

By: Watson

S.B. No. 1601

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to sanctions for public schools designated academically  
3 unacceptable.

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

5 SECTION 1. Section 39.1322, Education Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) If the commissioner appoints a monitor, conservator,  
8 management team, or board of managers to the district under Section  
9 39.1324(c), a technical assistance team or campus intervention team  
10 appointed under this section shall work with and under the  
11 direction of the monitor, conservator, management team, or board of  
12 managers. The monitor, conservator, management team, or board of  
13 managers may recommend to the commissioner that all or part of the  
14 services of a technical assistance team or campus intervention team  
15 are no longer needed at a campus.

16 SECTION 2. Sections 39.1324(c), (d), (e), and (f),  
17 Education Code, are amended to read as follows:

18 (c) A campus subject to Subsection (a) shall implement the  
19 school improvement plan as approved by the commissioner. The  
20 commissioner may appoint a monitor, conservator, management team,  
21 or ~~a~~ board of managers to the district to ensure and oversee the  
22 implementation of the school improvement plan. In making an  
23 appointment under this subsection, the commissioner shall consider  
24 individuals who have demonstrated success working in the management

1 of campuses with student populations similar to the student  
2 population of the campus subject to the appointment.

3 (d) Notwithstanding any other provision of this subchapter,  
4 if the commissioner determines that a campus subject to Subsection  
5 (a) is not fully implementing the school improvement plan, the  
6 commissioner may order:

7 (1) repurposing [~~pursue alternative management~~] of  
8 the campus under Section 39.1327; or

9 (2) [~~may order~~] closure of the campus.

10 (e) If a campus is considered an academically unacceptable  
11 campus for the subsequent school year after the campus is  
12 reconstituted under this section, the commissioner shall review the  
13 progress of the campus and may order:

14 (1) repurposing of the campus under Section 39.1327;

15 or

16 (2) closure of the campus [~~or pursue alternative~~  
17 ~~management under Section 39.1327~~].

18 (f) If a campus is considered academically unacceptable for  
19 two consecutive school years after the campus is reconstituted  
20 under Subsection (a), the commissioner shall order:

21 (1) repurposing of the campus under Section 39.1327;

22 or

23 (2) closure of the campus [~~or pursue alternative~~  
24 ~~management under Section 39.1327~~].

25 SECTION 3. Section 39.1327, Education Code, is amended to  
26 read as follows:

27 Sec. 39.1327. REPURPOSING [~~MANAGEMENT~~] OF CERTAIN

1 ACADEMICALLY UNACCEPTABLE CAMPUSES. (a) A campus may be subject  
2 to this section if the campus has been identified as academically  
3 unacceptable under Section 39.132 and the commissioner orders  
4 repurposing of the campus [~~alternative management~~] under Section  
5 39.1324(d), (e), or (f).

6 (b) [~~The commissioner shall solicit proposals from~~  
7 ~~qualified nonprofit entities to assume management of a campus~~  
8 ~~subject to this section or may appoint to assume management of a~~  
9 ~~campus subject to this section a school district other than the~~  
10 ~~district in which the campus is located that is located in the~~  
11 ~~boundaries of the same regional education service center as the~~  
12 ~~campus is located. A district appointed under this section shall~~  
13 ~~assume management of a campus subject to this section in the same~~  
14 ~~manner provided by this section for a qualified nonprofit entity or~~  
15 ~~in accordance with commissioner rule.~~

16 [~~(c)~~] If the commissioner determines that the basis for  
17 identifying a campus as academically unacceptable is limited to a  
18 specific condition that may be remedied with targeted technical  
19 assistance, the commissioner may:

20 (1) provide the campus a one-year waiver under this  
21 section; and

22 (2) require the district to contract for the  
23 appropriate technical assistance.

24 (c) A district ordered to repurpose a campus under Section  
25 39.1324 shall submit a plan to the commissioner for approval. The  
26 plan must include a description of a rigorous and relevant academic  
27 program for the campus. The plan may include various instructional

1 models.

2 (d) The commissioner may not approve the repurposing of a  
3 campus under Section 39.1324 unless:

4 (1) at least 50 percent of the students enrolled at the  
5 campus in the school year immediately preceding the repurposing of  
6 the campus are provided with the opportunity to enroll at another  
7 school, which may include another school on the same campus;

8 (2) the principal is not retained at the campus; and

9 (3) at least 75 percent of the teachers employed at the  
10 campus in the school year immediately preceding the repurposing of  
11 the campus are not retained at the campus, unless an exception is  
12 granted under Subsection (e).

