

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Aycock, Dutton, Bohac,  
Rodriguez of Travis, Farney

H.B. No. 1842

A BILL TO BE ENTITLED

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

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

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

9 Sec. 11.0511. STUDENT TRUSTEE FOR CERTAIN DISTRICTS. (a)  
10 This section applies only to a school district described by Section  
11 11.065(a) that includes a school under the campus turnaround plan.

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

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

18 (1) the term of the student trustee position;  
19 (2) the procedures for selecting a student trustee,  
20 including the method for filling a vacancy; and

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

22 (d) A student is eligible to serve as a student trustee if  
23 the student is enrolled in the student's junior or senior year of  
24 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.

ADOPTED

MAY 26 2015

*Lately Saw*  
Secretary of the Senate

By: \_\_\_\_\_

H.B. No. 1842

Substitute the following for H.B. No. 1842:

By: *Larry Taylor*

C.S. H.B. No. 1842

A BILL TO BE ENTITLED

AN ACT

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3 of or renewal of the charter of an open-enrollment charter school  
4 and the intervention in and sanction of a public school that has  
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11 This section applies only to a school district described by Section  
12 11.065(a) in which a school in the district is operating under a  
13 campus turnaround plan.

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

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

20 (1) the term of the student trustee position;

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

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

24 (d) A student is eligible to serve as a student trustee if

1 the student is enrolled in the student's junior or senior year of  
2 high school and is considered in good standing academically and  
3 under the district code of conduct.

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7 deliberations, subject to Subsection (f); and

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10 1974 (20 U.S.C. Section 1232g).

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12 session of a board meeting in which any issue related to a personnel  
13 matter is considered.

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

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

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

23 (b-4) Notwithstanding Section 12.114, approval of the  
24 commissioner under that section is not required for establishment  
25 of a new open-enrollment charter school campus if the requirements  
26 of this subsection~~[, including the absence of commissioner~~  
27 ~~disapproval under Subdivision (3),]~~ are satisfied. A charter



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

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

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

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

26 SECTION 3. The heading to Section 12.116, Education Code,  
27 is amended to read as follows:

1           Sec. 12.116. PROCEDURE FOR REVOCATION, ~~[OR]~~ MODIFICATION OF  
2 GOVERNANCE, OR DENIAL OF RENEWAL.

3           SECTION 4. Section 12.116, Education Code, is amended by  
4 amending Subsection (a) and adding Subsection (a-1) to read as  
5 follows:

6           (a) The commissioner shall adopt an informal procedure to be  
7 used for:

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

11                 (2) denying the renewal of a charter of an  
12 open-enrollment charter school as authorized by Section  
13 12.1141(c).

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

24           SECTION 5. Section 39.106, Education Code, is amended by  
25 amending Subsection (a) and adding Subsection (a-1) to read as  
26 follows:

27           (a) If a campus performance is below any standard under

1 Section 39.054(e), the commissioner shall assign a campus  
2 intervention team. A campus intervention team shall:

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

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

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

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

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

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

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

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

1 plan.

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

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

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

12       SECTION 7. Section 39.107, Education Code, is amended by  
13 amending Subsections (a), (a-1), (b), (b-2), (d), (e), (e-1),  
14 (e-2), (f), and (g) and adding Subsections (a-2), (b-3), (b-4),  
15 (b-5), (b-6), (b-7), (b-8), (b-9), (b-10), (e-4), (e-5), (e-6),  
16 (g-1), and (g-2) to read as follows:

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

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

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

27               (2) submitting the updated targeted improvement plan

1 to the board of trustees of the school district for approval and  
2 presenting the plan in a public hearing as provided by Section  
3 39.106(e-1);

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

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

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

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

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

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

1 campus in implementing procedures to satisfy all performance  
2 standards required under Section 39.054(e) [~~decide which educators~~  
3 ~~may be retained at that campus. A principal who has been employed~~  
4 ~~by the campus in that capacity during the full period described by~~  
5 ~~Subsection (a) may not be retained at that campus unless the campus~~  
6 ~~intervention team determines that retention of the principal would~~  
7 ~~be more beneficial to the student achievement and campus stability~~  
8 ~~than removal]~~.

9 (b-2) A campus turnaround plan must include:

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

14 (2) the term of the charter, if a district charter is  
15 to be granted for the campus under Section 12.0522;

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 [~~For each year that a campus is considered to~~  
23 ~~have an unacceptable performance rating, a campus intervention team~~  
24 ~~shall:~~

25 ~~[(1) assist in updating the targeted improvement plan~~  
26 ~~to identify and analyze areas of growth and areas that require~~  
27 ~~improvement;~~

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

2                   ~~[(A) the board of trustees of the school~~  
3 ~~district, and~~

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

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

7           (b-3) A school district may:

8                   (1) request that a regional education service center  
9 provide assistance in the development and implementation of a  
10 campus turnaround plan; or

11                   (2) partner with an institution of higher education to  
12 develop and implement a campus turnaround plan.

13           (b-4) The updated targeted improvement plan submitted to  
14 the board of trustees of a school district under Subsection (a-1)  
15 must include all plans and details that are required to execute the  
16 campus turnaround plan without any additional action or approval by  
17 the board of trustees.

18           (b-5) A campus turnaround plan developed under this section  
19 must take effect during the school year following the second  
20 consecutive school year that the campus has received an  
21 academically unacceptable performance rating.

22           (b-6) Following approval of a campus turnaround plan by the  
23 commissioner, the school district, in consultation with the campus  
24 intervention team, may take any actions needed to prepare for the  
25 implementation of the plan.

26           (b-7) If a campus for which a campus turnaround plan has  
27 been ordered under Subsection (a) receives an academically

1 acceptable performance rating for the school year following the  
2 order, the board of trustees may:

3 (1) implement the campus turnaround plan;

4 (2) implement a modified version of the campus  
5 turnaround plan; or

6 (3) withdraw the campus turnaround plan.

7 (b-8) A school district required to implement a campus  
8 turnaround plan may modify the plan if the campus receives an  
9 academically acceptable performance rating for two consecutive  
10 school years following the implementation of the plan.

11 (b-9) Section 12.0522(b) does not apply to a district  
12 charter approved by the commissioner under this section. A  
13 district charter approved under this section may be renewed or  
14 continue in effect after the campus is no longer subject to an order  
15 under Subsection (a).

16 (b-10) The commissioner shall adopt rules governing the  
17 procedures for an open-enrollment charter school campus that is  
18 subject to an order issued under Subsection (a). An  
19 open-enrollment charter school must revise the school's charter in  
20 accordance with Section 12.114 in the campus turnaround plan.  
21 Nothing in this section may be construed to modify any provision of  
22 Subchapter D, Chapter 12, relating to the expiration, nonrenewal,  
23 revocation, or modification of the governance of an open-enrollment  
24 charter school. The governing board of the open-enrollment charter  
25 school shall perform the duties of a board of trustees of a school  
26 district under this section.

27 (d) The commissioner may approve a campus turnaround plan



1 only if the commissioner determines that the campus will satisfy  
2 all student performance standards required under Section 39.054(e)  
3 not later than the second year the campus receives a performance  
4 rating following the implementation of the campus turnaround plan.

5 If the commissioner does not make this determination [~~determines~~  
6 ~~that the campus is not fully implementing the updated targeted~~  
7 ~~improvement plan or if the students enrolled at the campus fail to~~  
8 ~~demonstrate substantial improvement in the areas targeted by the~~  
9 ~~updated plan~~], the commissioner shall [~~may~~] order:

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

13 (2) alternative management of the campus under this  
14 section; or

15 (3) closure of the campus.

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

21 (1) appointment of a board of managers to govern the  
22 district as provided by Section 39.112(b) [~~repurposing of the~~  
23 ~~campus under this section~~]; or

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

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

27 (e-1) If the commissioner orders the closure of a campus

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

21 (e-2) For purposes of this subsection, "parent" has the  
22 meaning assigned by Section 12.051. If the commissioner is  
23 presented, in the time and manner specified by commissioner rule, a  
24 written petition signed by the parents of a majority of the students  
25 enrolled at a campus to which Subsection (e) applies, specifying  
26 the action described by Subsection (e)(1) or [~~7~~] (2) [~~7~~ ~~or~~ (3)] that  
27 the parents request the commissioner to order, the commissioner

1 shall, except as otherwise authorized by this subsection, order the  
2 specific action requested. If the board of trustees of the school  
3 district in which the campus is located presents to the  
4 commissioner, in the time and manner specified by commissioner  
5 rule, a written request that the commissioner order specific action  
6 authorized under Subsection (e) other than the specific action  
7 requested in the parents' petition and a written explanation of the  
8 basis for the board's request, the commissioner may order the  
9 action requested by the board of trustees.

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

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

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

19 (f) Notwithstanding Section 39.112(e), the commissioner may  
20 remove a board of managers appointed to govern a district under this  
21 section only if the campus that was the basis for the appointment of  
22 the board of managers receives an academically acceptable  
23 performance rating for two consecutive school years. [~~If the~~  
24 ~~commissioner orders repurposing of a campus, the school district~~  
25 ~~shall develop a comprehensive plan for repurposing the campus and~~  
26 ~~submit the plan to the board of trustees for approval, using the~~  
27 ~~procedures described by Section 39.106(e-1), and to the~~

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

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

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

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

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

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

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

10           (g-1) If the commissioner orders alternative management of  
11 a campus under Subsection (d)(2), the school district shall execute  
12 a contract with a managing entity. The terms of the contract must  
13 be approved by the commissioner.

