

By: Guillen

H.B. No. 1846

A BILL TO BE ENTITLED

AN ACT

relating to state interventions and sanctions under the public school accountability system.

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

SECTION 1. Section 39.103(a), Education Code, is amended to read as follows:

(a) If a campus performance is below any standard under Section 39.054(e), the commissioner may ~~shall~~ take actions, to the extent the commissioner determines necessary, as provided by this subchapter.

SECTION 2. Section 39.107, Education Code, is amended by amending Subsections (a), (a-1), (b), (b-1), (b-2), (c), (d), and (f) and adding Subsection (s) to read as follows:

(a) After a campus has been identified as unacceptable for two consecutive school years without improvements in performance, the commissioner may ~~shall~~ order the reconstitution of the campus by the school district.

(a-1) In reconstituting a campus, a school district ~~campus intervention team~~ shall assist the campus in:

(1) developing a ~~an updated~~ targeted improvement plan;

(2) submitting the ~~updated~~ targeted improvement plan to the board of trustees of the ~~school~~ district for approval and presenting the plan in a public hearing ~~as provided by Section~~

1 ~~39.106(e-1)]~~;

2 (3) obtaining approval of the ~~[updated]~~ plan from the
3 commissioner; and

4 (4) executing the plan on approval by the
5 commissioner.

6 (b) The school district ~~[campus intervention team]~~ shall
7 decide which educators may be retained at that campus. A principal
8 who has been employed by the campus in that capacity during the full
9 period described by Subsection (a) may not be retained at that
10 campus unless the district ~~[campus intervention team]~~ determines
11 that retention of the principal would be more beneficial to the
12 student achievement and campus stability than removal.

13 (b-1) A teacher of a subject assessed by an assessment
14 instrument under Section 39.023 may be retained only if the school
15 district ~~[campus intervention team]~~ determines that a pattern
16 exists of significant academic improvement by students taught by
17 the teacher. If an educator is not retained, the educator may be
18 assigned to another position in the district.

19 (b-2) For each year that a campus is considered to have an
20 unacceptable performance rating, a school district ~~[campus~~
21 ~~intervention team]~~ shall:

22 (1) assist the campus in updating the targeted
23 improvement plan to identify and analyze areas of growth and areas
24 that require improvement;

25 (2) assist the campus in submitting ~~[submit]~~ the
26 updated plan to:

27 (A) the board of trustees of the ~~[school]~~

1 district; and

2 (B) the parents of campus students; and

3 (3) assist the campus in submitting the updated plan
4 to the commissioner for approval.

5 (c) A campus subject to Subsection (a) shall implement the
6 ~~[updated]~~ targeted improvement plan as approved by the
7 commissioner. The commissioner may appoint a monitor, conservator,
8 management team, or board of managers to the district to ensure and
9 oversee district-level support to low-performing campuses and the
10 implementation of the ~~[updated]~~ targeted improvement plan. In
11 making appointments under this subsection, the commissioner shall
12 consider individuals who have demonstrated success in managing
13 campuses with student populations similar to the campus at which
14 the individual appointed will serve.

15 (d) If the commissioner determines that the campus is not
16 fully implementing the ~~[updated]~~ targeted improvement plan or if
17 the students enrolled at the campus fail to demonstrate substantial
18 improvement in the areas targeted by the ~~[updated]~~ plan, the
19 commissioner may order:

20 (1) repurposing of the campus under this section;

21 (2) alternative management of the campus under this
22 section; or

23 (3) closure of the campus.

24 (f) If the commissioner orders repurposing of a campus, the
25 school district shall develop a comprehensive plan for repurposing
26 the campus and submit the plan to the board of trustees for initial
27 approval, ~~[using the procedures described by Section 39.106(e-1),]~~

1 and subsequently to the commissioner for final approval. The plan
2 must include a description of a rigorous and relevant academic
3 program for the campus. The plan may include various instructional
4 models. The commissioner may not approve the repurposing of a
5 campus unless:

6 (1) all students in the assigned attendance zone of
7 the campus in the school year immediately preceding the repurposing
8 of the campus are provided with the opportunity to enroll in and are
9 provided transportation on request to another campus, unless the
10 commissioner grants an exception because there is no other campus
11 in the district in which the students may enroll;

12 (2) the principal is not retained at the campus,
13 unless the commissioner determines that students enrolled at the
14 campus have demonstrated significant academic improvement; and

15 (3) teachers employed at the campus in the school year
16 immediately preceding the repurposing of the campus are not
17 retained at the campus, unless the commissioner or the
18 commissioner's designee grants an exception, at the request of a
19 school district, for:

20 (A) a teacher who provides instruction in a
21 subject other than a subject for which an assessment instrument is
22 administered under Section 39.023(a) or (c) who demonstrates to the
23 commissioner satisfactory performance; or

24 (B) a teacher who provides instruction in a
25 subject for which an assessment instrument is administered under
26 Section 39.023(a) or (c) if the district demonstrates that the
27 students of the teacher demonstrated satisfactory performance or

1 improved academic growth on that assessment instrument.

2 (s) The state shall pay all costs arising from actions
3 required to be taken by a school district or campus under this
4 section.

5 SECTION 3. Section 39.108, Education Code, is amended to
6 read as follows:

7 Sec. 39.108. ANNUAL REVIEW. The commissioner shall review
8 annually the performance of a district or campus subject to this
9 subchapter to determine the appropriate actions to be implemented
10 under this subchapter. The commissioner must review at least
11 annually the performance of a district for which the accreditation
12 status or rating has been lowered due to insufficient student
13 performance and may not raise the accreditation status or rating
14 until the district has demonstrated improved student performance.
15 If the review reveals a lack of improvement, the commissioner may
16 ~~[shall]~~ increase the level of state intervention and sanction
17 ~~[unless the commissioner finds good cause for maintaining the~~
18 ~~current status]~~.

19 SECTION 4. Section 39.109, Education Code, is amended to
20 read as follows:

21 Sec. 39.109. ACQUISITION OF PROFESSIONAL SERVICES. In
22 addition to other interventions and sanctions authorized under this
23 subchapter, the commissioner may order a school district or campus
24 to acquire professional services available through the state at no
25 expense to ~~[at the expense of]~~ the district or campus to address the
26 applicable financial, assessment, data quality, program,
27 performance, or governance deficiency. The commissioner's order

1 may require the district or campus to:

2 (1) select or be assigned an external auditor, data
3 quality expert, professional authorized to monitor district
4 assessment instrument administration, or curriculum or program
5 expert; or

6 (2) provide for or participate in the appropriate
7 training of district staff or board of trustees members in the case
8 of a district, or campus staff, in the case of a campus.

9 SECTION 5. Section 39.0233(a), Education Code, is amended
10 to read as follows:

11 (a) The agency, in coordination with the Texas Higher
12 Education Coordinating Board, shall adopt a series of questions to
13 be included in an end-of-course assessment instrument administered
14 under Section 39.023(c) to be used for purposes of Section 51.3062.
15 The questions adopted under this subsection must be developed in a
16 manner consistent with any college readiness standards adopted
17 under Sections 39.233 [~~39.113~~] and 51.3062.

18 SECTION 6. Sections 39.106, 39.107(i), 39.110, and 39.113,
19 Education Code, are repealed.

20 SECTION 7. This Act takes effect September 1, 2011.