13 (e) The commissioner or a management team appointed under  
14 Section 39.1324(c) may grant an exception to the requirement  
15 provided by Subsection (d) (3) for a teacher who provides  
16 instruction in a subject other than a subject for which an  
17 assessment instrument is administered under Section 39.023 (a) or  
18 (c). At the request of a district that is comprised of a single  
19 school providing instruction at the effected grade level, the  
20 commissioner may grant an exception to the requirement provided b  
21 Subsection (d)(1) if the commissioner finds that there is no school  
22 in the district in which the students may enroll. If the  
23 commissioner grants an exception to the requirement provided by  
24 Subsection (d)(1), he may order the school district to provide  
25 students with more intensive academic intervention. At the request  
26 of the district, the commissioner may grant an exception to the  
27 requirement provided by Subsection (d) (3) for a teacher who

1 provides instruction in a subject for which an assessment  
2 instrument is administered under Section 39.023 (a) or (c) if the  
3 district demonstrates that the students of the teacher demonstrated  
4 improved academic growth [performed at or above the statewide  
5 average on the assessment instrument for] in the teacher's subject  
6 of instruction [that was administered under Section 39.023(a) of  
7 (c)] in the school year immediately preceding the repurposing of  
8 the campus. The commissioner shall adopt objective standards for  
9 determining improved academic growth.

10 (f) If an educator is not retained under Subsection (d),  
11 the educator may be assigned to another position in the district.

12 ~~[(d) The commissioner may annually solicit proposals under~~  
13 ~~this section for the management of a campus subject to this~~  
14 ~~section. The commissioner shall notify a qualified nonprofit~~  
15 ~~entity that has been approved as a provider under this~~  
16 ~~section. The district must execute a contract with an approved~~  
17 ~~provider and relinquish control of the campus before January 1 of~~  
18 ~~the school year.~~

19 ~~[(c) To qualify for consideration as a managing entity under~~  
20 ~~this section, the entity must submit a proposal that provides~~  
21 ~~information relating to the entity's management and leadership team~~  
22 ~~that will participate in management of the campus under~~  
23 ~~consideration, including information relating to individuals that~~  
24 ~~have:~~

25 ~~[(1) documented success in whole school interventions~~  
26 ~~that increased the educational and performance levels of students~~  
27 ~~in academically unacceptable campuses,~~

1           ~~[(2) a proven record of effectiveness with programs~~  
2 ~~assisting low-performing students;~~

3           ~~[(3) a proven ability to apply research-based school~~  
4 ~~intervention strategies;~~

5           ~~[(4) a proven record of financial ability to perform~~  
6 ~~under the management contract; and~~

7           ~~[(5) any other experience or qualifications the~~  
8 ~~commissioner determines necessary.~~

9           ~~[(f) In selecting a managing entity under this section, the~~  
10 ~~commissioner shall give preference to a nonprofit entity that:~~

11           ~~[(1) meets any qualifications under this section; and~~

12           ~~[(2) has documented success in educating students from~~  
13 ~~similar demographic groups and with similar educational needs as~~  
14 ~~the students who attend the campus that is to be operated by a~~  
15 ~~managing entity under this section.~~

16           ~~[(g) The school district may negotiate the term of a~~  
17 ~~management contract for not more than five years with an option to~~  
18 ~~renew the contract. The management contract must include a~~  
19 ~~provision describing the district's responsibilities in supporting~~  
20 ~~the operation of the campus. The commissioner shall approve the~~  
21 ~~contract before the contract is executed and, as appropriate, may~~  
22 ~~require the district, as a term of the contract, to support the~~  
23 ~~campus in the same manner as the district was required to support~~  
24 ~~the campus before the execution of the management contract.~~

25           ~~[(h) A management contract under this section shall include~~  
26 ~~provisions approved by the commissioner that require the managing~~  
27 ~~entity to demonstrate improvement in campus performance, including~~

