

By: González of El Paso

H.B. No. 843

A BILL TO BE ENTITLED

AN ACT

relating to designations for rating the performance of public school districts and campuses for accountability purposes.

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

SECTION 1. Sections 8.051(b) and (d), Education Code, are amended to read as follows:

(b) Each regional education service center shall annually develop and submit to the commissioner for approval a plan for improvement. Each plan must include the purposes and description of the services the center will provide to:

(1) campuses assigned a needs improvement [~~an unacceptable~~] performance rating under Section 39.054;

(2) the lowest-performing campuses in the region; and

(3) other campuses.

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in:

(A) teaching each subject area assessed under Section 39.023; and

(B) providing instruction in personal financial literacy as required under Section 28.0021;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 42.151,

1 42.152, 42.153, or 42.156;

2 (3) assistance specifically designed for a school
3 district or campus assigned a needs improvement [~~an unacceptable~~]
4 performance rating under Section 39.054;

5 (4) training and assistance to teachers,
6 administrators, members of district boards of trustees, and members
7 of site-based decision-making committees;

8 (5) assistance specifically designed for a school
9 district that is considered out of compliance with state or federal
10 special education requirements, based on the agency's most recent
11 compliance review of the district's special education programs; and

12 (6) assistance in complying with state laws and rules.

13 SECTION 2. Section 12.110(e), Education Code, is amended to
14 read as follows:

15 (e) The commissioner shall give priority to applications
16 that propose an open-enrollment charter school campus to be located
17 in the attendance zone of a school district campus assigned a needs
18 improvement [~~an unacceptable~~] performance rating under Section
19 39.054 for the two preceding school years.

20 SECTION 3. Section 12.115(c), Education Code, is amended to
21 read as follows:

22 (c) The commissioner shall revoke the charter of an
23 open-enrollment charter school if:

24 (1) the charter holder has been assigned a needs
25 improvement [~~an unacceptable~~] performance rating under Subchapter
26 C, Chapter 39, for the three preceding school years;

27 (2) the charter holder has been assigned a financial

1 accountability performance rating under Subchapter D, Chapter 39,
2 indicating financial performance lower than satisfactory for the
3 three preceding school years; or

4 (3) the charter holder has been assigned any
5 combination of the ratings described by Subdivision (1) or (2) for
6 the three preceding school years.

7 SECTION 4. Sections 12A.008(a) and (c), Education Code, are
8 amended to read as follows:

9 (a) The commissioner may terminate a district's designation
10 as a district of innovation if the district receives for two
11 consecutive school years:

12 (1) a needs improvement [~~an unacceptable academic~~]
13 performance rating under Section 39.054;

14 (2) a [~~an unacceptable~~] financial accountability
15 rating indicating financial performance lower than satisfactory
16 under Section 39.082; or

17 (3) a needs improvement [~~an unacceptable academic~~]
18 performance rating under Section 39.054 for one of the school years
19 and a [~~an unacceptable~~] financial accountability rating indicating
20 financial performance lower than satisfactory under Section 39.082
21 for the other school year.

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

25 (1) a needs improvement [~~an unacceptable academic~~]
26 performance rating under Section 39.054;

27 (2) a [~~an unacceptable~~] financial accountability

1 rating indicating financial performance lower than satisfactory
2 under Section 39.082; or

3 (3) any combination of one or more needs improvement
4 ~~[unacceptable]~~ ratings under Subdivision (1) and one or more
5 financial accountability ~~[unacceptable]~~ ratings indicating
6 financial performance lower than satisfactory under Subdivision
7 (2).

8 SECTION 5. The heading to Section 13.054, Education Code,
9 is amended to read as follows:

10 Sec. 13.054. ~~[ACADEMICALLY UNACCEPTABLE]~~ SCHOOL DISTRICTS
11 RATED AS NEEDS IMPROVEMENT.

12 SECTION 6. Sections 13.054(a), (b), and (d), Education
13 Code, are amended to read as follows:

14 (a) The commissioner by order may annex to one or more
15 adjoining districts a school district that has been rated as needs
16 improvement ~~[academically unacceptable]~~ for a period of two years.

17 (b) The governing board of a district to which territory of
18 a ~~[an academically unacceptable]~~ district rated as needs
19 improvement is annexed is the governing board for the new district.

