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H.B. No. 1842

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability, including the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years.

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

SECTION 1. Subchapter C, Chapter 11, Education Code, is amended by adding Section 11.0511 to read as follows:

Sec. 11.0511. STUDENT TRUSTEE FOR CERTAIN DISTRICTS. (a) This section applies only to a school district described by Section 11.065(a) that includes a school under the campus turnaround plan.

(b) Notwithstanding Section 11.051(b), the board of trustees of a school district may adopt a resolution establishing as a nonvoting member a student trustee position as provided by this section.

(c) For a student trustee position under this section, the board shall adopt a policy that establishes:

(1) the term of the student trustee position;

(2) the procedures for selecting a student trustee, including the method for filling a vacancy; and

(3) the procedures for removal of a student trustee.

(d) A student is eligible to serve as a student trustee if the student is enrolled in the student's junior or senior year of high school and is considered in good standing academically and

1 under the district code of conduct.

2 (e) The board shall adopt a policy regarding student
3 trustee:

4 (1) participation, other than voting, in board
5 deliberations, subject to Subsection (f); and

6 (2) access to information, documents, and records,
7 consistent with the Family Educational Rights and Privacy Act of
8 1974 (20 U.S.C. Section 1232g).

9 (f) A student trustee may not participate in a closed
10 session of a board meeting in which any issue related to a personnel
11 matter is considered.

12 (g) A student trustee is not entitled to receive
13 compensation or reimbursement of the student trustee's expenses for
14 services on the board.

15 (h) A school district may grant to a student who fulfills
16 the requirements of service of a student trustee not more than one
17 academic course credit in a subject area determined appropriate by
18 the district.

19 SECTION 2. (a) Section 12.101(b-4), Education Code, is
20 amended to read as follows:

21 (b-4) Notwithstanding Section 12.114, approval of the
22 commissioner under that section is not required for establishment
23 of a new open-enrollment charter school campus if the requirements
24 of this subsection [~~including the absence of commissioner~~
25 ~~disapproval under Subdivision (3),~~] are satisfied. A charter
26 holder having an accreditation status of accredited and at least 50
27 percent of its student population in grades assessed under

1 Subchapter B, Chapter 39, or at least 50 percent of the students in
2 the grades assessed having been enrolled in the school for at least
3 three school years may establish one or more new campuses under an
4 existing charter held by the charter holder if:

5 (1) the charter holder is currently evaluated under
6 the standard accountability procedures for evaluation under
7 Chapter 39 and received a district rating in the highest or second
8 highest performance rating category under Subchapter C, Chapter 39,
9 for three of the last five years with at least 75 percent of the
10 campuses rated under the charter also receiving a rating in the
11 highest or second highest performance rating category and with no
12 campus with a rating in the lowest performance rating category in
13 the most recent ratings;

14 (2) the charter holder provides written notice to the
15 commissioner of the establishment of any campus under this
16 subsection in the time, manner, and form provided by rule of the
17 commissioner; and

18 (3) not later than the 60th day after the date the
19 charter holder provides written notice under Subdivision (2), the
20 commissioner does not provide written notice to the charter holder
21 that the commissioner has determined that the charter holder does
22 not satisfy the requirements of this section [~~of disapproval of a~~
23 ~~new campus under this section~~].

24 (b) The heading to Section 12.116, Education Code, is
25 amended to read as follows:

26 Sec. 12.116. PROCEDURE FOR REVOCATION, [OR] MODIFICATION OF
27 GOVERNANCE, OR DENIAL OF RENEWAL.

1 (c) Section 12.116, Education Code, is amended by amending
2 Subsection (a) and adding Subsection (a-1) to read as follows:

3 (a) The commissioner shall adopt an informal procedure to be
4 used for:

5 (1) revoking the charter of an open-enrollment charter
6 school or for reconstituting the governing body of the charter
7 holder as authorized by Section 12.115; and

8 (2) denying the renewal of a charter of an
9 open-enrollment charter school as authorized by Section
10 12.1141(c).

11 (a-1) The procedure adopted under Subsection (a) for the
12 denial of renewal of a charter under Section 12.1141(c) or the
13 revocation of a charter or reconstitution of a governing body of a
14 charter holder under Section 12.115(a) must allow representatives
15 of the charter holder to meet with the commissioner to discuss the
16 commissioner's decision and must allow the charter holder to submit
17 additional information to the commissioner relating to the
18 commissioner's decision. In a final decision issued by the
19 commissioner, the commissioner shall provide a written response to
20 any information the charter holder submits under this subsection.

21 (d) This section applies beginning with the 2015-2016
22 school year.

