

By: Perry

H.B. No. 3789

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the establishment of the Texas Achievement School
3 District for the education of students attending campuses removed
4 from the jurisdiction of a school district or open-enrollment
5 charter school.

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

7 SECTION 1. Chapter 11, Education Code, is amended by adding
8 Subchapter I to read as follows:

9 SUBCHAPTER I. TEXAS ACHIEVEMENT SCHOOL DISTRICT

10 Sec. 11.401. DEFINITIONS. In this subchapter:

11 (1) "District" means the Texas Achievement School
12 District created under this subchapter.

13 (2) "Prior system" means a school district or
14 open-enrollment charter school from which a campus is removed under
15 Section 39.107.

16 Sec. 11.402. TEXAS ACHIEVEMENT SCHOOL DISTRICT
17 ESTABLISHED. (a) The Texas Achievement School District is
18 established as a school district under the laws of this state, and
19 as an intermediate educational unit under 34 C.F.R. Section 222.50,
20 for the education of students attending any campus removed from the
21 jurisdiction of a school district or open-enrollment charter school
22 under Section 39.107.

23 (b) The superintendent of the district shall report to the
24 commissioner under a written contract for services.

1 (c) The district does not have authority to impose taxes,
2 but may seek and expend federal funding and grant funding and may
3 otherwise seek, obtain, and expend funding with the same authority
4 as an independent school district.

5 (d) The district may provide for the supervision,
6 management, and operation of each campus removed to its
7 jurisdiction and may receive, control, and expend the local, state,
8 and federal funding attributable to that campus with all the same
9 power and authority as the prior system, subject to the
10 requirements of this subchapter and Section 39.107, and with any
11 other power or authority otherwise granted by law.

12 (e) The district is entitled to the same level of services
13 from regional education service centers as that provided to other
14 school districts and is entitled to participate in any state
15 program available to school districts, including a purchasing
16 program. In addition, using funds appropriated for the regional
17 education service centers, the commissioner shall direct that
18 appropriate administrative facilities and support be made
19 available to serve as the central administrative offices of the
20 district.

21 (f) The district shall reform and operate each campus under
22 its jurisdiction in whatever manner is determined by the
23 superintendent to be most likely to bring the school to an
24 acceptable level of performance under Chapter 39. The district may
25 contract with a public or private entity for educational services
26 to the students attending campuses removed to the district and
27 shall, in the sole discretion of the superintendent, reconstitute,

1 repurpose, alternatively manage, convert to charter status, or
2 otherwise reform each campus based on the unique circumstances
3 presented by the campus.

4 (g) The district may employ such staff as the superintendent
5 considers necessary.

6 Sec. 11.403. APPLICABILITY OF LAWS, RULES, AND ORDINANCES.

7 (a) Except as expressly provided by law, the district is subject
8 to federal and state laws and rules governing public schools and to
9 municipal zoning ordinances governing public schools.

10 (b) Except as expressly provided by law, the district is
11 subject to a provision of this title to the extent and in the manner
12 that such provision applies to an open-enrollment charter school
13 under Subchapter D, Chapter 12.

14 Sec. 11.404. IMMUNITY. The district is immune from
15 liability to the same extent as any other school district, and its
16 employees and volunteers are immune from liability to the same
17 extent as other school district employees and volunteers.

18 Sec. 11.405. MEMBERSHIP IN TEACHER RETIREMENT SYSTEM OF
19 TEXAS BY DISTRICT EMPLOYEES. (a) An employee of the district who
20 qualifies for membership in the Teacher Retirement System of Texas
21 is covered under the system to the same extent that a qualified
22 employee of any other school district is covered.

23 (b) For each employee of the district covered under the
24 Teacher Retirement System of Texas, the district and the state
25 shall make their respective contributions to the same extent to
26 which each would be legally responsible if the employee were the
27 employee of another school district.

1 Sec. 11.406. FUNDING OF STUDENTS ENROLLED IN DISTRICT.

2 (a) The district is entitled to receive for the education of
3 students at each campus removed to the district funding under
4 Chapter 42 equal to the amount of funding per student in weighted
5 average daily attendance to which the prior system would be
6 entitled under that chapter if it were a school district without a
7 tier one local share for purposes of Section 42.253.

