

By: Allen

H.B. No. 3404

A BILL TO BE ENTITLED

1 AN ACT

2 relating to mandatory sanctions for certain academically  
3 unacceptable public school campuses.

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

5 SECTION 1. Section 39.1324, Education Code, is amended by  
6 amending Subsections (a), (b), and (e) and adding Subsection (a-1)  
7 to read as follows:

8 (a) Except as provided by Subsection (a-1), if [~~if~~] a campus  
9 has been identified as academically unacceptable for two  
10 consecutive school years, including the current school year, the  
11 commissioner shall order the reconstitution of the campus and  
12 assign a campus intervention team. In reconstituting the campus, a  
13 campus intervention team shall assist the campus in:

14 (1) developing a school improvement plan;

15 (2) obtaining approval of the plan from the  
16 commissioner; and

17 (3) executing the plan on approval by the  
18 commissioner.

19 (a-1) The commissioner is not required to take action under  
20 Subsection (a) during the second consecutive school year for which  
21 a campus is identified as academically unacceptable or, regardless  
22 of the continued identification of the campus as academically  
23 unacceptable, during the next school year if:

24 (1) the campus demonstrates improvement, as measured

1 from the preceding school year, in relation to performance on the  
2 indicator or indicators under Section 39.051 on which the  
3 identification as academically unacceptable for the current school  
4 year is based; or

5 (2) the identification of the campus as academically  
6 unacceptable for the current year is based on a single indicator  
7 under Section 39.051 that:

8 (A) was not a basis for identification of the  
9 campus as academically unacceptable for the preceding school year;  
10 and

11 (B) is based on the performance of a group of  
12 students that does not constitute more than 30 percent of the total  
13 campus student population.

14 (b) The campus intervention team shall decide which  
15 educators may be retained at that campus. A principal who has been  
16 employed by the campus in that capacity during the [~~full two-year~~]  
17 period described by Subsection (a) or (a-1), as applicable, and  
18 whose campus has not demonstrated adequate improvement may not be  
19 retained at that campus. A teacher of a subject assessed by an  
20 assessment instrument under Section 39.023 may be retained only if  
21 the campus intervention team determines that a pattern exists of  
22 significant academic improvement by students taught by the teacher.  
23 If an educator is not retained, the educator may be assigned to  
24 another position in the district.

25 (e) If a campus is considered an academically unacceptable  
26 campus for the subsequent school year after the campus is  
27 reconstituted under this section, the commissioner shall review the

1 progress of the campus and may order closure of the campus or pursue  
2 alternative management under Section 39.1327. This subsection does  
3 not apply if the identification as academically unacceptable is  
4 based on a single indicator under Section 39.051 that:

5 (1) was not a basis for identification of the campus as  
6 academically unacceptable for the preceding school year; and

7 (2) is based on the performance of a group of students  
8 that does not constitute more than 30 percent of the total campus  
9 student population.

10 SECTION 2. This Act applies beginning with the 2007-2008  
11 school year.

12 SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2007.