14           (g-2) Subject to Subsection (e), at the end of the contract  
15 term with a managing entity or the cancellation of a contract with a  
16 managing entity, the board of trustees of the school district shall  
17 resume management of the campus.

18           SECTION 8. Subchapter E, Chapter 39, Education Code, is  
19 amended by adding Section 39.1071 to read as follows:

20           Sec. 39.1071. TRANSITIONAL INTERVENTIONS AND SANCTIONS.

21           (a) For a campus that received an academically unacceptable  
22 performance rating for the 2013-2014, 2014-2015, and 2015-2016  
23 school years, the commissioner may apply the interventions and  
24 sanctions authorized by this chapter as this chapter existed on  
25 January 1, 2015, to the campus.

26           (b) If a campus described under Subsection (a) receives an  
27 academically unacceptable performance rating for the 2016-2017 and

1 2017-2018 school years, the commissioner shall apply the  
2 interventions and sanctions authorized by Section 39.107(e) to the  
3 campus.

4 (c) For a campus that received an academically acceptable  
5 performance rating for the 2013-2014 school year and an  
6 academically unacceptable performance rating for the 2014-2015 and  
7 2015-2016 school years, the commissioner shall apply the  
8 interventions and sanctions authorized by Section 39.107(a) to the  
9 campus.

10 (d) If a campus described under Subsection (c) receives an  
11 academically unacceptable performance rating for the 2016-2017,  
12 2017-2018, and 2018-2019 school years, the commissioner shall apply  
13 the interventions and sanctions authorized by Section 39.107(e) to  
14 the campus.

15 (e) The commissioner may adopt rules as necessary to  
16 implement this section.

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

18 SECTION 9. Section 39.112, Education Code, is amended by  
19 adding Subsections (d-1), (d-2), and (g) and amending Subsection  
20 (e) to read as follows:

21 (d-1) The board of managers appointed by the commissioner  
22 must, if possible, include community leaders, business  
23 representatives who have expertise in leadership, and individuals  
24 who have knowledge or expertise in the field of education.

25 (d-2) The commissioner must provide each individual  
26 appointed to a board of managers with training in effective  
27 leadership strategies.

1           (e) A board of managers shall, during the period of the  
2 appointment, order the election of members of the board of trustees  
3 of the district in accordance with applicable provisions of law.  
4 Except as provided by this subsection, the members of the board of  
5 trustees do not assume any powers or duties after the election until  
6 the appointment of the board of managers expires. Not [~~At the~~  
7 ~~direction of the commissioner but not~~] later than the second  
8 anniversary of the date the board of managers of a district was  
9 appointed, the commissioner shall notify the board of managers and  
10 the board of trustees of the date on which the appointment of the  
11 board of managers will expire [~~shall order an election of members~~  
12 ~~of the district board of trustees. The election must be held on a~~  
13 ~~uniform election date on which an election of district trustees may~~  
14 ~~be held under Section 41.001, Election Code, that is at least 180~~  
15 ~~days after the date the election was ordered~~]. Following each of  
16 the last three years of the period of the appointment, one-third of  
17 the members of the board of managers shall be replaced by the number  
18 of members of the school district board of trustees who were elected  
19 at an election ordered under this subsection that constitutes, as  
20 closely as possible, one-third of the membership of the board of  
21 trustees. On the expiration of the appointment of the board of  
22 managers [~~qualification of members for office~~], the board of  
23 trustees assumes all of the powers and duties assigned to a board of  
24 trustees by law, rule, or regulation.

25           (g) Following the expiration of the period of appointment of  
26 a board of managers for a district, the commissioner shall provide  
27 training in effective leadership strategies to the board of

1 trustees of the school district.

2 SECTION 10. Section 39.114, Education Code, is amended to  
3 read as follows:

4 Sec. 39.114. IMMUNITY FROM CIVIL LIABILITY. An employee,  
5 volunteer, or contractor acting on behalf of the commissioner under  
6 this subchapter, or a member of a board of managers appointed by the  
7 commissioner under this subchapter, is immune from civil liability  
8 to the same extent as a professional employee of a school district  
9 under Section 22.051.

10 SECTION 11. Section 39.106(f), Education Code, is repealed.

11 SECTION 12. Not later than December 1, 2018, the  
12 Legislative Budget Board shall publish a report evaluating the  
13 implementation of Section 39.107, Education Code, as amended by  
14 this Act, including an analysis of whether the changes in law made  
15 by this Act result in improvements to school performance and  
16 student performance. The Legislative Budget Board may contract with  
17 another entity for the purpose of producing the evaluation required  
18 by this section.

19 SECTION 13. This Act applies beginning with the 2015-2016  
20 school year.

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



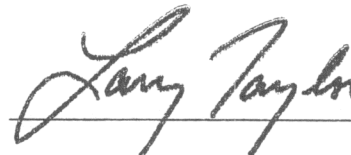
# ADOPTED

MAY 26 2015

  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:



1 Amend C.S.H.B. No. 1842 (senate committee printing) by  
2 adding the following appropriately numbered SECTION and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Title 2, Education Code, is amended by adding  
5 Chapter 12A to read as follows:

6 CHAPTER 12A. INNOVATION ZONES AND DISTRICTS OF INNOVATION

7 SUBCHAPTER A. INNOVATION ZONES

8 Sec. 12A.001. DEFINITIONS. In this subchapter:

9 (1) "Governing body" means the board of trustees of a  
10 school district or the governing body of a home-rule school  
11 district under Subchapter B, Chapter 12, or an open-enrollment  
12 charter school under Subchapter D, Chapter 12.

13 (2) "School district" means an independent school  
14 district or a home-rule school district under Subchapter B, Chapter  
15 12.

16 Sec. 12A.002. AUTHORIZATION. (a) Subject to approval by  
17 the commissioner, a governing body may establish a multiple-campus  
18 innovation zone in accordance with this subchapter to:

19 (1) encourage local community-based initiatives to  
20 improve educational outcomes with minimum state and local  
21 requirements;

22 (2) enable collaboration by multiple campuses,  
23 programs, and institutions of higher education; and

24 (3) encourage innovation through shared resources and  
25 facilities.

26 (b) Subject to Subsection (b-1), a governing body may:

27 (1) establish an innovation zone that includes only  
28 designated campuses under the authority of the governing body;

29 (2) establish, in cooperation with one or more other

1 governing bodies, an innovation zone that includes one or more  
2 designated campuses under the authority of each governing body; or  
3 (3) seek inclusion of one or more campuses under the  
4 authority of the governing body in an innovation zone established  
5 by one or more other governing bodies.

6 (b-1) A campus may be included in an innovation zone only if  
7 the most recent performance rating under Section 39.054 for the  
8 campus reflects at least acceptable performance.

9 (c) Establishment of an innovation zone or a request for  
10 inclusion of a campus in an existing zone may be initiated by:

- 11 (1) a resolution of a governing body; or  
12 (2) a request submitted by the principal of a campus to  
13 the governing body with authority over the campus.

14 Sec. 12A.003. PARTICIPATION BY INSTITUTION OF HIGHER  
15 EDUCATION. An institution of higher education may participate in  
16 an innovation zone on terms acceptable to the governing board of the  
17 institution.

18 Sec. 12A.004. INNOVATION ZONE PLAN. (a) The establishment  
19 of an innovation zone or a request for inclusion of a campus in an  
20 innovation zone must be based on a written innovation zone plan that  
21 includes:

22 (1) a detailed description of the budget, staffing,  
23 and financial resources necessary to implement the plan, including  
24 resources to be provided by each individual campus and resources to  
25 be provided collectively by all participating campuses;

26 (2) a detailed description of the academic programs to  
27 be offered, including instructional methods, length of school day  
28 and year, credit and promotion criteria, and programs to serve  
29 special populations;

30 (3) a statement of the facilities to be used;

31 (4) the proposed term of the innovation zone, which

1 may not exceed five years;

2 (5) a statement of the reasons that the establishment  
3 of the innovation zone or inclusion of the campus in the zone will  
4 promote the ability of the campuses to achieve their academic  
5 goals;

6 (6) a list of any local or state law, rule, or policy  
7 exemption necessary for successful operation of the innovation  
8 zone, subject to Section 12A.008;

9 (7) performance goals against which the success of the  
10 innovation zone may be measured;

11 (8) written comments from the campus-level committee  
12 established under Section 11.251, if applicable, and parents and  
13 teachers at each campus proposed for inclusion in the innovation  
14 zone; and

15 (9) any other information required by local policy.

16 (b) As requested by a governing body, a regional education  
17 service center shall provide assistance in the development and  
18 implementation of an innovation plan.

