

By: Dukes

H.B. No. 1238

A BILL TO BE ENTITLED

1 AN ACT
2 relating to sanctions that may be imposed on public school campuses
3 identified as academically unacceptable for two consecutive school
4 years.

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

6 SECTION 1. Section 39.1324, Education Code, is amended to
7 read as follows:

8 Sec. 39.1324. MANDATORY SANCTIONS. (a) If a campus has
9 been identified as academically unacceptable for two consecutive
10 school years, including the current school year, the commissioner
11 shall ~~[order the reconstitution of the campus and]~~ assign a campus
12 intervention team. The ~~[In reconstituting the campus, a]~~ campus
13 intervention team shall assist the campus in:

14 (1) developing a school improvement plan in
15 consultation with parents and guardians of campus students and
16 other interested persons in the community;

17 (2) obtaining approval of the plan from the
18 commissioner; and

19 (3) executing the plan on approval by the
20 commissioner.

21 (b) The campus intervention team, in consultation with
22 school district officials, the campus-level planning and
23 decision-making committee established under Subchapter F, Chapter
24 11, other parents and guardians of campus students, and other

1 interested persons in the community, shall decide which educators
2 may be retained at that campus. A principal who has been employed
3 by the campus in that capacity during the full two-year period
4 described by Subsection (a) may not be retained at that campus. A
5 teacher of a subject assessed by an assessment instrument under
6 Section 39.023 may be retained only if the campus intervention
7 team, in consultation with school district officials, the
8 campus-level planning and decision-making committee, other parents
9 and guardians of campus students, and other interested persons in
10 the community, determines that a pattern exists of significant
11 academic improvement by students taught by the teacher. If an
12 educator is not retained, the educator may be assigned to another
13 position in the district.

14 (c) A campus subject to Subsection (a), in conjunction with
15 school district officials and the campus-level planning and
16 decision-making committee, shall implement the school improvement
17 plan as approved by the commissioner and shall make the plan
18 available to interested persons on request. The commissioner may
19 appoint a monitor, conservator, management team, or a board of
20 managers to the district to ensure and oversee the implementation
21 of the school improvement plan.

22 (d) Notwithstanding any other provision of this subchapter,
23 if the commissioner determines that a campus subject to Subsection
24 (a) is not fully implementing the school improvement plan, the
25 commissioner may, in consultation with school district and campus
26 officials and the campus-level planning and decision-making
27 committee, take any of the following actions:

1 (1) replace any campus employee determined to be
2 contributing to the continued failure to meet state performance
3 standards;

4 (2) implement a new, scientifically-based curriculum
5 and professional development training in providing instruction in
6 that curriculum;

7 (3) increase the number of hours in the school day or
8 the number of days of instruction in the school year;

9 (4) appoint a person from outside the campus who has
10 relevant professional experience in education to assist the campus
11 in making progress, as provided by the campus improvement plan,
12 towards meeting state performance standards; or

13 (5) decrease the authority of the campus
14 administrators in managing the campus or otherwise restructure the
15 campus's management or administrative structure [~~pursue~~
16 ~~alternative management of the campus under Section 39.1327 or may~~
17 ~~order closure of the campus~~].

18 (e) If a campus is considered an academically unacceptable
19 campus for the subsequent school year after the campus intervention
20 team is assigned [~~reconstituted~~] under this section, the
21 commissioner shall review the progress of the campus and may, in
22 consultation with school district and campus officials and the
23 campus-level planning and decision-making committee, take any
24 action authorized under Subsection (d) [~~order closure of the campus~~
25 ~~or pursue alternative management under Section 39.1327~~].

26 (f) If a campus is considered academically unacceptable for
27 two consecutive school years after the campus intervention team is

1 assigned [~~reconstituted~~] under Subsection (a), the commissioner
2 shall review the progress of the campus and shall, in consultation
3 with school district and campus officials and the campus-level
4 planning and decision-making committee, take one or more actions
5 authorized under Subsection (d) [~~order closure of the campus or~~
6 ~~pursue alternative management under Section 39.1327~~].

7 SECTION 2. Section 39.1323(f), Education Code, is repealed.

8 SECTION 3. This Act applies beginning with the 2009-2010
9 school year.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2009.