a campus performance is below any standard under
26 Section 39.073(b), the campus is considered a low-performing
27 campus. The [and the] commissioner may permit the campus to

1 participate in an innovative redesign of the campus to improve
2 campus performance or may take any of the other following actions,
3 listed in order of severity, to the extent the commissioner
4 determines necessary:

5 (1) issue public notice of the deficiency to the board
6 of trustees;

7 (2) order a hearing conducted by the board of trustees
8 at the campus for the purpose of notifying the public of the
9 unacceptable performance, the improvements in performance expected
10 by the agency, and the sanctions that may be imposed under this
11 section if the performance does not improve within a designated
12 period of time and of soliciting public comment on the initial steps
13 being taken to improve performance;

14 (3) order the preparation of a report regarding the
15 parental involvement program at the campus and a plan describing
16 strategies for improving parental involvement at the campus;

17 (4) order the preparation of a report regarding the
18 effectiveness of the district- and campus-level planning and
19 decision-making committees established under Subchapter F, Chapter
20 11, and a plan describing strategies for improving the
21 effectiveness of those committees;

22 (5) order the preparation of a student achievement
23 improvement plan that addresses each academic excellence indicator
24 for which the campus's performance is unacceptable, the submission
25 of the plan to the commissioner for approval, and implementation of
26 the plan;

27 (6) order a hearing to be held before the commissioner

1 or the commissioner's designee at which the president of the board
2 of trustees, the superintendent, and the campus principal shall
3 appear and explain the campus's low performance, lack of
4 improvement, and plans for improvement;

5 (7) appoint a special campus intervention team to:

6 (A) conduct a comprehensive on-site evaluation
7 of each low-performing campus to determine the cause for the
8 campus's low performance and lack of progress;

9 (B) recommend actions, including reallocation of
10 resources and technical assistance, changes in school procedures or
11 operations, staff development for instructional and administrative
12 staff, intervention for individual administrators or teachers,
13 waivers from state statute or rule, or other actions the team
14 considers appropriate;

15 (C) assist in the development of a campus plan
16 for student achievement; and

17 (D) assist the commissioner in monitoring the
18 progress of the campus in implementing the campus plan for
19 improvement of student achievement;

20 (8) if a campus has been a low-performing campus for a
21 period of one year or more, appoint a board of managers composed of
22 residents of the district to exercise the powers and duties of the
23 board of trustees of the district in relation to the campus; or

24 (9) if a campus has been a low-performing campus for a
25 period of two years or more, order closure of the school program on
26 the campus.

27 SECTION 7. Subsection (e), Section 42.152, Education Code,

1 is amended to read as follows:

2 (e) The commissioner may:

3 (1) retain a portion of the total amount allotted
4 under Subsection (a) that the commissioner considers appropriate to
5 finance intensive [~~accelerated~~] instruction programs under Section
6 28.0213 and study guides provided under Section 39.024(c) [~~Sections~~
7 ~~39.024(b) and (c)~~]; and

8 (2) reduce each district's tier one allotments in the
9 same manner described for a reduction in allotments under Section
10 42.253.

11 SECTION 8. Subsection (b), Section 39.024, Education Code,
12 is repealed.

13 SECTION 9. This Act applies beginning with the 2003-2004
14 school year, except that the commissioner of education shall make
15 available not later than the beginning of the 2004-2005 school year
16 the programs developed under Subdivision (1), Subsection (a),
17 Section 29.908, Education Code, as added by this Act.

18 SECTION 10. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2003.