23 SECTION 3. Section 39.106, Education Code, is amended by
24 amending Subsection (a) and adding Subsection (a-1) to read as
25 follows:

26 (a) If a campus performance is below any standard under
27 Section 39.054(e), the commissioner shall assign a campus

1 intervention team. A campus intervention team shall:

2 (1) conduct, with the involvement and advice of the
3 school community partnership team, if applicable:

4 (A) a targeted on-site needs assessment relevant
5 to an area of insufficient performance of the campus as provided by
6 Subsection (b); or

7 (B) if the commissioner determines necessary, a
8 comprehensive on-site needs assessment, using the procedures
9 provided by Subsection (b);

10 (2) recommend appropriate actions as provided by
11 Subsection (c);

12 (3) assist in the development of a targeted
13 improvement plan;

14 (4) conduct a public meeting at the campus with the
15 campus principal, the members of the campus-level planning and
16 decision-making committee established under Section 11.251,
17 parents of students attending the campus, and community members
18 residing in the district to review the campus performance rating
19 and solicit input for the development of the targeted improvement
20 plan;

21 (5) assist the campus in submitting the targeted
22 improvement plan to the board of trustees for approval and
23 presenting the plan in a public hearing as provided by Subsection
24 (e-1); and

25 (6) [~~5~~] assist the commissioner in monitoring the
26 progress of the campus in implementing the targeted improvement
27 plan.

1 (a-1) The campus intervention team must provide written
2 notice of the public meeting required by Subsection (a)(4) to the
3 parents of students attending the campus and post notice of the
4 meeting on the Internet website of the campus. The notice must
5 include the date, time, and place of the meeting.

6 SECTION 4. The heading to Section 39.107, Education Code,
7 is amended to read as follows:

8 Sec. 39.107. CAMPUS TURNAROUND PLAN, BOARD OF MANAGERS
9 [RECONSTITUTION, — REPURPOSING], ALTERNATIVE MANAGEMENT, AND
10 CLOSURE.

11 SECTION 5. Section 39.107, Education Code, is amended by
12 amending Subsections (a), (a-1), (b), (b-1), (b-2), (d), (e),
13 (e-1), (e-2), (f), and (g) and adding Subsections (a-2), (b-3),
14 (b-4), (b-5), (b-6), (b-7), (b-8), (b-9), (e-4), (e-5), (e-6),
15 (g-1), and (g-2) to read as follows:

16 (a) After a campus has been identified as unacceptable for
17 two consecutive school years, the commissioner shall order the
18 campus to prepare and submit a campus turnaround plan [the
19 reconstitution of the campus]. The commissioner shall by rule
20 establish procedures governing the time and manner in which the
21 campus must submit the campus turnaround plan.

22 (a-1) A [In reconstituting a campus, a] campus intervention
23 team shall assist the campus in:

24 (1) developing an updated targeted improvement plan,
25 including a campus turnaround plan to be implemented by the campus;

26 (2) submitting the updated targeted improvement plan
27 to the board of trustees of the school district for approval and

1 presenting the plan in a public hearing as provided by Section
2 39.106(e-1);

3 (3) obtaining approval of the updated plan from the
4 commissioner; and

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

7 (a-2) Before a campus turnaround plan is prepared and
8 submitted for approval to the board of trustees of the school
9 district, the district, in consultation with the campus
10 intervention team, shall:

11 (1) provide notice to parents, the community, and
12 stakeholders that the campus has received an academically
13 unacceptable performance rating for two consecutive years and will
14 be required to submit a campus turnaround plan; and

15 (2) request assistance from parents, the community,
16 and stakeholders in developing the campus turnaround plan.

17 (b) The school district, in consultation with the campus
18 intervention team, shall prepare the campus turnaround plan and
19 allow parents, the community, and stakeholders an opportunity to
20 review the plan before it is submitted for approval to the board of
21 trustees of the school district. The plan must include details on
22 the method for restructuring, reforming, or reconstituting the
23 campus. If the district determines that granting a district
24 charter under Section 12.0522 is appropriate for the campus, the
25 campus turnaround plan must provide information on the
26 implementation of the district charter. The plan must assist the
27 campus in implementing procedures to satisfy all performance

1 standards required under Section 39.054(e) [~~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 period described by~~
4 ~~Subsection (a) may not be retained at that campus unless the campus~~
5 ~~intervention team determines that retention of the principal would~~
6 ~~be more beneficial to the student achievement and campus stability~~
7 ~~than removal]~~.

