

By: Williams

S.B. No. 1789

A BILL TO BE ENTITLED

AN ACT

1
2 relating to curbing the practice of teaching to the test in public
3 schools.

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

5 SECTION 1. Subchapter B, Chapter 39, Education Code, is
6 amended by adding Section 39.0235 to read as follows:

7 Sec. 39.0235. OVEREMPHASIS OF TESTING. The State Board of
8 Education shall develop guidelines for ensuring that public school
9 teachers do not overemphasize standardized testing at the expense
10 of a thorough and well-rounded education.

11 SECTION 2. Section 11.202, Education Code, is amended to
12 read as follows:

13 Sec. 11.202. PRINCIPALS. (a) The principal of a school is
14 the instructional leader of the school and shall be provided with
15 adequate training and personnel assistance to assume that role.

16 (b) Each principal shall:

17 (1) except as provided by Subsection (f) [~~(d)~~],
18 approve all teacher and staff appointments for that principal's
19 campus from a pool of applicants selected by the district or of
20 applicants who meet the hiring requirements established by the
21 district, based on criteria developed by the principal after
22 informal consultation with the faculty;

23 (2) set specific education objectives for the
24 principal's campus, through the planning process under Section

1 11.253;

2 (3) develop budgets for the principal's campus;

3 (4) assume the administrative responsibility and
4 instructional leadership, under the supervision of the
5 superintendent, for discipline at the campus;

6 (5) assign, evaluate, ~~and~~ promote, and demote
7 personnel assigned to the campus;

8 (6) recommend to the superintendent the termination or
9 suspension of an employee assigned to the campus or the nonrenewal
10 of the term contract of an employee assigned to the campus; ~~and~~

11 (7) implement the guidelines developed by the State
12 Board of Education under Section 39.0235 for ensuring that teachers
13 do not overemphasize standardized testing at the expense of a
14 thorough and well-rounded education; and

15 (8) perform other duties assigned by the
16 superintendent pursuant to the policy of the board of trustees.

17 (c) The board of trustees of a school district shall adopt a
18 policy for the selection of a campus principal that includes
19 qualifications required for that position.

20 (d) A school district may not compensate a principal in a
21 manner that is dependent, in whole or in part, on student
22 performance on assessment instruments established and administered
23 under Chapter 39. A school principal may not be subjected to an
24 adverse employment action on the sole basis of student performance
25 on assessment instruments established and administered under
26 Chapter 39. For purposes of this subsection, "adverse employment
27 action" includes termination, demotion, a reduction in job

1 responsibilities, or a decrease in compensation.

2 (e) In exercising the duties assigned under Subsections
3 (b)(5) and (6) with respect to teachers, a principal shall, to the
4 extent possible, consider whether the teacher has substantially
5 complied with the guidelines developed by the State Board of
6 Education under Section 39.0235, for ensuring that teachers do not
7 overemphasize standardized testing at the expense of a thorough and
8 well-rounded education.

9 (f) The superintendent or the person designated by the
10 superintendent has the final placement authority for a teacher
11 transferred because of enrollment shifts or program changes in the
12 district.

13 SECTION 3. Subsection (d), Section 11.253, Education Code,
14 is amended to read as follows:

15 (d) Each campus improvement plan must:

16 (1) assess the academic achievement for each student
17 in the school using the academic excellence indicator system as
18 described by Section 39.051;

19 (2) set the campus performance objectives based on the
20 academic excellence indicator system, including objectives for
21 special needs populations, including students in special education
22 programs under Subchapter A, Chapter 29;

23 (3) incorporate the guidelines developed by the State
24 Board of Education under Section 39.0235 for ensuring that teachers
25 do not overemphasize standardized testing at the expense of a
26 thorough and well-rounded education;

27 (4) identify how the campus goals will be met for each

1 student;

2 (5) [~~(4)~~] determine the resources needed to implement
3 the plan;

4 (6) [~~(5)~~] identify staff needed to implement the plan;

5 (7) [~~(6)~~] set timelines for reaching the goals;

6 (8) [~~(7)~~] measure progress toward the performance
7 objectives periodically to ensure that the plan is resulting in
8 academic improvement;

9 (9) [~~(8)~~] include goals and methods for violence
10 prevention and intervention on campus; and

11 (10) [~~(9)~~] provide for a program to encourage parental
12 involvement at the campus.

13 SECTION 4. Subsection (a), Section 21.357, Education Code,
14 is amended to read as follows:

15 (a) The commissioner shall design an objective system to
16 evaluate principals that:

17 (1) is based on types of information available as of
18 January 1, 1995, through the Public Education Information
19 Management System (PEIMS) and the state's public school
20 accountability system;

21 (2) focuses on gain at a principal's campus and
22 includes a statistical analysis comparing current campus
23 performance to previous performance; [~~and~~]

24 (3) is not solely or primarily based on student scores
25 on standardized tests; and

26 (4) does not include subjective items.

27 SECTION 5. This Act takes effect September 1, 2003.