20 (d) Title to the real property of the ~~[academically~~
21 ~~unacceptable]~~ district rated as needs improvement vests in the
22 district to which the property is annexed. Each district to which
23 territory is annexed assumes and is liable for any portion of the
24 ~~[academically unacceptable district's]~~ indebtedness of the
25 district rated as needs improvement that is allocated to the
26 receiving district under Section 13.004.

27 SECTION 7. Section 21.453(b), Education Code, is amended to

1 read as follows:

2 (b) The commissioner may allocate funds from the account to
3 regional education service centers to provide staff development
4 resources to school districts that:

5 (1) are rated as needs improvement [~~academically~~
6 ~~unacceptable~~];

7 (2) have one or more campuses rated as needs
8 improvement [~~academically unacceptable~~]; or

9 (3) are otherwise in need of assistance as indicated
10 by the academic performance of students, as determined by the
11 commissioner.

12 SECTION 8. Section 39.054(a), Education Code, as effective
13 September 1, 2017, is amended to read as follows:

14 (a) The commissioner shall adopt rules to evaluate school
15 district and campus performance and assign each district and campus
16 an overall performance rating of exemplary, recognized,
17 acceptable, or needs improvement [~~A, B, C, D, or F~~]. In addition to
18 the overall performance rating, the commissioner shall assign each
19 district and campus a separate domain performance rating of
20 exemplary, recognized, acceptable, or needs improvement [~~A, B, C,~~
21 ~~D, or F~~] for each domain under Sections 39.053(c)(1)-(4). [~~An~~
22 ~~overall or domain performance rating of A reflects exemplary~~
23 ~~performance. An overall or domain performance rating of B reflects~~
24 ~~recognized performance. An overall or domain performance rating of~~
25 ~~C reflects acceptable performance. An overall or domain~~
26 ~~performance rating of D or F reflects unacceptable performance.] A
27 district may not receive an overall or domain performance rating of~~

1 exemplary [A] if the district includes any campus with a
2 corresponding overall or domain performance rating of needs
3 improvement [~~D or F~~]. A reference in law to an acceptable rating or
4 acceptable performance includes an overall or domain performance
5 rating of [~~A, B, or C or~~] exemplary, recognized, or acceptable
6 performance.

7 SECTION 9. Sections 39.054(a-2) and (a-3), Education Code,
8 are amended to read as follows:

9 (a-2) The commissioner by rule shall adopt procedures to
10 ensure that a repeated performance rating of needs improvement [~~D~~
11 ~~or F or unacceptable~~] in one domain, particularly performance that
12 is not significantly improving, is reflected in the overall
13 performance rating of a district or campus and is not compensated
14 for by a performance rating of exemplary, recognized, or acceptable
15 [~~A, B, or C~~] in another domain.

16 (a-3) Not later than August 15 of each year, the performance
17 ratings of each district and campus shall be made publicly
18 available as provided by rules adopted under this section. If a
19 district or campus received an overall or domain performance rating
20 of needs improvement [~~D or F~~] for the preceding school year, the
21 commissioner shall notify the district of a subsequent such
22 designation on or before June 15.

23 SECTION 10. Section 39.0545(a), Education Code, is amended
24 to read as follows:

25 (a) Each school district shall evaluate the district's
26 performance and the performance of each campus in the district in
27 community and student engagement and in compliance as provided by

1 this section and assign the district and each campus a performance
2 rating of exemplary, recognized, acceptable, or needs improvement
3 [~~unacceptable~~] for both overall performance and each individual
4 evaluation factor listed under Subsection (b). Not later than
5 August 8 of each year, the district shall report each performance
6 rating to the agency and make the performance ratings publicly
7 available as provided by commissioner rule.

8 SECTION 11. Section 39.0546(b), Education Code, is amended
9 to read as follows:

10 (b) Based on the evaluation under this section, each school
11 district shall assign the district and each campus shall assign the
12 campus a performance rating of exemplary, recognized, acceptable,
13 or needs improvement [~~A, B, C, D, or F,~~] for both overall
14 performance and for each program or category evaluated. [~~An~~
15 ~~overall or a program or category performance rating of A reflects~~
16 ~~exemplary performance. An overall or a program or category~~
17 ~~performance rating of B reflects recognized performance. An~~
18 ~~overall or a program or category performance rating of C reflects~~
19 ~~acceptable performance. An overall or a program or category~~
20 ~~performance rating of D or F reflects unacceptable performance.]~~