8 (b-1) A campus turnaround plan must include:

9 (1) a detailed description of the academic programs to
10 be offered at the campus, including instructional methods, length
11 of school day and school year, academic credit and promotion
12 criteria, and programs to serve special student populations;

13 (2) the term of the charter, if a district charter is
14 to be granted for the campus under Section 12.0522, which may not
15 exceed five years;

16 (3) written comments from the campus-level committee
17 established under Section 11.251, if applicable, parents, and
18 teachers at the campus; and

19 (4) a detailed description of the budget, staffing,
20 and financial resources required to implement the plan, including
21 any supplemental resources to be provided by the district or other
22 identified sources [~~A teacher of a subject assessed by an~~

23 ~~assessment instrument under Section 39.023 may be retained only if~~
24 ~~the campus intervention team determines that a pattern exists of~~
25 ~~significant academic improvement by students taught by the teacher.~~

26 ~~If an educator is not retained, the educator may be assigned to~~
27 ~~another position in the district]~~.

1 (b-2) A school district may:

2 (1) request that a regional education service center
3 provide assistance in the development and implementation of a
4 campus turnaround plan; or

5 (2) partner with an institution of higher education to
6 develop and implement a campus turnaround plan. [~~For each year that~~
7 ~~a campus is considered to have an unacceptable performance rating,~~
8 ~~a campus intervention team shall:~~

9 ~~[(1) assist in updating the targeted improvement plan~~
10 ~~to identify and analyze areas of growth and areas that require~~
11 ~~improvement;~~

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

13 ~~[(A) the board of trustees of the school~~
14 ~~district; and~~

15 ~~[(B) the parents of campus students; and~~

16 ~~[(3) assist in submitting the updated plan to the~~
17 ~~commissioner for approval.]~~

18 (b-3) The updated targeted improvement plan submitted to
19 the board of trustees of a school district under Subsection (a-1)
20 must include all plans and details that are required to execute the
21 campus turnaround plan without any additional action or approval by
22 the board of trustees.

23 (b-4) A campus turnaround plan developed under this section
24 must take effect not later than the school year following the third
25 consecutive school year that the campus has received an
26 academically unacceptable performance rating.

27 (b-5) Following approval of a campus turnaround plan by the

1 commissioner, the school district, in consultation with the campus
2 intervention team, may take any actions needed to prepare for the
3 implementation of the plan.

4 (b-6) If a campus for which a campus turnaround plan has
5 been ordered under Subsection (a) receives an academically
6 acceptable performance rating for the school year following the
7 order, the board of trustees may:

8 (1) implement the campus turnaround plan;

9 (2) implement a modified version of the campus
10 turnaround plan; or

11 (3) withdraw the campus turnaround plan.

12 (b-7) A school district required to implement a campus
13 turnaround plan may modify or withdraw the plan if the campus
14 receives an academically acceptable performance rating for two
15 consecutive school years following the implementation of the plan.

16 (b-8) Section 12.0522(b) does not apply to a district
17 charter approved by the commissioner under this section. A
18 district charter approved under this section may be renewed or
19 continue in effect after the campus is no longer subject to an order
20 under Subsection (a).

21 (b-9) The commissioner shall adopt rules governing the
22 procedures for an open-enrollment charter school campus that is
23 subject to an order issued under Subsection (a). An
24 open-enrollment charter school must revise the school's charter in
25 accordance with Section 12.114 in the campus turnaround plan.
26 Nothing in this section may be construed to modify any provision of
27 Subchapter D, Chapter 12, relating to the expiration, nonrenewal,

1 revocation, or modification of the governance of an open-enrollment
2 charter school. The governing board of the open-enrollment charter
3 school shall perform the duties of a board of trustees of a school
4 district under this section.

5 (d) The commissioner may approve a campus turnaround plan
6 only if the commissioner determines that the campus will satisfy
7 all student performance standards required under Section 39.054(e)
8 not later than the second year the campus receives a performance
9 rating following the implementation of the campus turnaround plan.
10 If the commissioner does not make this determination [~~determines~~
11 ~~that the campus is not fully implementing the updated targeted~~
12 ~~improvement plan or if the students enrolled at the campus fail to~~
13 ~~demonstrate substantial improvement in the areas targeted by the~~
14 ~~updated plan~~], the commissioner shall [~~may~~] order:

15 (1) appointment of a board of managers to govern the
16 district as provided by Section 39.112(b) [~~repurposing of the~~
17 ~~campus under this section~~];

18 (2) alternative management of the campus under this
19 section; or

20 (3) closure of the campus.