8 (b) In determining funding for the district under
9 Subsection (a), adjustment under Section 42.102, 42.103, 42.104, or
10 42.105 is based on the actual adjustment for the prior system. In
11 addition to the funding provided by Subsection (a), the district is
12 entitled to receive enrichment funding under Section 42.302 based
13 on the actual amount received by the prior system.

14 (c) In determining funding for the district under
15 Subsection (a), the commissioner shall apply the same adjustment
16 factor provided under Section 42.101 to calculate the regular
17 program allotment as was applied for the prior system.

18 (d) The district is entitled to funds that are available to
19 other school districts from the agency or the commissioner in the
20 form of grants or other discretionary funding. The district is
21 entitled to a pro rata share of all revenue disbursed to the prior
22 system by the agency or the commissioner in the form of grants or
23 other discretionary funding.

24 (e) The district is entitled to share in the available
25 school fund apportionment and other privileges to the same extent
26 and in the same manner as did the prior system. The district shall
27 report its student attendance and receive funding in the same

1 manner as any other district.

2 (f) The amount of funding the prior system is entitled to
3 receive under Chapter 42 is reduced by an amount equal to the amount
4 of funding received by the district under this section, including
5 the tier one local share.

6 (g) Funds received by the district under this section shall
7 be used for the operation and administration of campuses removed to
8 the district under Section 39.107.

9 (h) The commissioner shall adopt rules as necessary to
10 implement this section.

11 Sec. 11.407. USE OF FACILITIES. (a) The district has the
12 unrestricted right to use any school building and all facilities
13 and property otherwise part of a removed campus and recognized as
14 part of the facilities or assets of the campus prior to its removal
15 to the district. The district is responsible for and obligated to
16 provide for routine maintenance and repair, and the facilities and
17 property must be maintained in as good an order as when the right of
18 use was acquired by the district. The district is not required to
19 provide for extensive repair to buildings or facilities that would
20 be considered a capital expense. Such repairs are the
21 responsibility of the prior system.

22 (b) In addition to the buildings, facilities, and property
23 described by Subsection (a), the district has access to such
24 additional facilities as were typically available to the students,
25 faculty, and staff of a campus prior to its removal to the district.

26 Sec. 11.408. SUPPORT BY PRIOR SYSTEM. The district may
27 require the prior system to provide school support or student

1 support services for a campus removed from its jurisdiction,
2 including student transportation, school food service, and student
3 assessment for special education eligibility, that are compliant
4 with all laws and regulations governing such services. The
5 district shall reimburse the actual cost of such services to the
6 prior system. If the district and the prior system are unable to
7 agree on the actual cost of services to be reimbursed, the
8 commissioner or the commissioner's designee shall determine the
9 cost to be reimbursed.

10 Sec. 11.409. ACHIEVEMENT CHARTER SCHOOLS. (a) The
11 district may design and grant campus charters under Section
12 12.0521(a)(1) to new campuses created by the district for the
13 purpose of applying its experience and expertise in turning around
14 persistently low-performing campuses. The district shall develop a
15 statewide plan under this section to be submitted in the manner
16 provided by Section 39.332.

17 (b) A new charter under this section is eligible for funding
18 under Section 11.406. Any administrative cost of authorizing
19 charter activities under this section may be paid from funds
20 appropriated to the agency.

21 SECTION 2. Subsection (f), Section 39.106, Education Code,
22 is amended to read as follows:

23 (f) Notwithstanding any other provision of this subchapter,
24 if the commissioner determines that a campus for which an
25 intervention is ordered under Subsection (a) is not fully
26 implementing the campus intervention team's recommendations or
27 targeted improvement plan or updated plan, the commissioner may

1 order the removal [~~reconstitution~~] of the campus as provided by
2 Section 39.107.

3 SECTION 3. Section 39.107, Education Code, is amended to
4 read as follows:

5 Sec. 39.107. REMOVAL OF CAMPUS TO TEXAS ACHIEVEMENT SCHOOL
6 DISTRICT [~~RECONSTITUTION, REPURPOSING, ALTERNATIVE MANAGEMENT, AND~~
7 ~~CLOSURE~~]. (a) In this section:

8 (1) "District" means the Texas Achievement School
9 District established under Subchapter I, Chapter 11.