19 Sec. 12A.005. CONSIDERATION OF REQUEST BY PRINCIPAL.

20 (a) A request by a principal for the establishment of an  
21 innovation zone or inclusion of a campus in an innovation zone must  
22 be considered at a public meeting by the governing body with  
23 authority over the principal's campus.

24 (b) Parents of students enrolled at the campus and teachers  
25 and other staff assigned to the campus must be provided the  
26 opportunity to make comments regarding the request at the public  
27 meeting.

28 (c) After conducting the public meeting, the governing body  
29 may:

30 (1) grant the request;

31 (2) grant the request subject to approval by another

1 governing body, if the request also involves a campus under the  
2 authority of another governing body;

3           (3) delay a decision on the request, pending  
4 resolution of suggestions or comments regarding the request made by  
5 the governing body or parents, teachers, or other staff at the  
6 campus; or

7           (4) reject the request.

8           (d) If the governing body approves a principal's request,  
9 the governing body shall:

10           (1) seek approval by the commissioner in accordance  
11 with Section 12A.007;

12           (2) adopt performance goals for the principal's  
13 campus; and

14           (3) exempt the campus from any local requirement  
15 identified in the innovation plan under Section 12A.004(a)(6) for  
16 the term of the innovation zone.

17           Sec. 12A.006. FORM OF AGREEMENT. An innovation zone that  
18 involves more than one governing body or that involves an  
19 institution of higher education may be governed by an agreement  
20 between the affected school districts, schools, and institutions in  
21 the form of a contract.

22           Sec. 12A.007. APPROVAL BY COMMISSIONER. (a) A governing  
23 body must obtain approval from the commissioner before the  
24 establishment or renewal of an innovation zone or the inclusion of a  
25 campus in an existing zone may become effective.

26           (b) If the commissioner approves the establishment or  
27 renewal of an innovation zone or the inclusion of a campus in an  
28 existing zone, the commissioner shall identify each requirement of  
29 state law, rule, or policy from which the campuses included in the  
30 zone are exempt.

31           (c) A decision by the commissioner under this section is

1 final and may not be appealed.

2 Sec. 12A.008. APPLICABILITY OF CERTAIN LAWS. (a) An  
3 open-enrollment charter school campus included in an innovation  
4 zone continues to be subject to the requirements of Subchapter D,  
5 Chapter 12.

6 (b) A campus included in an innovation zone other than an  
7 open-enrollment charter school campus is subject only to  
8 requirements imposed under this title that apply to an  
9 open-enrollment charter school.

10 (c) An innovation zone plan or other agreement governing an  
11 innovation zone may not conflict with the provisions of a home-rule  
12 school district charter under Subchapter B, Chapter 12.

13 Sec. 12A.009. ACCOUNTABILITY. The commissioner shall  
14 ensure that each campus included in an innovation zone is evaluated  
15 for academic and financial performance and that performance of each  
16 campus is attributed to the school district or open-enrollment  
17 charter school of which the campus is a part.

18 Sec. 12A.010. TERMINATION OR RENEWAL. (a) A governing  
19 body may terminate an innovation zone that contains only campuses  
20 under the governing body's authority or withdraw campuses from  
21 participation in an innovation zone that also contains campuses  
22 under the authority of another governing body if:

23 (1) the innovation zone fails to meet performance  
24 goals established for the zone under this subchapter; or

25 (2) one or more campuses included in the innovation  
26 zone receives an unacceptable performance rating under Section  
27 39.054 for two consecutive school years.

28 (b) The commissioner may terminate an innovation zone if:

29 (1) the innovation zone fails to meet performance  
30 goals established for the zone under this subchapter; or

31 (2) one or more of the campuses included in the

1 innovation zone receives an unacceptable performance rating under  
2 Section 39.054 for two consecutive school years.

3 (c) Unless the innovation zone is terminated by the  
4 governing body or bodies before the commissioner takes action under  
5 this subsection, the commissioner shall terminate an innovation  
6 zone if one or more of the campuses included in the innovation zone  
7 receives an unacceptable performance rating under Section 39.054  
8 for three consecutive school years.

9 (d) Subject to the approval of the participating governing  
10 bodies and the commissioner, an innovation zone may be renewed  
11 automatically for successive terms not to exceed five years each  
12 if:

13 (1) the zone meets performance goals established for  
14 the zone under this subchapter; and

15 (2) each campus included in the zone meets the  
16 requirement imposed by Section 12A.002(b-1) at the time of renewal.

17 (e) A decision by the commissioner under this section is  
18 final and may not be appealed.

19 Sec. 12A.011. FISCAL AGENT. If an innovation zone includes  
20 campuses under the authority of more than one governing body, the  
21 governing bodies may jointly designate the participating school  
22 district, school, or institution of higher education that will  
23 serve as the zone's fiscal agent for matters relating to  
24 employment, compliance, or reporting.

25 Sec. 12A.012. COMMISSIONER RULEMAKING. (a) Subject to  
26 Subsection (b), the commissioner may adopt rules implementing this  
27 subchapter.

28 (b) The commissioner's rulemaking authority under this  
29 subchapter is limited to rules addressing reporting, federal  
30 program compliance, state and federal accountability, and funding.  
31 Except as authorized by this subsection, the rules may not govern

1 the local operations of an innovation zone.

2 Sec. 12A.013. COMMISSIONER'S AUTHORITY REGARDING  
3 ACCOUNTABILITY AND FEDERAL REQUIREMENTS. Notwithstanding any  
4 other provision of this subchapter, this subchapter does not limit  
5 the commissioner's authority under Chapter 39 or federal law.

6 SUBCHAPTER B. DISTRICTS OF INNOVATION

7 Sec. 12A.051. AUTHORIZATION. (a) Subject to Subsection  
8 (a-1), a school district may be designated as a district of  
9 innovation in accordance with this subchapter.

10 (a-1) A school district is eligible for designation as a  
11 district of innovation only if the district's most recent  
12 performance rating under Section 39.054 reflects at least  
13 acceptable performance.

14 (b) Consideration of designation as a district of  
15 innovation may be initiated by:

16 (1) a resolution adopted by the board of trustees of  
17 the district; or

18 (2) a petition signed by a majority of the members of  
19 the district-level committee established under Section 11.251.

20 Sec. 12A.052. PUBLIC HEARING. (a) Promptly after adopting  
21 a resolution under Section 12A.051(b)(1) or receiving a petition  
22 under Section 12A.051(b)(2), the board of trustees shall hold a  
23 public hearing to consider whether the district should develop a  
24 local innovation plan for the designation of the district as a  
25 district of innovation.

26 (b) At the conclusion of the public hearing or as soon as  
27 possible after conclusion of the public hearing, the board of  
28 trustees may:

29 (1) decline to pursue designation of the district as a  
30 district of innovation; or

31 (2) appoint a committee to develop a local innovation



1 plan in accordance with Section 12A.053.

2 Sec. 12A.053. LOCAL INNOVATION PLAN. (a) A local  
3 innovation plan must be developed for a school district before the  
4 district may be designated as a district of innovation.

5 (b) A local innovation plan must:

6 (1) provide for a comprehensive educational program  
7 for the district, which program may include:

8 (A) innovative curriculum, instructional  
9 methods, and provisions regarding community participation, campus  
10 governance, and parental involvement;

11 (B) modifications to the school day or year;

12 (C) provisions regarding the district budget and  
13 sustainable program funding;

14 (D) accountability and assessment measures that  
15 exceed the requirements of state and federal law; and

16 (E) any other innovations prescribed by the board  
17 of trustees; and

18 (2) identify requirements imposed by this code that  
19 inhibit the goals of the plan and from which the district should be  
20 exempted on adoption of the plan, subject to Section 12A.054.

21 Sec. 12A.054. LIMITATION OF PERMISSIBLE EXEMPTIONS. (a) A  
22 local innovation plan may not provide for the exemption of a  
23 district designated as a district of innovation from the following  
24 provisions of this title:

25 (1) a state or federal requirement applicable to an  
26 open-enrollment charter school operating under Subchapter D,  
27 Chapter 12;

28 (2) Subchapters A, C, D, and E, Chapter 11, except that  
29 a district may be exempt from Sections 11.1511(b)(5) and (14) and  
30 Section 11.162;

31 (3) state curriculum and graduation requirements



1 adopted under Chapter 28; and

2 (4) academic and financial accountability and  
3 sanctions under Chapter 39.

4 (b) The commissioner shall:

5 (1) maintain a list of provisions of this title from  
6 which school districts designated as districts of innovation are  
7 exempt under this subchapter; and

8 (2) notify the legislature of each provision from  
9 which districts enrolling a majority of students in this state are  
10 exempt.

11 Sec. 12A.055. ADOPTION OF LOCAL INNOVATION PLAN;  
12 COMMISSIONER APPROVAL. (a) The board of trustees may not vote on  
13 adoption of a proposed local innovation plan unless:

14 (1) the final version of the proposed plan has been  
15 available on the district's Internet website for at least 30 days;

16 (2) the board of trustees has notified the  
17 commissioner of the board's intention to vote on adoption of the  
18 proposed plan; and

19 (3) the district-level committee established under  
20 Section 11.251 has held a public meeting to consider the final  
21 version of the proposed plan and has approved the plan by a majority  
22 vote of the committee members, provided that the meeting required  
23 by this subdivision may occur immediately before and on the same  
24 date as the meeting at which the board intends to vote on adoption  
25 of the proposed plan.