21 SECTION 12. Section 39.106(e), Education Code, is amended
22 to read as follows:

23 (e) For each year a campus is assigned a needs improvement
24 [~~an unacceptable~~] performance rating, a campus intervention team
25 shall:

26 (1) continue to work with a campus until:

27 (A) the campus satisfies all performance

1 standards under Section 39.054(e) for a two-year period; or

2 (B) the campus satisfies all performance
3 standards under Section 39.054(e) for a one-year period and the
4 commissioner determines that the campus is operating and will
5 continue to operate in a manner that improves student achievement;

6 (2) assist in updating the targeted improvement plan
7 to identify and analyze areas of growth and areas that require
8 improvement; and

9 (3) submit each updated plan described by Subdivision
10 (2) to the board of trustees of the school district.

11 SECTION 13. Sections 39.107(a), (a-2), (b-4), (e), (f),
12 (g-1), and (k), Education Code, are amended to read as follows:

13 (a) After a campus has been identified as needs improvement
14 [~~unacceptable~~] for two consecutive school years, the commissioner
15 shall order the campus to prepare and submit a campus turnaround
16 plan. The commissioner shall by rule establish procedures
17 governing the time and manner in which the campus must submit the
18 campus turnaround plan.

19 (a-2) Before a campus turnaround plan is prepared and
20 submitted for approval to the board of trustees of the school
21 district, the district, in consultation with the campus
22 intervention team, shall:

23 (1) provide notice to parents, the community, and
24 stakeholders that the campus has received a needs improvement [~~an~~
25 ~~academically unacceptable~~] performance rating for two consecutive
26 years and will be required to submit a campus turnaround plan; and

27 (2) request assistance from parents, the community,

1 and stakeholders in developing the campus turnaround plan.

2 (b-4) A campus turnaround plan developed under this section
3 must take effect not later than the school year following the third
4 consecutive school year that the campus has received a needs
5 improvement [~~an academically unacceptable~~] performance rating.

6 (e) If a campus is considered to have a needs improvement
7 [~~an unacceptable~~] performance rating for three consecutive school
8 years after the campus is ordered to submit a campus turnaround plan
9 under Subsection (a), the commissioner, subject to Subsection
10 (e-2), shall order:

11 (1) appointment of a board of managers to govern the
12 district as provided by Section 39.112(b); or

13 (2) closure of the campus.

14 (f) Notwithstanding Section 39.112(e), the commissioner may
15 remove a board of managers appointed to govern a district under this
16 section only if the campus that was the basis for the appointment of
17 the board of managers receives an academically acceptable
18 performance rating for two consecutive school years. If a campus
19 that was the basis for the appointment of a board of managers
20 receives a needs improvement [~~an academically unacceptable~~]
21 performance rating for two additional consecutive years following
22 the appointment of the board of managers, the commissioner may
23 remove the board of managers and, in consultation with the local
24 community, may appoint a new board of managers to govern the
25 district.

26 (g-1) If the commissioner orders alternative management of
27 a campus under Subsection (d)(2), the school district shall execute

1 a contract with a managing entity for a term not to exceed five
2 years. The commissioner may require a district to extend the term
3 of the contract if the commissioner determines that extending the
4 contract on expiration of the initial term is in the best interest
5 of the students attending the campus. The terms of the contract
6 must be approved by the commissioner. If a campus receives a needs
7 improvement [~~an academically unacceptable~~] performance rating for
8 two consecutive school years after the managing entity assumes
9 management of the campus, the commissioner shall cancel the
10 contract with the managing entity.

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

17 (1) documented success in whole school interventions
18 that increased the educational and performance levels of students
19 in campuses considered to have a needs improvement [~~an~~
20 ~~unacceptable~~] performance rating;

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

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

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

27 (5) any other experience or qualifications the

1 commissioner determines necessary.

2 SECTION 14. Sections 39.1071(b) and (d), Education Code,
3 are amended to read as follows:

4 (b) If a campus described under Subsection (a) receives an
5 academically unacceptable performance rating for the 2016-2017
6 school year and a needs improvement performance rating for the
7 2017-2018 school year [~~years~~], the commissioner shall apply the
8 interventions and sanctions authorized by Section 39.107(e) 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 school year and a needs improvement performance rating for the[~~7~~]
13 2017-2018[~~7~~] and 2018-2019 school years, the commissioner shall
14 apply the interventions and sanctions authorized by Section
15 39.107(e) to the campus.

