

By: Aycock

H.B. No. 1842

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the assessment of intervention in and sanction of a
3 public school that does not satisfy accreditation criteria.

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

5 SECTION 1. Section 39.102(a), Education Code, is amended to
6 read as follows:

7 (a) If a school district does not satisfy the accreditation
8 criteria under Section 39.052, the academic performance standards
9 under Section 39.053 or 39.054, or any financial accountability
10 standard as determined by commissioner rule, the commissioner shall
11 take any of the following actions to the extent the commissioner
12 determines necessary:

13 (1) issue public notice of the deficiency to the board
14 of trustees;

15 (2) order a hearing conducted by the board of trustees
16 of the district for the purpose of notifying the public of the
17 insufficient performance, the improvements in performance expected
18 by the agency, and the interventions and sanctions that may be
19 imposed under this section if the performance does not improve;

20 (3) order the preparation of a student achievement
21 improvement plan that addresses each student achievement indicator
22 under Section 39.053(c) for which the district's performance is
23 insufficient, the submission of the plan to the commissioner for
24 approval, and implementation of the plan;

1 (4) order a hearing to be held before the commissioner
2 or the commissioner's designee at which the president of the board
3 of trustees of the district and the superintendent shall appear and
4 explain the district's low performance, lack of improvement, and
5 plans for improvement;

6 (5) arrange an on-site investigation of the district
7 to identify deficiencies and possible solutions;

8 (6) appoint an agency monitor to participate in and
9 report to the agency on the activities of the board of trustees or
10 the superintendent;

11 (7) appoint a conservator to oversee the operations of
12 the district;

13 (8) appoint a management team to direct the operations
14 of the district in areas of insufficient performance or require the
15 district to obtain certain services under a contract with another
16 person;

17 (9) if a district has a current accreditation status
18 of accredited-warned or accredited-probation, fails to satisfy any
19 standard under Section 39.054(e), or fails to satisfy financial
20 accountability standards as determined by commissioner rule,
21 appoint a board of managers to exercise the powers and duties of the
22 board of trustees;

23 (10) if for two consecutive school years, including
24 the current school year, a district has received an accreditation
25 status of accredited-warned or accredited-probation, has failed to
26 satisfy any standard under Section 39.054(e), or has failed to
27 satisfy financial accountability standards as determined by

1 commissioner rule, revoke the district's accreditation and:

2 (A) order closure of the district and annex the
3 district to one or more adjoining districts under Section 13.054;
4 or

5 (B) in the case of a home-rule school district or
6 open-enrollment charter school, order closure of all programs
7 operated under the district's or school's charter; or

8 (11) if a district has failed to satisfy any standard
9 under Section 39.054(e) due to the district's dropout rates, impose
10 sanctions designed to improve high school completion rates,
11 including:

12 (A) ordering the development of a dropout
13 prevention plan for approval by the commissioner;

14 (B) restructuring the district or appropriate
15 school campuses to improve identification of and service to
16 students who are at risk of dropping out of school, as defined by
17 Section 29.081;

18 (C) ordering lower student-to-counselor ratios
19 on school campuses with high dropout rates; and

20 (D) ordering the use of any other intervention
21 strategy effective in reducing dropout rates, including mentor
22 programs and flexible class scheduling.

23 SECTION 2. Section 39.103(b), Education Code, is amended to
24 read as follows:

25 (b) For a campus described by Subsection (a), the
26 commissioner, to the extent the commissioner determines necessary,
27 may:

1 (1) order a hearing to be held before the commissioner
2 or the commissioner's designee at which the president of the board
3 of trustees, a majority of the members of the board of trustees, the
4 superintendent, and the campus principal shall appear and explain
5 the campus's low performance, lack of improvement, and plans for
6 improvement; or

7 (2) establish a school community partnership team
8 composed of members of the campus-level planning and
9 decision-making committee established under Section 11.251 and
10 additional community representatives as determined appropriate by
11 the commissioner.