26 (b) A board of trustees may adopt a proposed local  
27 innovation plan by an affirmative vote of two-thirds of the  
28 membership of the board.

29 (c) On adoption of a proposed local innovation plan, the  
30 board of trustees shall submit the plan to the commissioner for  
31 approval.

1       (d) On approval by the commissioner of a local innovation  
2 plan submitted under Subsection (c):

3           (1) the district is designated as a district of  
4 innovation under this subchapter for the term specified in the  
5 plan, subject to Section 12A.056;

6           (2) the district shall begin operation in accordance  
7 with the plan; and

8           (3) the district is exempt from state requirements  
9 identified under Section 12A.053(b)(2).

10       (e) A district's exemption described by Subsection (d)(3)  
11 includes any subsequent amendment or redesignation of an identified  
12 state requirement, unless the subsequent amendment or  
13 redesignation specifically applies to a district of innovation.

14       (f) A decision by the commissioner under this section is  
15 final and may not be appealed.

16       Sec. 12A.056. TERM. The term of a district's designation as  
17 a district of innovation may not exceed five years.

18       Sec. 12A.057. AMENDMENT, RESCISSION, OR RENEWAL OF LOCAL  
19 INNOVATION PLAN. (a) Subject to approval by the commissioner, a  
20 local innovation plan may be amended, rescinded, or renewed if the  
21 action is approved by a vote of the district-level committee  
22 established under Section 11.251, or a comparable committee if the  
23 district is exempt from that section, and the board of trustees in  
24 the same manner as required for initial adoption of a local  
25 innovation plan under Section 12A.055.

26       (b) A decision by the commissioner under this section is  
27 final and may not be appealed.

28       Sec. 12A.058. TERMINATION BY COMMISSIONER. (a) The  
29 commissioner may terminate a district's designation as a district  
30 of innovation if the district receives for two consecutive school  
31 years:

1           (1) an unacceptable academic performance rating under  
2 Section 39.054;

3           (2) an unacceptable financial accountability rating  
4 under Section 39.082; or

5           (3) an unacceptable academic performance rating under  
6 Section 39.054 for one of the school years and an unacceptable  
7 financial accountability rating under Section 39.082 for the other  
8 school year.

9           (b) Instead of terminating a district's designation as  
10 authorized by Subsection (a), the commissioner may permit the  
11 district to amend the district's local innovation plan to address  
12 concerns specified by the commissioner.

13           (c) The commissioner shall terminate a district's  
14 designation as a district of innovation if the district receives  
15 for three consecutive school years:

16           (1) an unacceptable academic performance rating under  
17 Section 39.054;

18           (2) an unacceptable financial accountability rating  
19 under Section 39.082; or

20           (3) any combination of one or more unacceptable  
21 ratings under Subdivision (1) and one or more unacceptable ratings  
22 under Subdivision (2).

23           (d) A decision by the commissioner under this section is  
24 final and may not be appealed.

25           Sec. 12A.059. COMMISSIONER RULEMAKING. The commissioner  
26 may adopt rules to implement this subchapter.

**ADOPTED**

FLOOR AMENDMENT NO. 2

BY: Paul Bellercont

MAY 26 2015

*Antony Spaw*  
Secretary of the Senate

1 Amend C.S.H.B. No. 1842 (senate committee printing) as  
2 follows:

3 (1) Strike SECTION 2 of the bill (page 2, lines 7 through  
4 38) and substitute the following:

5 SECTION 2. Section 12.101, Education Code, is amended by  
6 amending Subsection (b-4) and adding Subsection (b-9) to read as  
7 follows:

8 (b-4) Notwithstanding Section 12.114, approval of the  
9 commissioner under that section is not required for  
10 establishment of a new open-enrollment charter school campus if  
11 the requirements of this subsection [~~including the absence of~~  
12 ~~commissioner disapproval under Subdivision (3),~~] are  
13 satisfied. A charter holder having an accreditation status of  
14 accredited and at least 50 percent of its student population in  
15 grades assessed under Subchapter B, Chapter 39, or at least 50  
16 percent of the students in the grades assessed having been  
17 enrolled in the school for at least three school years may  
18 establish one or more new campuses under an existing charter  
19 held by the charter holder if:

20 (1) the charter holder is currently evaluated under  
21 the standard accountability procedures for evaluation under  
22 Chapter 39 and received a district rating in the highest or  
23 second highest performance rating category under Subchapter C,  
24 Chapter 39, for three of the last five years with at least 75  
25 percent of the campuses rated under the charter also receiving a  
26 rating in the highest or second highest performance rating  
27 category and, [~~with no campus with a rating in the lowest~~  
28 ~~performance rating category~~] in the most recent ratings, no more  
29 than 10 percent of the campuses under the charter have received

1 a rating in the lowest performance rating category;

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

6 (3) not later than the 60th day after the date the  
7 charter holder provides written notice under Subdivision (2),  
8 the commissioner does not provide written notice to the charter  
9 holder that the commissioner has determined that the charter  
10 holder does not satisfy the requirements of this section [~~of~~  
11 ~~disapproval of a new campus under this section~~].

12 (b-9) Notwithstanding Subsection (b-3), the commissioner  
13 may grant an additional charter for an open-enrollment charter  
14 school to a charter holder if:

15 (1) one of the charters is for a virtual open-  
16 enrollment charter school that provides only electronic courses  
17 through the state virtual school network; and

18 (2) the other charter is for any other type of open-  
19 enrollment charter school allowable under this chapter or  
20 commissioner rule.

21 (2) Add the following appropriately numbered SECTION to  
22 the bill and renumber subsequent SECTIONS of the bill  
23 accordingly:

24 SECTION \_\_\_\_\_. Section 39.151, Education Code, is amended  
25 by amending Subsection (b) and adding Subsection (c-1) to read  
26 as follows:

27 (b) The rules under Subsection (a) must provide for the  
28 commissioner to appoint a committee to make recommendations to  
29 the commissioner on a challenge made to an agency decision  
30 relating to an academic performance rating or determination or  
31 financial accountability rating. The committee shall review the

1 challenge regardless of the issue identified in the challenge by  
2 the school district or open-enrollment charter school. The  
3 commissioner may not appoint an agency employee as a member of  
4 the committee.

5 (c-1) The commissioner may not limit a challenge relating  
6 to a data or calculation error or inaccuracy attributable to the  
7 school district or open-enrollment charter school, even if the  
8 challenge demonstrates the data or calculation error or  
9 inaccuracy caused the district or school to have a lower  
10 academic or financial accountability rating. If a challenge  
11 demonstrates that the data or calculation error or inaccuracy  
12 caused the district or school to have a lower academic or  
13 financial accountability rating, the commissioner shall assign  
14 the district or school the corrected rating or shall indicate  
15 that the district or school will not be rated for that school  
16 year. The commissioner may not revoke the charter of an open-  
17 enrollment charter school as provided by Section 12.115(c) or  
18 allow the charter to expire as provided by Section 12.1141(d) if  
19 for one of the school years considered for the commissioner's  
20 decision the school is not rated as provided by this subsection.

# ADOPTED

FLOOR AMENDMENT NO. 3

MAY 26 2015 BY:

*Leta Law*  
Secretary of the Senate

*Jose Rodriguez*

1 Amend C.S.H.B. No. 1842 (senate committee printing) as  
2 follows:

3 (1) In the recital for SECTION 7 of the bill, between  
4 "(b)," and "(b-2)," (page 3, line 38), insert "(b-1),".

5 (2) In the recital for SECTION 7 of the bill, strike "(b-  
6 10,)" (page 3, line 40).

7 (3) In SECTION 7 of the bill, in amended Section 39.107(b),  
8 Education Code (page 4, line 7), between "campus" and the  
9 underlined period, insert "including criteria for the retention  
10 of educators at the campus".

11 (4) In SECTION 7 of the bill, in Section 39.107, Education  
12 Code, strike amended Subsection (b-2) and added Subsection (b-3)  
13 (page 4, lines 19-49) and substitute the following:

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

15 (1) a detailed description of the academic programs  
16 to be offered at the campus, including instructional methods,  
17 length of school day and school year, academic credit and  
18 promotion criteria, and programs to serve special student  
19 populations;

20 (2) the term of the charter; if a district charter is  
21 to be granted for the campus under Section 12.0522;

22 (3) written comments from the campus-level committee  
23 established under Section 11.251, if applicable, parents, and  
24 teachers at the campus; and

25 (4) a detailed description of the budget, staffing,  
26 and financial resources required to implement the plan,  
27 including any supplemental resources to be provided by the  
28 district or other identified sources [~~A teacher of a subject~~  
29 ~~assessed by an assessment instrument under Section 39.023 may be~~

1 ~~retained only if the campus intervention team determines that a~~  
2 ~~pattern exists of significant academic improvement by students~~  
3 ~~taught by the teacher. If an educator is not retained, the~~  
4 ~~educator may be assigned to another position in the district].~~

5 (b-2) A school district may:

6 (1) request that a regional education service center  
7 provide assistance in the development and implementation of a  
8 campus turnaround plan; or

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

13 [~~(1) assist in updating the targeted improvement plan~~  
14 ~~to identify and analyze areas of growth and areas that require~~  
15 ~~improvement;~~

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

17 [~~(A) the board of trustees of the school~~  
18 ~~district; and~~

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

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

22 (5) In SECTION 7 of the bill, in Section 39.107, Education  
23 Code, (page 4, line 50), strike "(b-4)" and substitute "(b-3)".