10 (2) "Prior system" has the meaning assigned by Section
11 11.401.

12 (3) "Superintendent" means the superintendent of the
13 district.

14 (b) After a campus has been identified as unacceptable for
15 two consecutive school years, the commissioner, after consulting
16 with the superintendent, shall order the removal [~~reconstitution~~]
17 of the campus to the district. The removed campus shall be
18 reorganized and reformed, as necessary, and operated by the
19 district in whatever manner the superintendent determines to be
20 most likely to bring the school to an acceptable level of
21 performance under this chapter. The district shall retain
22 jurisdiction over the removed campus until the campus is returned
23 to the prior system under Subsection (f) or (g).

24 (c) Notwithstanding any other provision of law, a student in
25 the assigned attendance zone of a campus that is removed under this
26 section may attend the campus after its removal to the district or
27 may exercise an option, to be made available by the prior system, to

1 attend another campus remaining under the jurisdiction of the prior
2 system. Only a student eligible to attend the campus under the
3 prior system may attend the campus after its removal to the
4 district. However, a student eligible to participate in a school
5 choice program established by the prior system may attend a campus
6 after its removal if the campus has the capacity to add the student
7 in the appropriate grade. The superintendent shall determine the
8 maximum capacity of each district campus by grade level.

9 (d) [~~(a-1)~~ In reconstituting a campus, a campus
10 intervention team shall assist the campus in:

11 [~~(1)~~ developing an updated targeted improvement plan,
12 [~~(2)~~ submitting the updated targeted improvement plan
13 to the board of trustees of the school district for approval and
14 presenting the plan in a public hearing as provided by Section
15 39.106(e-1),

16 [~~(3)~~ obtaining approval of the updated plan from the
17 commissioner, and

18 [~~(4)~~ executing the plan on approval by the
19 commissioner.

20 [~~(b)~~] The superintendent has sole discretion to determine
21 [~~campus intervention team shall decide~~] which educators may be
22 retained at a removed [~~that~~] campus. A certified teacher with
23 regular and direct responsibility for providing classroom
24 instruction to students must be given priority consideration for
25 employment in a comparable position at the removed campus. A person
26 who is not retained by the district or who chooses to remain
27 employed by the prior system may be reassigned by the prior system

1 consistent with the prior system's contractual obligations or
2 policies regarding the retention and reassignment of employees. [A
3 ~~principal who has been employed by the campus in that capacity~~
4 ~~during the full period described by Subsection (a) may not be~~
5 ~~retained at that campus unless the campus intervention team~~
6 ~~determines that retention of the principal would be more beneficial~~
7 ~~to the student achievement and campus stability than removal.~~

8 ~~[(b-1) A teacher of a subject assessed by an assessment~~
9 ~~instrument under Section 39.023 may be retained only if the campus~~
10 ~~intervention team 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 ~~[(b-2) For each year that a campus is considered to have an~~
15 ~~unacceptable performance rating, a campus intervention team shall:~~

16 ~~[(1) assist in updating the targeted improvement plan~~
17 ~~to identify and analyze areas of growth and areas that require~~
18 ~~improvement,~~

19 ~~[(2) submit the updated plan to:~~

20 ~~[(A) the board of trustees of the school~~
21 ~~district, and~~

22 ~~[(B) the parents of campus students, and~~

23 ~~[(3) assist in submitting the updated plan to the~~
24 ~~commissioner for approval.~~

25 ~~[(c) A campus subject to Subsection (a) shall implement the~~
26 ~~updated targeted improvement plan as approved by the commissioner.~~
27 ~~The commissioner may appoint a monitor, conservator, management~~

1 ~~team, or board of managers to the district to ensure and oversee~~
2 ~~district-level support to low-performing campuses and the~~
3 ~~implementation of the updated targeted improvement plan. In making~~
4 ~~appointments under this subsection, the commissioner shall~~
5 ~~consider individuals who have demonstrated success in managing~~
6 ~~campuses with student populations similar to the campus at which~~
7 ~~the individual appointed will serve.~~