12 SECTION 3. Sections 39.106(a), (b), (c), and (e-1),
13 Education Code, are amended to read as follows:

14 (a) If a campus performance is below any standard under
15 Section 39.054(e), the commissioner shall assign a campus
16 intervention team. A campus intervention team shall:

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

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

22 (B) if the commissioner determines necessary, a
23 comprehensive on-site needs assessment, using the procedures
24 provided by Subsection (b);

25 (2) recommend appropriate actions as provided by
26 Subsection (c);

27 (3) assist in the development of a targeted

1 improvement plan;

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

6 (5) assist and advise the commissioner in monitoring
7 the progress of the campus in implementing the targeted improvement
8 plan.

9 (b) An on-site needs assessment of the campus under
10 Subsection (a) must determine the contributing education-related
11 and other factors resulting in the campus's low performance and
12 lack of progress. The team shall use all of the following guidelines
13 and procedures relevant to each area of insufficient performance in
14 conducting a targeted on-site needs assessment and shall use each
15 of the following guidelines and procedures in conducting a
16 comprehensive on-site needs assessment:

17 (1) an assessment of the staff to determine the
18 percentage of certified teachers who are teaching in their field,
19 the percentage of teachers who are fully certified, the number of
20 teachers with more than three years of experience, and teacher
21 retention rates;

22 (2) compliance with the appropriate class-size rules
23 and number of class-size waivers received;

24 (3) an assessment of the quality, quantity, and
25 appropriateness of instructional materials, including the
26 availability of technology-based instructional materials;

27 (4) a report on the parental involvement strategies

1 and the effectiveness of the strategies;

2 (5) an assessment of the extent and quality of the
3 mentoring program provided for new teachers on the campus and
4 provided for experienced teachers on the campus who have less than
5 two years of teaching experience in the subject or grade level to
6 which the teacher is assigned;

7 (6) an assessment of the type and quality of the
8 professional development provided to the staff;

9 (7) a demographic analysis of the student population,
10 including student demographics, at-risk populations, limited
11 English proficiency populations, and special education
12 percentages;

13 (8) a report of disciplinary incidents and school
14 safety information;

15 (9) financial and accounting practices;

16 (10) an assessment of the appropriateness of the
17 curriculum and teaching strategies;

18 (11) a comparison of the findings from Subdivisions
19 (1) through (10) to other campuses serving the same grade levels
20 within the district or to other campuses within the campus's
21 comparison group if there are no other campuses within the district
22 serving the same grade levels as the campus; and

23 (12) any other research-based data or information
24 obtained from a data collection process that would assist the
25 campus intervention team in:

26 (A) recommending an action under Subsection (c);

27 and

1 (B) executing a targeted improvement plan under
2 Subsection (d-3).

3 (c) On completing the on-site needs assessment under this
4 section, the campus intervention team shall, with the involvement
5 and advice of the school community partnership team, if applicable,
6 recommend actions relating to any area of insufficient performance,
7 including:

8 (1) reallocation of resources;

9 (2) technical assistance;

10 (3) changes in school procedures or operations;

11 (4) staff development for instructional and
12 administrative staff;

13 (5) intervention for individual administrators or
14 teachers or teams of administrators or teachers;

15 (6) waivers from state statutes or rules;

16 (7) teacher recruitment or retention strategies and
17 incentives provided by the district to attract and retain teachers
18 with the characteristics included in Subsection (b)(1); or

19 (8) other actions the campus intervention team
20 considers appropriate.

21 (e-1) After a targeted improvement plan or updated plan is
22 submitted to the board of trustees of the school district, the
23 board:

24 (1) shall conduct a hearing for the purpose of:

25 (A) notifying the public of the insufficient
26 performance, the improvements in performance expected by the
27 agency, and the intervention measures or sanctions that may be

1 imposed under this subchapter if the performance does not improve
2 within a designated period; and

3 (B) soliciting public comment on the targeted
4 improvement plan or any updated plan;

5 (2) must post the targeted improvement plan on the
6 district's Internet website before the hearing;

7 (3) may conduct one hearing relating to one or more
8 campuses subject to a targeted improvement plan or an updated plan;
9 ~~and~~

10 (4) shall submit the targeted improvement plan or any
11 updated plan to the commissioner for approval; and

12 (5) shall notify the parents of students enrolled at
13 the campus subject to a targeted improvement plan or updated plan of
14 the scheduled hearing not later than the seventh day before the date
15 of the hearing.