24 (6) In SECTION 7 of the bill, in Section 39.107, Education  
25 Code, (page 4, line 55), strike "(b-5)" and substitute "(b-4)".

26 (7) In SECTION 7 of the bill, in Section 39.107, Education  
27 Code, (page 4, line 59), strike "(b-6)" and substitute "(b-5)".

28 (8) In SECTION 7 of the bill, in Section 39.107, Education  
29 Code, (page 4, line 63), strike "(b-7)" and substitute "(b-6)".

30 (9) In SECTION 7 of the bill, in Section 39.107, Education  
31 Code, (page 5, line 2), strike "(b-8)" and substitute "(b-7)".



1           (10) In SECTION 7 of the bill, in Section 39.107, Education  
2 Code, (page 5, line 6), strike "(b-9)" and substitute "(b-8)".

3           (11) In SECTION 7 of the bill, in Section 39.107, Education  
4 Code, (page 5, line 11), strike "(b-10)" and substitute "(b-9)".

5

ADOPTED

FLOOR AMENDMENT NO. 4

MAY 26 2015

BY: Roger W. N.

*Antony Spaw*  
Secretary of the Senate

*Roger W. N.*

1 Amend C.S.H.B. No. 1842 (senate committee printing) as  
2 follows:

3 (1) In SECTION 7 of the bill, in amended Section 39.107(a),  
4 Education Code (page 3, line 44), between "plan" and "[~~the~~",  
5 insert "or may assign a state turnaround manager to assume  
6 management of the campus through a state turnaround district, as  
7 provided by Section 39.1101".

8 (2) Add the following appropriately numbered SECTIONS to  
9 the bill and renumber subsequent SECTIONS of the bill  
10 accordingly:

11 SECTION \_\_\_\_ . Section 39.110, Education Code, is amended to  
12 read as follows:

13 Sec. 39.110. COSTS PAID BY DISTRICT. The costs of  
14 providing a monitor, conservator, management team, campus  
15 intervention team, technical assistance team, managing entity,  
16 or service provider or management by a state turnaround district  
17 under this subchapter shall be paid by the district. If the  
18 district fails or refuses to pay the costs in a timely manner,  
19 the commissioner may:

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

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

25 SECTION \_\_\_\_ . Subchapter E, Chapter 39, Education Code, is  
26 amended by adding Section 39.1101 to read as follows:

27 Sec. 39.1101. STATE TURNAROUND DISTRICT AND MANAGER. (a)  
28 The commissioner may establish a state turnaround school  
29 district and assign campuses identified as academically

1 unacceptable for two consecutive school years to the district.  
2 The commissioner shall appoint a state turnaround manager to  
3 manage the district.

4 (b) The state turnaround school district has the powers  
5 and duties determined by the commissioner to be necessary to  
6 improve the performance of the students enrolled at any campus  
7 assigned to the district.

8 (c) The state turnaround manager has the powers and duties  
9 of a conservator or management team under Section 39.111 with  
10 regard to each campus assigned to the district.

11 (d) The state turnaround manager may authorize a district  
12 charter under Section 12.0522 for any campus assigned to the  
13 district. Section 12.0522(b) does not apply to a district  
14 charter authorized under this subsection.

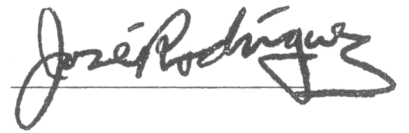
15 (e) The commissioner shall adopt rules necessary to  
16 implement this section.

17

FLOOR AMENDMENT NO. 5

ADOPTED

MAY 26 2015 BY:

  
Secretary of the Senate

1 Amend C.S.H.B. No. 1842 (see ~~secretary of the Senate~~ committee printing), in  
2 SECTION 7 of the bill, in amended Section 39.107(f), Education  
3 Code, between "years." and "[If", insert the following:  
4 If a campus that was the basis for the appointment of a  
5 board of managers receives an academically unacceptable  
6 performance rating for two additional consecutive years  
7 following the appointment of the board of managers, the  
8 commissioner may remove the board of managers and, in  
9 consultation with the local community, may appoint a new board  
10 of managers to govern the district.

# ADOPTED

MAY 26 2015

*Leticia Saur*  
Secretary of the Senate

FLOOR AMENDMENT NO. 6

BY: *Jose Rodriguez*

1 Amend C.S.H.B. No. 1842 (senate committee printing) in  
2 SECTION 7 of the bill, in amended Section 39.107(g), Education Code  
3 (page 6, line 65), between "conservator" and "for", by inserting  
4 "or monitor".

# ADOPTED

FLOOR AMENDMENT NO. 7

MAY 26 2015

BY:

*Lataj Spaw*  
Secretary of the Senate

*Jose Rodriguez*

1 Amend C.S.H.B. No. 1842 (senate committee report) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:  
4 SECTION \_\_\_\_ . Section 29.005, Education Code, is amended by  
5 adding Subsection (d-1) to read as follows:  
6 (d-1) In compliance with Subsection (d), the district  
7 shall provide the child's individualized education program in  
8 audiotape form if requested by the parent. Audiotaped copies  
9 shall include all components of the individualized education  
10 program required under state or federal law that are developed  
11 or revised by the committee.

# ADOPTED

MAY 26 2015

*Leta Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 8

BY: Van Taylor

1 Amend C.S.H.B. No. 1842 (senate committee printing) by  
2 adding the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. (a) Section 39.054, Education Code, is  
5 amended by adding Subsection (a-4) to read as follows:

6 (a-4) Notwithstanding Subsection (a-1), the commissioner by  
7 rule shall adopt a method by which a campus that provides more than  
8 75,600 minutes of instruction per year and a district that includes  
9 such a campus are awarded additional consideration for the  
10 applicable achievement indicators for the fourth domain under  
11 Section 39.053(c)(4).

12 (b) This section takes effect only if H.B. 2804 or other  
13 similar legislation of the 84th Legislature, Regular Session, 2015,  
14 that provides for the evaluation of public school performance  
15 through the use of multiple domains of indicators is enacted and  
16 becomes law. If H.B. 2804 or other similar legislation of the 84th  
17 Legislature, Regular Session, 2015, is not enacted or does not  
18 become law, this section has no effect.

# ADOPTED

MAY 26 2015

*Atty. Gen.*  
Secretary of the Senate

FLOOR AMENDMENT NO. 9

BY: *VanTegler*

1 Amend C.S.H.B. No. 1842 (senate committee printing) by  
2 adding the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. The State Board of Education shall conduct a  
5 study to determine, for kindergarten through 12th grade, the length  
6 of the instructional day and of the academic year that would be  
7 necessary to allow for the completion of the required curriculum  
8 identified by the board under Section 28.002, Education Code. Not  
9 later than October 1, 2016, the board shall deliver a report  
10 containing the results of the study to the governor and the  
11 legislature.

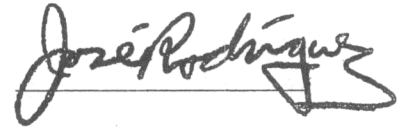


# ADOPTED

FLOOR AMENDMENT NO. 10

MAY 26 2015

BY:



  
Secretary of the Senate

1 Amend C.S.H.B. No. 1842 (senate committee printing) by  
2 adding the following appropriately numbered SECTIONS and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_ . Section 7.028(a), Education Code, is amended  
5 to read as follows:

6 (a) Except as provided by Section 29.001(5), 29.010(a),  
7 [~~39.056,~~] or 39.057, the agency may monitor compliance with  
8 requirements applicable to a process or program provided by a  
9 school district, campus, program, or school granted charters  
10 under Chapter 12, including the process described by Subchapter  
11 F, Chapter 11, or a program described by Subchapter B, C, D, E,  
12 F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section  
13 38.003, and the use of funds provided for such a program under  
14 Subchapter C, Chapter 42, only as necessary to ensure:

15 (1) compliance with federal law and regulations;

16 (2) financial accountability, including compliance  
17 with grant requirements; and

18 (3) data integrity for purposes of:

19 (A) the Public Education Information Management  
20 System (PEIMS); and

21 (B) accountability under Chapter 39.

22 SECTION \_\_\_\_ . Section 29.315, Education Code, is amended to  
23 read as follows:

24 Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF  
25 UNDERSTANDING. The Texas Education Agency and the Texas School  
26 for the Deaf shall develop, agree to, and by commissioner rule  
27 adopt no later than September 1, 1998, a memorandum of  
28 understanding to establish:

29 (1) the method for developing and reevaluating a set

1 of indicators of the quality of learning at the Texas School for  
2 the Deaf;

3 (2) the process for the agency to conduct and report  
4 on an annual evaluation of the school's performance on the  
5 indicators;

6 (3) the requirements for the school's board to  
7 publish, discuss, and disseminate an annual report describing  
8 the educational performance of the school;

9 (4) the process for the agency to assign an  
10 accreditation status to the school, to reevaluate the status on  
11 an annual basis, and, if necessary, to conduct monitoring  
12 reviews [~~make on-site accreditation investigations~~]; and

13 (5) the type of information the school shall be  
14 required to provide through the Public Education Information  
15 Management System (PEIMS).