8 ~~[(d) If the commissioner determines that the campus is not~~
9 ~~fully implementing the updated targeted improvement plan or if the~~
10 ~~students enrolled at the campus fail to demonstrate substantial~~
11 ~~improvement in the areas targeted by the updated plan, the~~
12 ~~commissioner may order:~~

13 ~~[(1) repurposing of the campus under this section,~~

14 ~~[(2) alternative management of the campus under this~~
15 ~~section; or~~

16 ~~[(3) closure of the campus.]~~

17 (e) For the purposes of any benefit or right requiring
18 continuous service or based on years of service, the prior system
19 must grant a leave of absence to any person who is employed at a
20 campus when the campus is removed under this section and who is
21 subsequently retained by the district. The prior system is not
22 required to provide benefits during such leave of absence. If the
23 employee subsequently returns to the prior system's employment, the
24 employee's period of employment at the removed campus qualifies as
25 service time. The benefits and privileges of any person employed at
26 a removed campus, or employed by an operator of a removed campus
27 under contract with the district, who was not employed by the prior

1 system when the campus was removed to the district shall be
2 determined by the district or operator, in compliance with
3 applicable law, at the time of employment.

4 (f) When a removed campus achieves an acceptable level of
5 performance under this chapter, the commissioner, upon the
6 recommendation of the superintendent, shall direct the district and
7 the prior system to enter into an agreement to return the campus to
8 the prior system. The agreement must include provisions:

9 (1) detailing the operation of the campus after its
10 return to the prior system, including provisions for the
11 continuation of the programs that have provided the basis for
12 improved academic achievement by students;

13 (2) describing the employment status of all persons
14 employed at the campus who were not employed by the prior system at
15 the time the campus was removed to the district; and

16 (3) detailing the means and timetable for the
17 transition and return of the campus to the prior system.

18 (g) If a removed campus fails to achieve an acceptable level
19 of performance under this chapter within three years following
20 removal of the campus, the superintendent shall:

21 (1) organize a new campus under district jurisdiction
22 for the education of students eligible to attend the campus
23 initially removed from the prior system;

24 (2) grant the new campus a charter under Section
25 12.0521(a)(1);

26 (3) reform and operate the new campus charter in
27 whatever manner is determined by the superintendent to be most

1 likely to bring the school to an acceptable level of performance
2 under this chapter;

3 (4) seek agreement to return the campus charter to the
4 prior system when eligibility is established under Subsection (f);

5 (5) in the next statewide plan required under Section
6 11.409, address the failure of the campus to achieve an acceptable
7 level of performance within three years; and

8 (6) record, for annual reporting in accordance with
9 Section 39.332(b)(22-a), the actions taken under Subdivisions
10 (1)-(5).

11 (h) [~~If a campus is considered to have an unacceptable~~
12 ~~performance rating for three consecutive school years after the~~
13 ~~campus is reconstituted under Subsection (a), the commissioner,~~
14 ~~subject to Subsection (e-1) or (e-2), shall order:~~

15 ~~[(1) repurposing of the campus under this section;~~

16 ~~[(2) alternative management of the campus under this~~
17 ~~section; or~~

18 ~~[(3) closure of the campus.~~

19 ~~[(e-1) The commissioner may waive the requirement to enter~~
20 ~~an order under Subsection (e) for not more than one school year if~~
21 ~~the commissioner determines that, on the basis of significant~~
22 ~~improvement in student performance over the preceding two school~~
23 ~~years, the campus is likely to be assigned an acceptable~~
24 ~~performance rating for the following school year.~~

25 ~~[(e-2)]~~ For purposes of this subsection, "parent" has the
26 meaning assigned by Section 12.051. The provisions of Subsections
27 (a)-(e-1) and (f)-(r), as in effect on May 31, 2013, governing

1 repurposing, alternative management, and closure of a campus shall
2 continue in full force and effect and shall be implemented by order
3 of the commissioner if [~~If~~] the commissioner is presented, in the
4 time and manner specified by commissioner rule:

