

BILL ANALYSIS

H.B. 3404
By: Allen, Alma
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, if a campus has been identified as academically unacceptable for two consecutive years, including the current school year, the commissioner shall order the reconstitution of a campus and assign a campus intervention team. If a principal has been at that campus for those two years when the campus was rated academically unacceptable, the principal must be removed.

Under the sanctions imposed by current law, districts are having a difficult time finding strong principals and teachers willing to work at academically unacceptable campuses. Teachers know that they only have two years to make a campus academically acceptable or face the uncertainty of going through the reconstitution process. A principal that was there for at least the two years that the school was rated academically unacceptable must be removed without any consideration for any improvements that have been made at the campus during his or her leadership.

This bill would provide more flexibility for districts, while keeping intact the penalties for chronically unacceptable schools that are showing no progress in student achievement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Note: Unless otherwise specified, statutory references in this BILL ANALYSIS are to the Education Code.

Currently, 39.1324, Education Code, provides that if a campus has been identified as academically unacceptable for two consecutive school years, including the current school year, the Commissioner of Education (commissioner) shall order the reconstitution of the campus and assign a campus intervention team. In reconstituting the campus, a campus intervention team shall assist the campus in developing a school improvement plan, obtaining approval of the plan from the commissioner, and executing the plan on approval by the commissioner.

This bill creates an exception to the above provision. The commissioner is not required to take action as specified above during the second consecutive school year for which a campus is identified as academically unacceptable or, regardless of the continued identification of the campus as academically unacceptable, during the next school year if the campus demonstrates improvement, as measured from the preceding school year, in relation to performance on the indicator or indicators under Section 39.051 on which the identification as academically unacceptable for the current school year is based, or the identification of the campus as academically unacceptable for the current year is based on a single indicator under Section 39.051 that was not a basis for identification of the campus as academically unacceptable for the preceding school year, and is based on the performance of a group of students that does not constitute more than 30 percent of the total campus student population.

The bill provides that the campus intervention team shall decide which educators may be retained at that campus. A principal who has been employed by the campus in that capacity during the period described by Subsection (a) or (a-1) of Section 39.1324, as amended by this bill and as applicable, and whose campus has not demonstrated adequate improvement may not be retained at that campus. A teacher of a subject assessed by an assessment instrument under Section 39.023 may be retained only if the campus intervention team determines that a pattern

exists of significant academic improvement by students taught by the teacher. If an educator is not retained, the educator may be assigned to another position in the district.

The bill provides that if a campus is considered an academically unacceptable campus for the subsequent school year after the campus is reconstituted, the commissioner shall review the progress of the campus and may order closure of the campus or pursue alternative management under Section 39.1327. This provision does not apply if the identification as academically unacceptable is based on a single indicator under Section 39.051 that was not a basis for identification of the campus as academically unacceptable for the preceding school year, and is based on the performance of a group of students that does not constitute more than 30 percent of the total campus student population.

The bill provides that the Act applies beginning with the 2007-2008 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.