16 SECTION \_\_\_\_ . Section 30.005, Education Code, is amended to  
17 read as follows:

18 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY  
19 IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education  
20 Agency and the Texas School for the Blind and Visually Impaired  
21 shall develop, agree to, and by commissioner rule adopt a  
22 memorandum of understanding to establish:

23 (1) the method for developing and reevaluating a set  
24 of indicators of the quality of learning at the Texas School for  
25 the Blind and Visually Impaired;

26 (2) the process for the agency to conduct and report  
27 on an annual evaluation of the school's performance on the  
28 indicators;

29 (3) the requirements for the school's board to  
30 publish, discuss, and disseminate an annual report describing  
31 the educational performance of the school;

1 (4) the process for the agency to:

2 (A) assign an accreditation status to the  
3 school;

4 (B) reevaluate the status on an annual basis;  
5 and

6 (C) if necessary, conduct monitoring reviews  
7 ~~[make on-site accreditation investigations]~~; and

8 (5) the type of information the school shall be  
9 required to provide through the Public Education Information  
10 Management System (PEIMS).

11 SECTION \_\_\_\_ . Section 39.056, Education Code, is amended to  
12 read as follows:

13 Sec. 39.056. MONITORING REVIEWS ~~[ON-SITE INVESTIGATIONS]~~.

14 (a) The commissioner may~~+~~

15 ~~[-(1)-]~~ direct the agency to conduct monitoring reviews  
16 and random on-site visits ~~[investigations]~~ of a school district  
17 at any time as authorized by Section 7.028 ~~[to answer any~~  
18 ~~questions concerning a program, including special education,~~  
19 ~~required by federal law or for which the district receives~~  
20 ~~federal funds; and~~

21 ~~[-(2)- as a result of the investigation, change the~~  
22 ~~accreditation status of a district, change the accountability~~  
23 ~~rating of a district or campus, or withdraw a distinction~~  
24 ~~designation under Subchapter G].~~

25 (b) The commissioner shall determine the frequency of  
26 monitoring reviews ~~[on-site investigations]~~ by the agency  
27 according to:

28 (1) annual comprehensive analyses of student  
29 performance and equity in relation to the student achievement  
30 indicators adopted under Section 39.053;

31 (2) reviews of fiscal reports and other fiscal data

1 as set forth in Section 44.010; or

2 (3) comprehensive analyses of financial  
3 accountability standards under Subchapter D.

4 (c) In conducting a monitoring review [~~making an on-site~~  
5 ~~accreditation investigation~~], the agency may [~~investigators~~  
6 ~~shall~~] obtain information from administrators, other district  
7 employees [~~teachers~~], [~~and~~] parents of students enrolled in the  
8 school district, and other persons as necessary. [~~The~~  
9 ~~investigation may not be closed until information is obtained~~  
10 ~~from each of those sources.~~] The commissioner [~~State Board of~~  
11 ~~Education~~] shall adopt rules for:

12 (1) obtaining information from parents and using that  
13 information in the monitoring review [~~investigator's~~] report;  
14 and

15 (2) obtaining information from other district  
16 employees [~~teachers~~] in a manner that prevents a district or  
17 campus from screening the information.

18 (d) The agency shall give written notice to the  
19 superintendent and the board of trustees of a school district of  
20 any impending monitoring review [~~investigation of the district's~~  
21 ~~accreditation~~].

22 (e) The agency [~~investigators~~] shall report [~~orally and~~]  
23 in writing to the superintendent and president of the board of  
24 trustees of the school district [~~and, as appropriate, to campus~~  
25 ~~administrators~~] and shall make recommendations concerning any  
26 necessary improvements or sources of aid such as regional  
27 education service centers.

28 (f) A district which takes action with regard to the  
29 recommendations provided by the agency [~~investigators~~] as  
30 prescribed by Subsection (e) shall make a reasonable effort to  
31 seek assistance from a third party in developing an action plan

1 to improve district performance using improvement techniques  
2 that are goal oriented and research based.

3 (g) A monitoring review may include desk reviews and on-  
4 site visits, including random on-site visits.

5 (h) The commissioner may at any time convert a monitoring  
6 review to a special accreditation investigation under Section  
7 39.057, provided the commissioner promptly notifies the school  
8 district of the conversion.

9 SECTION \_\_\_\_ . Section 39.058, Education Code, is amended to  
10 read as follows:

11 Sec. 39.058. CONDUCT OF SPECIAL ACCREDITATION  
12 INVESTIGATIONS. (a) The agency shall adopt written procedures  
13 for conducting special accreditation [~~on-site~~] investigations  
14 under this subchapter, including procedures that allow the  
15 agency to obtain information from district employees in a manner  
16 that prevents a district or campus from screening the  
17 information. The agency shall make the procedures available on  
18 the agency Internet website [~~to the complainant, the alleged~~  
19 ~~violator, and the public~~]. Agency staff must be trained in the  
20 procedures and must follow the procedures in conducting the  
21 special accreditation investigation.

22 (b) After completing a special accreditation [~~an~~]  
23 investigation, the agency shall present preliminary findings to  
24 any person or entity the agency finds has violated a law, rule,  
25 or policy. Before issuing a report with its final findings, the  
26 agency must provide a person or entity the agency finds has  
27 violated a law, rule, or policy an opportunity for an informal  
28 review by the commissioner or a designated hearing examiner.

29 SECTION \_\_\_\_ . Section 39.102(a), Education Code, is amended  
30 to read as follows:

31 (a) If a school district does not satisfy the

1 accreditation criteria under Section 39.052, the academic  
2 performance standards under Section 39.053 or 39.054, or any  
3 financial accountability standard as determined by commissioner  
4 rule, or if considered appropriate by the commissioner on the  
5 basis of a special accreditation investigation under Section  
6 39.057, the commissioner shall take any of the following actions  
7 to the extent the commissioner determines necessary:

8 (1) issue public notice of the deficiency to the  
9 board of trustees;

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

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

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

26 (5) arrange a monitoring review [~~an on-site~~  
27 ~~investigation~~] of the district;

28 (6) appoint an agency monitor to participate in and  
29 report to the agency on the activities of the board of trustees  
30 or the superintendent;

31 (7) appoint a conservator to oversee the operations

1 of the district;

2 (8) appoint a management team to direct the  
3 operations of the district in areas of insufficient performance  
4 or require the district to obtain certain services under a  
5 contract with another person;

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

12 (10) if for two consecutive school years, including  
13 the current school year, a district has received an  
14 accreditation status of accredited-warned or accredited-  
15 probation, has failed to satisfy any standard under Section  
16 39.054(e), or has failed to satisfy financial accountability  
17 standards as determined by commissioner rule, revoke the  
18 district's accreditation and:

19 (A) order closure of the district and annex the  
20 district to one or more adjoining districts under Section  
21 13.054; or

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

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

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

31 (B) restructuring the district or appropriate

1 school campuses to improve identification of and service to  
2 students who are at risk of dropping out of school, as defined  
3 by Section 29.081;

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

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



# ADOPTED

FLOOR AMENDMENT NO. H

MAY 26 2015

*Letai Spaw*  
Secretary of the Senate

BY:

*Roger W. N.*

1 Amend C.S.H.B. No. 1842 (senate committee printing) by  
2 adding the following appropriately numbered SECTIONS and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter E, Chapter 39, Education Code, is  
5 amended by adding Sections 39.1121 and 39.1122 to read as  
6 follows:

7 Sec. 39.1121. APPOINTMENT OF BOARD OF MANAGERS FOR OPEN-  
8 ENROLLMENT CHARTER SCHOOL; SUPERINTENDENT. (a) A board of  
9 managers appointed for an open-enrollment charter school or a  
10 campus of an open-enrollment charter school under this chapter  
11 or Chapter 12 has the powers and duties prescribed by Section  
12 39.107(e-4), if applicable, and Sections 39.112(a), (b), (c),  
13 and (d).

14 (b) If the commissioner appoints a board of managers for  
15 an open-enrollment charter school or a campus of an open-  
16 enrollment charter school, the commissioner may also appoint a  
17 superintendent.

18 (c) Except as otherwise provided by this subsection, a  
19 board of managers for an open-enrollment charter school or  
20 campus may not serve for a period that exceeds the period  
21 authorized by law for a board of managers appointed for a school  
22 district. A board of managers appointed to wind up the affairs  
23 of a former open-enrollment charter school or campus serves  
24 until dissolved by the commissioner.

25 (d) Any person appointed by the commissioner to serve on  
26 the board of managers for an open-enrollment charter school or a  
27 campus of an open-enrollment charter school or as superintendent  
28 acts on behalf of the commissioner and is entitled to:

29 (1) sovereign immunity; and

1           (2) representation by the attorney general for any  
2 act or omission taken while acting in the person's official  
3 capacity.