5 (1) [~~r~~] a written petition signed by the parents of a
6 majority of the students enrolled at a campus described by [~~to~~
7 ~~which~~] Subsection (g) [~~(e) applies~~], specifying [~~the action~~
8 ~~described by Subsection (e)(1), (2), or (3)~~] that the parents
9 request that the commissioner make such [~~to~~] order; or

10 (2) a written request by a campus governing body
11 established by the district under this section, including [~~the~~
12 ~~commissioner shall, except as otherwise authorized by this~~
13 ~~subsection, order the specific action requested. If the board of~~
14 ~~trustees of the school district in which the campus is located~~
15 ~~presents to the commissioner, in the time and manner specified by~~
16 ~~commissioner rule, a written request that the commissioner order~~
17 ~~specific action authorized under Subsection (e) other than the~~
18 ~~specific action requested in the parents' petition and~~] a written
19 explanation of the basis for the body's [~~board's~~] request,
20 specifying that the body requests that the commissioner make such
21 [~~may~~] order [~~the action requested by the board of trustees~~].

22 (i) [~~(e-3)~~] For purposes of Subsection (h)(1) [~~(e-2)~~], the
23 signature of only one parent of a student is required.

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

1 ~~39.106(e-1), and to the commissioner for approval. The plan must~~
2 ~~include a description of a rigorous and relevant academic program~~
3 ~~for the campus. The plan may include various instructional models.~~
4 ~~The commissioner may not approve the repurposing of a campus~~
5 ~~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~~
16 ~~year 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 ~~[(g) If an educator is not retained under Subsection (f),~~
3 ~~the educator may be assigned to another position in the district.~~

4 ~~[(h) If the commissioner orders alternative management~~
5 ~~under this section, the commissioner shall solicit proposals from~~
6 ~~qualified nonprofit entities to assume management of a campus~~
7 ~~subject to this section or may appoint to assume management of a~~
8 ~~campus subject to this section a school district other than the~~
9 ~~district in which the campus is located that is located in the~~
10 ~~boundaries of the same regional education service center as the~~
11 ~~campus is located. The commissioner may solicit proposals from~~
12 ~~qualified for-profit entities to assume management of a campus~~
13 ~~subject to this section if a nonprofit entity has not responded to~~
14 ~~the commissioner's request for proposals. A district appointed~~
15 ~~under this section shall assume management of a campus subject to~~
16 ~~this section in the same manner provided by this section for a~~
17 ~~qualified entity or in accordance with commissioner rule.~~

18 ~~[(i)]~~ If the commissioner determines that the basis for the
19 unsatisfactory performance of a campus for more than two
20 consecutive school years is limited to a specific condition that
21 may be remedied with targeted technical assistance, the
22 commissioner may require the school district to contract for the
23 appropriate technical assistance in lieu of removal under this
24 section.

25 ~~[(j) The commissioner may annually solicit proposals under~~
26 ~~this section for the management of a campus subject to this section.~~
27 ~~The commissioner shall notify a qualified entity that has been~~

1 ~~approved as a provider under this section. The district must~~
2 ~~execute a contract with an approved provider and relinquish control~~
3 ~~of the campus before January 1 of the school year.]~~

4 (k) ~~[To qualify for consideration as a managing entity under~~
5 ~~this section, the entity must submit a proposal that provides~~
6 ~~information relating to the entity's management and leadership team~~
7 ~~that will participate in management of the campus under~~
8 ~~consideration, including information relating to individuals that~~
9 ~~have:~~

10 ~~[(1) documented success in whole school interventions~~
11 ~~that increased the educational and performance levels of students~~
12 ~~in campuses considered to have an unacceptable performance rating,~~

13 ~~[(2) a proven record of effectiveness with programs~~
14 ~~assisting low-performing students,~~

15 ~~[(3) a proven ability to apply research-based school~~
16 ~~intervention strategies,~~

17 ~~[(4) a proven record of financial ability to perform~~
18 ~~under the management contract, and~~

19 ~~[(5) any other experience or qualifications the~~
20 ~~commissioner determines necessary.~~

21 ~~[(1) In selecting a managing entity under this section, the~~
22 ~~commissioner shall give preference to a qualified entity that:~~