1 ~~negotiated performance measures. The performance measures must be~~  
2 ~~consistent with the priorities of this chapter. The commissioner~~  
3 ~~shall evaluate a managing entity's performance on the first and~~  
4 ~~second anniversaries of the date of the management contract. If the~~  
5 ~~evaluation fails to demonstrate improvement as negotiated under the~~  
6 ~~contract by the first anniversary of the date of the management~~  
7 ~~contract, the district may terminate the management contract, with~~  
8 ~~the commissioner's consent, for nonperformance or breach of~~  
9 ~~contract and select another provider from an approved list provided~~  
10 ~~by the commissioner. If the evaluation fails to demonstrate~~  
11 ~~significant improvement, as determined by the commissioner, by the~~  
12 ~~second anniversary of the date of the management contract, the~~  
13 ~~district shall terminate the management contract and select another~~  
14 ~~provider from an approved list provided by the commissioner or~~  
15 ~~resume operation of the campus if approved by the commissioner. If~~  
16 ~~the commissioner approves the district's operation of the campus,~~  
17 ~~the commissioner shall assign a technical assistance team to assist~~  
18 ~~the campus.~~

19       ~~[(i) Notwithstanding any other provision of this code, the~~  
20 ~~funding for a campus operated by a managing entity must be not less~~  
21 ~~than the funding of the other campuses in the district on a per~~  
22 ~~student basis so that the managing entity receives at least the same~~  
23 ~~funding the campus would otherwise have received.~~

24       ~~[(j) Each campus operated by a managing entity under this~~  
25 ~~section is subject to this chapter in the same manner as any other~~  
26 ~~campus in the district.~~

27       ~~[(k) The commissioner may adopt rules necessary to~~

1 ~~implement this section.~~

2 ~~[(1) With respect to the management of a campus under this~~  
3 ~~section:~~

4 ~~[(1) a managing entity is considered to be a~~  
5 ~~governmental body for purposes of Chapters 551 and 552, Government~~  
6 ~~Code; and~~

7 ~~[(2) any requirement in Chapter 551 or 552, Government~~  
8 ~~Code, that applies to a school district or the board of trustees of~~  
9 ~~a school district applies to a managing entity.]~~

10 SECTION 4. Section 39.134, Education Code, is amended to  
11 read as follows:

12 Sec. 39.134. COSTS PAID BY DISTRICT. The costs of  
13 providing a monitor, conservator, management team, campus  
14 intervention team, technical assistance team, [~~managing entity~~  
15 ~~under Section 39.1327,~~] or service provider under Section 39.1331  
16 shall be paid by the district. If the district fails or refuses to  
17 pay the costs in a timely manner, the commissioner may:

18 (1) pay the costs using amounts withheld from any  
19 funds to which the district is otherwise entitled; or

20 (2) recover the amount of the costs in the manner  
21 provided for recovery of an overallocation of state funds under  
22 Section 42.258.

23 SECTION 5. Section 39.135(c), Education Code, is amended to  
24 read as follows:

25 (c) A conservator or management team, if directed by the  
26 commissioner, shall prepare a plan for the implementation of action  
27 under Section 39.131(a)(9) or (10). The conservator or management



1 team:

2 (1) may direct an action to be taken by the principal  
3 of a campus, the superintendent of the district, or the board of  
4 trustees of the district;

5 (2) may approve or disapprove any action of the  
6 principal of a campus, the superintendent of the district, or the  
7 board of trustees of the district;

8 (3) may not take any action concerning a district  
9 election, including ordering or canceling an election or altering  
10 the date of or the polling places for an election;

11 (4) may not change the number of or method of selecting  
12 the board of trustees;

13 (5) may not set a tax rate for the district; ~~and~~

14 (6) may not adopt a budget for the district that  
15 provides for spending a different amount, exclusive of required  
16 debt service, from that previously adopted by the board of  
17 trustees; and

18 (7) may recommend to the commissioner that all or part  
19 of the services of a technical assistance team or campus  
20 intervention team appointed under Section 39.1322 are no longer  
21 needed at a campus.

22 SECTION 6. A campus ordered to pursue alternative  
23 management under Section 39.1324, Education Code, as that section  
24 existed immediately before the effective date of this Act, and that  
25 entered into a contract with a managing entity under Section  
26 39.1327, Education Code, as that section existed immediately before  
27 the effective date of this Act, is governed by Section 39.1327,

1 Education Code, as that section existed immediately before the  
2 effective date of this Act, until the expiration of the contract,  
3 and Section 39.1327, Education Code, as that section existed  
4 immediately before the effective date of this Act, continues in  
5 effect for that purpose.

6 SECTION 7. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2009.