16 SECTION 4. Sections 39.107(b), (d), (f), and (k), Education
17 Code, are amended to read as follows:

18 (b) The campus intervention team shall decide which
19 educators may be retained or reassigned at that campus. A
20 principal who has been employed by the campus in that capacity
21 during the full period described by Subsection (a) may not be
22 retained at that campus unless the campus intervention team
23 determines that retention of the principal would be more beneficial
24 to the student achievement and campus stability than removal.

25 (d) If the commissioner determines that the campus is not
26 fully and effectively implementing the updated targeted
27 improvement plan or if the students enrolled at the campus fail to

1 demonstrate substantial improvement in the areas targeted by the
2 updated plan, the commissioner may order:

- 3 (1) repurposing of the campus under this section;
- 4 (2) alternative management of the campus under this
5 section; or
- 6 (3) closure of the campus.

7 (f) If the commissioner orders repurposing of a campus, the
8 school district shall develop a comprehensive plan for repurposing
9 the campus and submit the plan to the board of trustees for
10 approval, using the procedures described by Section 39.106(e-1),
11 and to the commissioner for approval. The plan must include a
12 description of a rigorous, ~~and~~ relevant, and coherent academic
13 program for the campus. The plan may include various instructional
14 models. The commissioner may not approve the repurposing of a
15 campus unless:

16 (1) all students in the assigned attendance zone of
17 the campus in the school year immediately preceding the repurposing
18 of the campus are provided with the opportunity to enroll in and are
19 provided transportation on request to another campus, unless the
20 commissioner grants an exception because there is no other campus
21 in the district in which the students may enroll;

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

25 (3) teachers employed at the campus in the school year
26 immediately preceding the repurposing of the campus are not
27 retained at the campus, unless the commissioner or the

1 commissioner's designee grants an exception, at the request of a
2 school district, for:

3 (A) a teacher who provides instruction in a
4 subject other than a subject for which an assessment instrument is
5 administered under Section 39.023(a) or (c) who demonstrates to the
6 commissioner satisfactory performance; or

7 (B) a teacher who provides instruction in a
8 subject for which an assessment instrument is administered under
9 Section 39.023(a) or (c) if the district demonstrates that the
10 students of the teacher demonstrated satisfactory performance or
11 improved academic growth on that assessment instrument.

12 (k) To qualify for consideration as a managing entity under
13 this section, the entity must submit a proposal that provides
14 information relating to the entity's management and leadership team
15 that will participate in management of the campus under
16 consideration, including information relating to individuals that
17 have:

18 (1) documented success in whole school interventions
19 that increased the educational and performance levels of students
20 as determined by multiple measures in campuses considered to have
21 an unacceptable performance rating;

22 (2) a proven record of effectiveness with programs
23 assisting low-performing students;

24 (3) a proven ability to apply research-based school
25 intervention strategies;

26 (4) a proven record of financial ability to perform
27 under the management contract; and

1 (5) any other experience or qualifications the
2 commissioner determines necessary.

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

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

19 SECTION 6. 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 at the expense of the district or
25 campus to address the applicable financial, assessment, data
26 quality, program, performance, or governance deficiency. The
27 commissioner's order may require the district or campus to:

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

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

8 SECTION 7. Section 39.111(b), Education Code, is amended to
9 read as follows:

10 (b) At least every 90 days, the commissioner shall review
11 the need for the conservator or management team and shall remove the
12 conservator or management team unless the commissioner determines
13 that continued appointment is necessary for effective governance or
14 financial management of the district or delivery of instructional
15 services.

16 SECTION 8. This Act applies beginning with the 2015-2016
17 school year.

18 SECTION 9. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2015.