23 ~~[(1) meets any qualifications under this section, and~~

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

1 ~~[(m) The school district may negotiate the term of a~~
2 ~~management contract for not more than five years with an option to~~
3 ~~renew the contract. The management contract must include a~~
4 ~~provision describing the district's responsibilities in supporting~~
5 ~~the operation of the campus. The commissioner shall approve the~~
6 ~~contract before the contract is executed and, as appropriate, may~~
7 ~~require the district, as a term of the contract, to support the~~
8 ~~campus in the same manner as the district was required to support~~
9 ~~the campus before the execution of the management contract.~~

10 ~~[(n) A management contract under this section shall include~~
11 ~~provisions approved by the commissioner that require the managing~~
12 ~~entity to demonstrate improvement in campus performance, including~~
13 ~~negotiated performance measures. The performance measures must be~~
14 ~~consistent with the priorities of this chapter. The commissioner~~
15 ~~shall evaluate a managing entity's performance on the first and~~
16 ~~second anniversaries of the date of the management contract. If the~~
17 ~~evaluation fails to demonstrate improvement as negotiated under the~~
18 ~~contract by the first anniversary of the date of the management~~
19 ~~contract, the district may terminate the management contract, with~~
20 ~~the commissioner's consent, for nonperformance or breach of~~
21 ~~contract and select another provider from an approved list provided~~
22 ~~by the commissioner. If the evaluation fails to demonstrate~~
23 ~~significant improvement, as determined by the commissioner, by the~~
24 ~~second anniversary of the date of the management contract, the~~
25 ~~district shall terminate the management contract and select another~~
26 ~~provider from an approved list provided by the commissioner or~~
27 ~~resume operation of the campus if approved by the commissioner. If~~

1 ~~the commissioner approves the district's operation of the campus,~~
2 ~~the commissioner shall assign a technical assistance team to assist~~
3 ~~the campus.~~

4 ~~[(e)]~~ Notwithstanding any other provision of this code, the
5 funding for a campus removed to the district ~~[operated by a managing~~
6 ~~entity]~~ must be not less than the funding of the other campuses in
7 the prior system ~~[district]~~ on a per student basis so that the
8 district ~~[managing entity]~~ receives at least the same funding the
9 campus would otherwise have received.

10 ~~(1) [(p)]~~ Each campus operated by a managing entity under
11 ~~this section is subject to this chapter in the same manner as any~~
12 ~~other campus in the district.~~

13 ~~[(g)]~~ The commissioner may adopt rules necessary to
14 implement this section.

15 ~~[(r)]~~ ~~With respect to the management of a campus under this~~
16 ~~section:~~

17 ~~[(1)]~~ ~~a managing entity is considered to be a~~
18 ~~governmental body for purposes of Chapters 551 and 552, Government~~
19 ~~Code, and~~

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

23 SECTION 4. Section 39.108, Education Code, is amended to
24 read as follows:

25 Sec. 39.108. ANNUAL REVIEW. The commissioner shall review
26 annually the performance of a district or campus subject to this
27 subchapter, including the Texas Achievement School District, to

1 determine the appropriate actions to be implemented under this
2 subchapter. The commissioner must review at least annually the
3 performance of a district for which the accreditation status or
4 rating has been lowered due to insufficient student performance and
5 may not raise the accreditation status or rating until the district
6 has demonstrated improved student performance. If the review
7 reveals a lack of improvement, the commissioner shall increase the
8 level of state intervention and sanction unless the commissioner
9 finds good cause for maintaining the current status.

10 SECTION 5. Subsection (b), Section 39.332, Education Code,
11 is amended by adding Subdivision (22-a) to read as follows:

12 (22-a) Based on the annual review required under
13 Section 39.108, the report must contain a listing and description
14 of the status of each campus under the jurisdiction of the Texas
15 Achievement School District and a summary of the reforms
16 implemented and progress achieved by each campus.

17 SECTION 6. Section 39.115, Education Code, is repealed.

18 SECTION 7. This Act applies beginning with the 2013-2014
19 school year.

20 SECTION 8. This Act takes effect August 1, 2013, if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for effect on that
24 date, this Act takes effect September 1, 2013.