21 (e) If a campus is considered to have an unacceptable
22 performance rating for three consecutive school years after the
23 campus is ordered to submit a campus turnaround plan
24 [~~reconstituted~~] under Subsection (a), the commissioner, subject to
25 Subsection [~~(e-1) or~~] (e-2), shall order:

26 (1) appointment of a board of managers to govern the
27 district as provided by Section 39.112(b) [~~repurposing of the~~

1 ~~campus under this section]; or~~

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

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

5 (e-1) If the commissioner orders the closure of a campus
6 under this section, that campus may be repurposed to serve students
7 at that campus location only if the commissioner finds that the
8 repurposed campus offers a distinctly different academic program
9 and serves a majority of grade levels at the repurposed campus not
10 served at the original campus and approves a new campus
11 identification number for the campus. The majority of students
12 assigned to a campus that has been closed and repurposed may not
13 have attended that campus in the previous school year. Any student
14 assigned to a campus that has been closed must be allowed to
15 transfer to any other campus in the district that serves that
16 student's grade level and on request must be provided
17 transportation to the other campus. The commissioner may grant an
18 exemption allowing students assigned to a closed campus to attend
19 the repurposed campus if there is no other campus in the district at
20 which the students may enroll ~~[The commissioner may waive the~~
21 ~~requirement to enter an order under Subsection (e) for not more than~~
22 ~~one school year if the commissioner determines that, on the basis of~~
23 ~~significant improvement in student performance over the preceding~~
24 ~~two school years, the campus is likely to be assigned an acceptable~~
25 ~~performance rating for the following school year].~~

26 (e-2) For purposes of this subsection, "parent" has the
27 meaning assigned by Section 12.051. If the commissioner is

1 presented, in the time and manner specified by commissioner rule, a
2 written petition signed by the parents of a majority of the students
3 enrolled at a campus to which Subsection (e) applies, specifying
4 the action described by Subsection (e)(1) or [7] (2) [~~7~~ ~~or~~ (3)] that
5 the parents request the commissioner to order, the commissioner
6 shall, except as otherwise authorized by this subsection, order the
7 specific action requested. If the board of trustees of the school
8 district in which the campus is located presents to the
9 commissioner, in the time and manner specified by commissioner
10 rule, a written request that the commissioner order specific action
11 authorized under Subsection (e) other than the specific action
12 requested in the parents' petition and a written explanation of the
13 basis for the board's request, the commissioner may order the
14 action requested by the board of trustees.

15 (e-4) A board of managers appointed by the commissioner
16 under this section is required to take appropriate actions to
17 resolve the conditions that caused a campus to be subject to an
18 order under Subsection (a), including amending the district's
19 budget, reassigning staff, or relocating academic programs.

20 (e-5) The commissioner may authorize payment of a board of
21 managers appointed under this section from agency funds.

22 (e-6) The commissioner may at any time replace a member of a
23 board of managers appointed under this section.

24 (f) Notwithstanding Section 39.112(e), the commissioner may
25 remove a board of managers appointed to govern a district under this
26 section only if the campus that was the basis for the appointment of
27 the board of managers receives an academically acceptable

1 performance rating for two consecutive school years. [~~If the~~
2 ~~commissioner orders repurposing of a campus, the school district~~
3 ~~shall develop a comprehensive plan for repurposing the campus and~~
4 ~~submit the plan to the board of trustees for approval, using the~~
5 ~~procedures described by Section 39.106(e-1), and to the~~
6 ~~commissioner for approval. The plan must include a description of a~~
7 ~~rigorous and relevant academic program for the campus. The plan may~~
8 ~~include various instructional models. The commissioner may not~~
9 ~~approve the repurposing of a campus unless:~~

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

16 ~~[(2) the principal is not retained at the campus,~~
17 ~~unless the commissioner determines that students enrolled at the~~
18 ~~campus have demonstrated significant academic improvement, and~~

19 ~~[(3) teachers employed at the campus in the school~~
20 ~~year immediately preceding the repurposing of the campus are not~~
21 ~~retained at the campus, unless the commissioner or the~~
22 ~~commissioner's designee grants an exception, at the request of a~~
23 ~~school district, for:~~

24 ~~[(A) a teacher who provides instruction in a~~
25 ~~subject other than a subject for which an assessment instrument is~~
26 ~~administered under Section 39.023(a) or (c) who demonstrates to the~~
27 ~~commissioner satisfactory performance, or~~

1 ~~[(B) a teacher who provides instruction in a~~
2 ~~subject for which an assessment instrument is administered under~~
3 ~~Section 39.023(a) or (c) if the district demonstrates that the~~
4 ~~students of the teacher demonstrated satisfactory performance or~~
5 ~~improved academic growth on that assessment instrument.]~~