4           (e) Any person appointed to serve on the board of managers  
5 for an open-enrollment charter school or a campus of an open-  
6 enrollment charter school or as superintendent serves at the  
7 discretion of the commissioner and may be replaced by the  
8 commissioner at any time.

9           Sec. 39.1122. COMPENSATION OF BOARD OF MANAGERS OF OPEN-  
10 ENROLLMENT CHARTER SCHOOL AND SUPERINTENDENT. (a) The  
11 commissioner may authorize compensation for a member of a board  
12 of managers for an open-enrollment charter school or a campus of  
13 an open-enrollment charter school or a superintendent appointed  
14 by the commissioner.

15           (b) The commissioner shall establish the terms of  
16 compensation provided under Subsection (a).

17           (c) The commissioner shall use funds received by or due to  
18 the former charter holder under Section 12.106 or funds returned  
19 to the state from liquidation of state property held by a former  
20 charter holder for compensation of a member of a board of  
21 managers for an open-enrollment charter school or a  
22 superintendent.

23           (d) If funds described by Subsection (c) are not available  
24 or the commissioner determines that the circumstances require,  
25 the commissioner may use available agency funds, provided that  
26 the use of the available funds for that purpose is not  
27 prohibited by other law.

28           (e) To the extent this section conflicts with Section  
29 39.107(e-5), this section prevails.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 28, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1842** by Aycock (Relating to public school accountability, including the expansion of or renewal of the charter of an open-enrollment charter school and the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1842, As Passed 2nd House: a negative impact of (\$4,262,884) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$2,147,832)
2017	(\$2,115,052)
2018	(\$2,365,052)
2019	(\$2,368,385)
2020	(\$2,365,052)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
	<b>1</b>
2016	(\$2,147,832)
2017	(\$2,115,052)
2018	(\$2,365,052)
2019	(\$2,368,385)
2020	(\$2,365,052)

<b>Fiscal Year</b>	<b>Change in Number of State Employees from FY 2015</b>
2016	11.0
2017	13.0
2018	13.0
2019	13.0
2020	13.0

## **Fiscal Analysis**

The bill would amend the Education Code related to the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years. The bill would require the commissioner to order a campus identified as unacceptable for two consecutive years to prepare and submit a campus turnaround plan. The bill phases in these interventions. The bill specifies the required elements of campus turnaround plans and allows a district to request assistance from a regional education service center (RES-C) or partner with an Institute of Higher Education (IHE) to develop and implement the plan.

The bill would only allow the commissioner to approve a campus turnaround plan if the commissioner determines that the campus will satisfy student performance standards not later than the second year the campus will receive a performance rating following the plan's implementation. If the commissioner does not make this determination, the commissioner has the option to appoint a board of managers to govern the district.

The bill would require the commissioner of education to adopt a transition plan allowing a public school campus with an unacceptable academic performance rating for three or more consecutive school years before the effective date of the bill to continue with interventions and sanctions already applied, to be closed, or for a board of managers to be appointed if the campus receives an academically unacceptable performance rating for the two school years following the effective date of this Act.

The bill would allow the creation of Innovation Zones and Districts of Innovation, subject to the approval of the commissioner.

The bill would allow the commissioner to create a State Turnaround District and appoint a state turnaround manager to manage a campus identified as academically unacceptable for two consecutive school years.

The bill would require the State Board of Education to study the length of the instructional day and academic year necessary to allow for the completion of the required curriculum.

The bill would require the Legislative Budget Board to publish an evaluation report of the bill's impact not later than December 1, 2018.

The bill would apply beginning with the 2015-2016 school year.

This bill would take effect immediately if passed with the necessary voting margins, or September 1, 2015.

## Methodology

The bill is expected to result in a cost of \$2,147,832 in fiscal year 2016; \$2,115,052 in fiscal year 2017; \$2,365,052 in fiscal year 2018; \$2,368,385 in fiscal year 2019; and \$2,365,052 in fiscal year 2020.

According to information provided by the Texas Education Agency (TEA), the turnaround plans required under the bill would be significantly more customized and detailed than the current plans, which are based on a template, and TEA reports they would require a new staff division to approve and monitor campus turnaround plans. This analysis assumes that one Director full-time equivalent (FTE), six Program Specialist FTEs, and one Administrative Assistant FTE in fiscal year 2016 would be required to approve and monitor campus turn-around plans, adopt transition plans, conduct on-site investigations, identify deficiencies and possible solutions, and provide technical assistance. Once full implementation begins, it is assumed that two additional Program Specialist FTEs will be needed in FY 2017 and subsequent years.

The TEA would contract with RESCs at an estimated cost of \$400,000 per year to develop and deliver training on school reform planning processes.

According to information provided by TEA, implementation of the Innovation Zone and Districts of Innovation will require one Program Specialist FTE and one Attorney FTE to review plans, provide legislative notifications, and determine local and state rules, policies, and laws that could be exempted.

According to information provided by TEA, one additional Program Specialist FTE would be required to assist with the review of additional charter application.

The estimated cost to expand the network capacity for the leased space for the new TEA division is \$12,828 in FY 2016 and \$12,000 per year to maintain. The estimated addition cost for leased space is \$29,214 annually.

The commissioner would be required to provide each board of managers member with training in effective leadership strategies at a cost of \$5,000 per board. Currently, two districts would require a board of managers creating a total training cost of \$10,000. Every third year, one-third of the board would be replaced generating a cost of \$3,333. In the future, the number of districts requiring a board of managers could vary significantly based on the number of campuses with turnaround plans that the commissioner does not approve. Because of this, costs could also vary significantly.

The estimated cost to contract for a study on instructional day length and academic year length necessary to allow for the completion of the required curriculum is \$300,000 in Fiscal Year 2016.

The TEA assumes the creation and implementation of a state turnaround manager and district would add \$250,000 in FY 2016; \$500,000 in FY 2017; and \$750,000 in subsequent years.

The Legislative Budget Board reporting provisions in the bill can be accomplished with existing resources.

## **Local Government Impact**

Districts would be required to provide notification to parents of students enrolled at a low performing campus seven days prior to a public hearing regarding the targeted improvement plan.

Districts may contract with RESCs or IHE for services and may be required to retain other expertise or board of managers.

There may be some administrative costs for required postings or notifications, hiring of special experts, or extensions of conservators or management teams. However, such costs would only apply to districts with low performing campuses and would vary depending on the individual circumstances.

Districts would be required to provide audiotapes of IEP meetings if requested by parents.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, SL, JBi, AM, AW

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 22, 2015**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1842** by Aycock (relating to public school accountability, including the expansion of or renewal of the charter of an open-enrollment charter school and the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1842, Committee Report 2nd House, Substituted: a negative impact of (\$2,149,031) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,036,112)
2017	(\$1,112,919)
2018	(\$1,112,919)
2019	(\$1,116,252)
2020	(\$1,112,919)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2016	(\$1,036,112)
2017	(\$1,112,919)
2018	(\$1,112,919)
2019	(\$1,116,252)
2020	(\$1,112,919)

Fiscal Year	Change in Number of State Employees from FY 2015
2016	8.0
2017	10.0
2018	10.0
2019	10.0
2020	10.0

## Fiscal Analysis

The bill would amend the Education Code related to the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years. The bill would require the commissioner to order a campus identified as unacceptable for two consecutive years to prepare and submit a campus turnaround plan. The bill phases in these interventions. The bill specifies the required elements of campus turnaround plans and allows a district to request assistance from a regional education service center (RES-C) or partner with an Institute of Higher Education (IHE) to develop and implement the plan.

The bill would only allow the commissioner to approve a campus turnaround plan if the commissioner determines that the campus will satisfy student performance standards not later than the second year the campus will receive a performance rating following the plan's implementation. If the commissioner does not make this determination, the commissioner has the option to appoint a board of managers to govern the district.

The bill would require the commissioner of education to adopt a transition plan allowing a public school campus with an unacceptable academic performance rating for three or more consecutive school years before the effective date of the bill to continue with interventions and sanctions already applied, to be closed, or for a board of managers to be appointed if the campus receives an academically unacceptable performance rating for the two school years following the effective date of this Act.

The bill would require the Legislative Budget Board to publish an evaluation report of the bill's impact not later than December 1, 2018.

The bill would apply beginning with the 2015-2016 school year.

This bill would take effect immediately if passed with the necessary voting margins, or September 1, 2015.

## Methodology

The bill is expected to result in a cost of \$1,036,112 in fiscal year 2016; \$1,112,919 in fiscal year 2017 and 2018; \$1,116,252 in 2019; and \$1,112,919 in fiscal year 2020. According to information provided by the Texas Education Agency (TEA), the turnaround plans required under the bill would be significantly more customized and detailed than the current plans, which are based on a template, and TEA reports they would require a new staff division to approve and monitor campus turnaround plans.