16 SECTION 15. Section 39.306(a), Education Code, is amended
17 to read as follows:

18 (a) Each board of trustees shall publish an annual report
19 describing the educational performance of the district and of each
20 campus in the district that includes uniform student performance
21 and descriptive information as determined under rules adopted by
22 the commissioner. The annual report must also include:

23 (1) campus performance objectives established under
24 Section 11.253 and the progress of each campus toward those
25 objectives, which shall be available to the public;

26 (2) information indicating the district's
27 accreditation status and identifying each district campus awarded a

1 distinction designation under Subchapter G or considered a needs
2 improvement [~~an unacceptable~~] campus under Subchapter E;

3 (3) the district's current special education
4 compliance status with the agency;

5 (4) a statement of the number, rate, and type of
6 violent or criminal incidents that occurred on each district
7 campus, to the extent permitted under the Family Educational Rights
8 and Privacy Act of 1974 (20 U.S.C. Section 1232g);

9 (5) information concerning school violence prevention
10 and violence intervention policies and procedures that the district
11 is using to protect students;

12 (6) the findings that result from evaluations
13 conducted under programs or activities to support safe and healthy
14 students authorized under 20 U.S.C. Section 7118 [~~the Safe and~~
15 ~~Drug-Free Schools and Communities Act of 1994 (20 U.S.C. Section~~
16 ~~7101 et seq.)~~]; and

17 (7) information received under Section 51.403(e) for
18 each high school campus in the district, presented in a form
19 determined by the commissioner.

20 SECTION 16. Section 39.333, Education Code, is amended to
21 read as follows:

22 Sec. 39.333. REGIONAL AND DISTRICT LEVEL REPORT. As part of
23 the comprehensive biennial report under Section 39.332, the agency
24 shall submit a regional and district level report covering the
25 preceding two school years and containing:

26 (1) a summary of school district compliance with the
27 student/teacher ratios and class-size limitations prescribed by

1 Sections 25.111 and 25.112, including:

2 (A) the number of campuses and classes at each
3 campus granted an exception from Section 25.112; and

4 (B) for each campus granted an exception from
5 Section 25.112, a statement of whether the campus has been awarded a
6 distinction designation under Subchapter G or has been identified
7 as a needs improvement [~~an unacceptable~~] campus under Subchapter E;

8 (2) a summary of the exemptions and waivers granted to
9 campuses and school districts under Section 7.056 or 39.232 and a
10 review of the effectiveness of each campus or district following
11 deregulation;

12 (3) an evaluation of the performance of the system of
13 regional education service centers based on the indicators adopted
14 under Section 8.101 and client satisfaction with services provided
15 under Subchapter B, Chapter 8;

16 (4) an evaluation of accelerated instruction programs
17 offered under Section 28.006, including an assessment of the
18 quality of such programs and the performance of students enrolled
19 in such programs; and

20 (5) the number of classes at each campus that are
21 currently being taught by individuals who are not certified in the
22 content areas of their respective classes.

23 SECTION 17. Section 39.361, Education Code, is amended to
24 read as follows:

25 Sec. 39.361. NOTICE IN STUDENT GRADE REPORT. The first
26 written notice of a student's performance that a school district
27 gives during a school year as required by Section 28.022(a)(2) must

1 include:

2 (1) a statement of whether the campus at which the
3 student is enrolled has been awarded a distinction designation
4 under Subchapter G or has been identified as a needs improvement [~~an~~
5 ~~unacceptable~~] campus under Subchapter E; and

6 (2) an explanation of the significance of the
7 information provided under Subdivision (1).

8 SECTION 18. Section 39.363, Education Code, is amended to
9 read as follows:

10 Sec. 39.363. NOTICE ON AGENCY WEBSITE. Not later than
11 October 1 of each year, the agency shall make the following
12 information available to the public on the agency's Internet
13 website:

14 (1) the [~~letter~~] performance rating assigned to each
15 school district and campus under Section 39.054 and each
16 distinction designation awarded to a school district or campus
17 under Subchapter G;

18 (2) the performance rating assigned to a school
19 district and each campus in the district by the district under
20 Section 39.0545; and

21 (3) the financial accountability rating assigned to
22 each school district and open-enrollment charter school under
23 Section 39.082.

24 SECTION 19. This Act takes effect September 1, 2017.