6 (g) Following the removal of a board of managers under
7 Subsection (f), or at the request of a managing entity appointed
8 under Subsection (d) to oversee the implementation of alternative
9 management, the commissioner may appoint a conservator for the
10 district to ensure district-level support for low-performing
11 campuses and to oversee the implementation of the updated targeted
12 improvement plan ~~[If an educator is not retained under Subsection~~
13 ~~(f), the educator may be assigned to another position in the~~
14 ~~district].~~

15 (g-1) If the commissioner orders alternative management of
16 a campus under Subsection (d)(2), the school district shall execute
17 a contract with a managing entity for a term not to exceed five
18 years. The terms of the contract must be approved by the
19 commissioner. If a campus receives an academically unacceptable
20 performance rating for two consecutive school years after the
21 managing entity assumes management of the campus, the commissioner
22 shall cancel the contract with the managing entity.

23 (g-2) Subject to Subsection (e), at the end of the contract
24 term with a managing entity or the cancellation of a contract with a
25 managing entity under Subsection (g-1), the board of trustees of
26 the school district shall resume management of the campus.

27 SECTION 6. Subchapter E, Chapter 39, Education Code, is

1 amended by adding Section 39.1071 to read as follows:

2 Sec. 39.1071. TRANSITIONAL INTERVENTIONS AND SANCTIONS.

3 (a) For a campus that received an academically unacceptable
4 performance rating for the 2013-2014, 2014-2015, and 2015-2016
5 school years, the commissioner may apply the interventions and
6 sanctions authorized by this chapter as this chapter existed on
7 January 1, 2015, to the campus.

8 (b) If a campus described under Subsection (a) receives an
9 academically unacceptable performance rating for the 2016-2017 and
10 2017-2018 school years, the commissioner shall apply the
11 interventions and sanctions authorized by Section 39.107(e) to the
12 campus.

13 (c) For a campus that received an academically acceptable
14 performance rating for the 2013-2014 school year and an
15 academically unacceptable performance rating for the 2014-2015 and
16 2015-2016 school years, the commissioner shall apply the
17 interventions and sanctions authorized by Section 39.107(a) to the
18 campus.

19 (d) If a campus described under Subsection (c) receives an
20 academically unacceptable performance rating for the 2016-2017,
21 2017-2018, and 2018-2019 school years, the commissioner shall apply
22 the interventions and sanctions authorized by Section 39.107(e) to
23 the campus.

24 (e) The commissioner may adopt rules as necessary to
25 implement this section.

26 (f) This section expires September 1, 2020.

27 SECTION 7. Section 39.112(e), Education Code, is amended to

1 read as follows:

2 (e) A board of managers shall, during the period of the
3 appointment, order the election of members of the board of trustees
4 of the district in accordance with applicable provisions of law.
5 The board of trustees does not assume any powers or duties after the
6 election until the appointment of the board of managers expires.
7 Not [~~At the direction of the commissioner but not~~] later than the
8 second anniversary of the date the board of managers of a district
9 was appointed, the commissioner shall notify the board of managers
10 and the board of trustees of the date on which the appointment of
11 the board of managers will expire, which may not be later than the
12 180th day [~~shall order an election of members of the district board~~
13 ~~of trustees. The election must be held on a uniform election date~~
14 ~~on which an election of district trustees may be held under Section~~
15 ~~41.001, Election Code, that is at least 180 days~~] after the date of
16 the notice [~~the election was ordered~~]. On the expiration of the
17 appointment of the board of managers [~~qualification of members for~~
18 ~~office~~], the board of trustees assumes all of the powers and duties
19 assigned to a board of trustees by law, rule, or regulation.

20 SECTION 8. Section 39.114, Education Code, is amended to
21 read as follows:

22 Sec. 39.114. IMMUNITY FROM CIVIL LIABILITY. An employee,
23 volunteer, or contractor acting on behalf of the commissioner under
24 this subchapter, or a member of a board of managers appointed by the
25 commissioner under this subchapter is immune from civil liability
26 to the same extent as a professional employee of a school district
27 under Section 22.051.

1 SECTION 9. Section 39.106(f), Education Code, is repealed.

2 SECTION 10. Not later than December 1, 2018, the
3 Legislative Budget Board shall publish a report evaluating the
4 implementation of Section 39.107, Education Code, as amended by
5 this Act, including an analysis of whether the changes in law made
6 by this Act result in improvements to school performance and
7 student performance. The Legislative Budget Board may contract with
8 another entity for the purpose of producing the evaluation required
9 by this section.

10 SECTION 11. This Act applies to the academic performance
11 ratings issued to public school campuses beginning with the
12 2015-2016 school year.

13 SECTION 12. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2015.