This analysis assumes that one Director full-time equivalent (FTE), six Program Specialist FTEs, and one Administrative Assistant FTE in fiscal year 2016 would be required to approve and



monitor campus turn-around plans, adopt transition plans, conduct on-site investigations, identify deficiencies and possible solutions, and provide technical assistance. Once full implementation begins, it is assumed that two additional Program Specialist FTEs will be needed in FY 2017 and subsequent years.

The estimated cost to expand the network capacity for the leased space is \$12,828 in FY 2016 and \$12,000 per year to maintain.

The TEA would contract with RESCs at an estimated cost of \$200,000 per year to develop and deliver training on school reform planning processes.

The commissioner would also be required to provide each board of managers member with training in effective leadership strategies at a cost of \$5,000 per board. Currently, two districts would require a board of managers creating a total training cost of \$10,000. Every third year, one-third of the board would be replaced generating a cost of \$3,333. In the future, the number of districts requiring a board of managers could vary significantly based on the number of campuses with turnaround plans that the commissioner does not approve. Because of this, costs could also vary significantly.

The Legislative Budget Board reporting provisions in the bill can be accomplished with existing resources.

### **Local Government Impact**

Districts would be required to provide notification to parents of students enrolled at a low performing campus seven days prior to a public hearing regarding the targeted improvement plan.

Districts may contract with RESCs or IHE for services and may be required to retain other expertise or board of managers.

There may be some administrative costs for required postings or notifications, hiring of special experts, or extensions of conservators or management teams. However, such costs would only apply to districts with low performing campuses and would vary depending on the individual circumstances.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, SL, JBi, AM, AW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1842** by Aycock (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.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1842, As Engrossed: a negative impact of (\$1,618,352) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$803,164)
2017	(\$815,188)
2018	(\$815,188)
2019	(\$815,188)
2020	(\$815,188)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
	1
2016	(\$803,164)
2017	(\$815,188)
2018	(\$815,188)
2019	(\$815,188)
2020	(\$815,188)

Fiscal Year	Change in Number of State Employees from FY 2015
2016	5.0
2017	6.0
2018	6.0
2019	6.0
2020	6.0

## Fiscal Analysis

The bill would amend the Education Code related to the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years. The bill would require the commissioner to order a campus identified as unacceptable for two consecutive years to prepare and submit a campus turnaround plan. The bill phases in these interventions. The bill specifies the required elements of campus turnaround plans and allows a district to request assistance from a regional education service center (RESA) or partner with an Institute of Higher Education to develop and implement the plan. The bill would require the campus turnaround plan to take effect no later than the school year following the third consecutive school year that the campus had unacceptable academic performance ratings.

The bill would only allow the commissioner to approve a campus turnaround plan if the commissioner determines that the campus will satisfy student performance standards not later than the second year the campus will receive a performance rating following the plan's implementation. If the commissioner does not make this determination, the commissioner would be required to order appointment of a board of managers to govern the district.

The bill would require the Legislative Budget Board to publish an evaluation report of the bill's impact not later than December 1, 2018.

The bill would require the commissioner of education to adopt a transition plan allowing a public school campus with an unacceptable academic performance rating for three or more consecutive school years before the effective date of the bill to continue with interventions and sanctions already applied, to be closed, or for a board of managers to be appointed if the campus receives an academically unacceptable performance rating for the two school years following the effective date of this Act.

The bill would apply beginning with the 2016-2017 school year.

This bill would take effect immediately if passed with the necessary voting margins, or September 1, 2015.

## Methodology

The bill is expected to result in a cost of \$803,164 in fiscal year 2016 and \$815,188 each subsequent year. According to information provided by the Texas Education Agency (TEA), the turnaround plans required under the bill would be significantly more customized and detailed than the current plans, which are based on a template, and TEA reports they would require a new staff division to approve and monitor campus turnaround plans.

This analysis assumes that one Director full-time equivalent (FTE), three Program Specialist FTEs,

and one Administrative Assistant FTE in fiscal year 2016 would be required to approve and monitor campus turn-around plans, adopt transition plans, conduct on-site investigations, identify deficiencies and possible solutions, and provide technical assistance. Once full implementation begins, it is assumed that an additional Program Specialist FTE will be needed in FY 2017 and subsequent years.

The estimated cost to expand the network capacity for the leased space is \$12,828 in FY 2016 and \$12,000 per year to maintain.

The TEA would contract with RESCs at an estimated cost of \$200,000 per year to develop and deliver training on school reform planning processes.

The Legislative Budget Board reporting provisions in the bill can be accomplished with existing resources.

### **Local Government Impact**

Districts would be required to provide notification to parents of students enrolled at a low performing campus seven days prior to a public hearing regarding the targeted improvement plan.

Districts may contract with RESCs for services and may be required to retain other expertise or board of managers.

There may be some administrative costs for required postings or notifications, hiring of special experts or RESCs, or extensions of conservators or management teams. However, such costs would only apply to districts with low performing campuses and would vary depending on the individual circumstances.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, AM, SL, AW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 4, 2015**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1842** by Aycock (relating to the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1842, Committee Report 1st House, Substituted: a negative impact of (\$1,695,204) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$880,016)
2017	(\$815,188)
2018	(\$815,188)
2019	(\$815,188)
2020	(\$815,188)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
	<b>1</b>
2016	(\$880,016)
2017	(\$815,188)
2018	(\$815,188)
2019	(\$815,188)
2020	(\$815,188)

<b>Fiscal Year</b>	<b>Change in Number of State Employees from FY 2015</b>
2016	6.0
2017	6.0
2018	6.0
2019	6.0
2020	6.0

## **Fiscal Analysis**

The bill would amend the Education Code related to the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years. The bill would require the commissioner to order a campus identified as unacceptable for two consecutive years to prepare and submit a campus turnaround plan. The bill specifies the required elements of campus turnaround plans and allows a district to request assistance from a regional education service center (RESA) to develop and implement the plan. The bill would require the campus turnaround plan to take effect no later than the school year following the third consecutive school year that the campus had unacceptable academic performance ratings.

The bill would only allow the commissioner to approve a campus turnaround plan if the commissioner determines that the campus will satisfy student performance standards not later than the second year the campus will receive a performance rating following the plan's implementation. If the commissioner does not make this determination, the commissioner would be required to order appointment of a board of managers to govern the district.

The bill would require the Legislative Budget Board to publish an evaluation report of the bill's impact not later than December 1, 2018.

The bill would require the commissioner of education to adopt a transition plan allowing a public school campus with an unacceptable academic performance rating for three or more consecutive school years before the effective date of the bill to continue with interventions and sanctions already applied, to be closed, or for a board of managers to be appointed if the campus receives an academically unacceptable performance rating for the two school years following the effective date of this Act.

The bill would apply beginning with the 2016-2017 school year.

This bill would take effect immediately if passed with the necessary voting margins, or September 1, 2015.

## **Methodology**

The bill is expected to result in a cost of \$880,016 in fiscal year 2016 and \$815,188 each subsequent year. According to information provided by the Texas Education Agency (TEA), the turnaround plans required under the bill would be significantly more customized and detailed than the current plans, which are based on a template, and TEA reports they would require a new staff division to approve and monitor campus turnaround plans. This estimate assumes one Director full-time equivalent (FTE), four Program Specialist FTEs, and one Administrative Assistant FTE would be required to approve and monitor campus turn-around plans, adopt

transition plans, conduct on-site investigations, identify deficiencies and possible solutions, and provide technical assistance.

The estimated cost to expand the network capacity for the leased space is \$12,828 in FY 2016 and \$12,000 per year to maintain.

The TEA would contract with RESCs at an estimated cost of \$200,000 per year to develop and deliver training on school reform planning processes.

The Legislative Budget Board reporting provisions in the bill can be accomplished with existing resources.

### **Local Government Impact**

Districts would be required to provide notification to parents of students enrolled at a low performing campus seven days prior to a public hearing regarding the targeted improvement plan.

Districts may contract with RESCs for services and may be required to retain other expertise or board of managers.

There may be some administrative costs for required postings or notifications, hiring of special experts or RESCs, or extensions of conservators or management teams. However, such costs would only apply to districts with low performing campuses and would vary depending on the individual circumstances.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, AM, SL, AW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 17, 2015**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1842** by Aycock (Relating to the assessment of intervention in and sanction of a public school that does not satisfy accreditation criteria.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill amends the Education Code related to the assessment of intervention in and sanction of a public school that does not satisfy accreditation criteria. The bill would require the majority of members of a board of trustees to attend a hearing order by the commissioner regarding a campus or campuses not meeting performance standards.

The bill allows campus intervention teams to advise the commissioner in the implementation of a targeted improvement plan at a low performing campus. Campus intervention teams could reassign educators as part of reconstitution of a campus and provide interventions for administrator or teacher teams. Campus intervention teams would also be required to incorporate demographic analysis of LEP students into its guidelines and procedures when conducting comprehensive on-site need assessments.

The bill requires districts to provide notification to parents of students enrolled at a low performing campus seven days prior to a public hearing regarding the targeted improvement plan.

Based on the analysis of the Texas Education Agency, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

There may be some administrative costs for any required postings or notifications, hiring of special experts, or extensions of conservators or management teams. These costs would only apply to districts with low performing campuses and would vary depending on the individual circumstances.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, SL, AW