

By: Shapiro S.B. No. 1108
(In the Senate - Filed March 11, 2003; March 17, 2003, read first time and referred to Committee on Education; March 27, 2003, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; March 27, 2003, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1108 By: Shapiro

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

Sec. 21.005. HIGH-QUALITY TEACHERS. The commissioner may by rule 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 2. Section 28.002, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) If a high school student is at risk of dropping out of school because of poor performance on an assessment instrument administered under Section 39.023(a), (c), or (l), the State Board of Education by rule may allow the student to substitute a foundation curriculum course, in addition to any foundation curriculum courses otherwise required for high school graduation, for an elective enrichment curriculum course otherwise required for high school graduation as necessary to improve the student's performance on the assessment instrument. A student enrolled in a foundation curriculum course under this subsection is entitled to receive credit for purposes of high school graduation requirements as if the student were enrolled in an enrichment curriculum course.

SECTION 3. Subchapter B, Chapter 28, Education Code, is amended by adding Sections 28.0212 and 28.0213 to read as follows:

Sec. 28.0212. PERSONAL GRADUATION PLAN. (a) A principal shall 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:

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

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

(b) A personal graduation plan must:

(1) identify educational goals for the student;

(2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;

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

(4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and

(5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, and on-line instruction.

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

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

(b) For a student who does not perform satisfactorily on an

assessment instrument administered under Section 39.023(a), (c), or (1), the school district shall design the program to:

(1) enable the student to:
(A) perform at the student's grade level at the conclusion of the next regular school term; or

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

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

(c) 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:

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

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

SECTION 4. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.908 to read as follows:

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

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

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

(b) The commissioner shall make available on the Internet each diagnostic and assistance program developed under Subsection (a)(1).

SECTION 5. Subsection (b), Section 39.131, Education Code, is amended to read as follows:

(b) If a campus performance is below any standard under Section 39.073(b), the campus is considered a low-performing campus. ~~The [and the]~~ commissioner may permit the campus to participate in an innovative redesign of the campus to improve campus performance or may take any of the other following actions, listed in order of severity, to the extent the commissioner determines necessary:

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

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

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

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

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

(6) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees, the superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement;

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

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

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

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

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

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

SECTION 6. Subsection (e), Section 42.152, Education Code, is amended to read as follows:

(e) The commissioner may:

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

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

SECTION 7. Subsection (b), Section 39.024, Education Code, is repealed.

SECTION 8. 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 Subdivision (1), Subsection (a), Section 29.908, Education Code, as added by this Act.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

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