

By: Huberty

H.B. No. 3828

A BILL TO BE ENTITLED

AN ACT

relating to accreditation interventions and sanctions.

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

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

(a) If a school district does not satisfy the accreditation criteria under Section 39.052, was rated unacceptable ~~the academic performance standards~~ under Section 39.053 or 39.054 for the school progress domain under Section 39.053(c)(2), or any financial accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Section 39.057, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

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

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

(3) order the preparation of a student achievement improvement plan that addresses the school progress indicators under Section 39.053(c)(2) ~~for which the district's performance is~~

1 ~~insufficient~~, the submission of the plan to the commissioner for
2 approval, and implementation of the plan;

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

8 (5) arrange a monitoring review of the district;

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

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

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

18 (9) if a district has a current accreditation status
19 of accredited-warned or accredited-probation, has received a
20 rating of unacceptable ~~fails to satisfy any standard~~ under Section
21 [39.054](#)(e) for ~~the~~ a school progress indicator domain under Section
22 [39.053](#)(c)(2) or fails to satisfy financial accountability
23 standards as determined by commissioner rule, appoint a board of
24 managers to exercise the powers and duties of the board of trustees;
25 or

26 (10) if for two consecutive school years, including
27 the current school year, a district has received an accreditation

1 status of accredited-warned or accredited-probation, has received
2 a rating of unacceptable under Section 39.054(e) for the school
3 progress domain under Section 39.053(c)(2), or has failed to
4 satisfy financial accountability standards as determined by
5 commissioner rule, revoke the district's accreditation and:

6 (A) order closure of the district and annex the
7 district to one or more adjoining districts under Section 13.054;
8 or

9 (B) in the case of a home-rule school district or
10 open-enrollment charter school, order closure of all programs
11 operated under the district's or school's charter.

12 SECTION 2. Section 39.103(a), Education Code, is amended to
13 read as follows:

14 (a) If a campus performance is ~~below~~ rated as unacceptable
15 under Section 39.054(e) for the school progress domain under
16 Section 39.053(c)(2), the commissioner shall take actions, to the
17 extent the commissioner determines necessary, as provided by this
18 subchapter.

19 SECTION 3. Section 39.105(a), Education Code, is amended to
20 read as follows:

21 (a) This section applies if a campus performance satisfies
22 performance standards under Section 39.054(e) for the indicators in
23 the school progress domain under Section 39.053(c)(2) for the
24 current school year but would not satisfy performance under Section
25 39.054(e) for the domain if the standards to be used for the
26 following school year were applied to the current school year. On
27 request of the commissioner, the campus-level committee

1 established under Section 11.251 shall revise and submit to the
2 commissioner in an electronic format the portions of the campus
3 improvement plan developed under Section 11.253 that are relevant
4 to those areas for which the campus would not satisfy performance
5 standards.

6 SECTION 4. Sections 39.106(a) and (e), Education Code, are
7 amended to read as follows:

8 (a) If a campus performance is rated as unacceptable under
9 Section 39.054(e) for the school progress domain under Section
10 39.053(c)(2), the commissioner shall assign a campus intervention
11 team. A campus intervention team shall:

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

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

17 (B) if the commissioner determines necessary, a
18 comprehensive on-site needs assessment, using the procedures
19 provided by Subsection (b);

20 (2) recommend appropriate actions as provided by
21 Subsection (c);

22 (3) assist in the development of a targeted
23 improvement plan;

24 (4) conduct a public meeting at the campus with the
25 campus principal, the members of the campus-level planning and
26 decision-making committee established under Section 11.251,
27 parents of students attending the campus, and community members

1 residing in the district to review the campus performance rating
2 and solicit input for the development of the targeted improvement
3 plan;

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

8 (6) assist the commissioner in monitoring the progress
9 of the campus in implementing the targeted improvement plan.

10 (e) For each year a campus is assigned an unacceptable
11 performance rating for the school progress domain under Section
12 39.053(c)(2), a campus intervention team shall:

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

14 (A) the campus is rated acceptable under Section
15 39.054(e) for the school progress domain under Section 39.053(c)(2)
16 for a two-year period; or

17 (B) the campus is rated acceptable under Section
18 39.054(e) for the school progress domain under Section 39.053(c)(2)
19 for a one-year period and the commissioner determines that the
20 campus is operating and will continue to operate in a manner that
21 improves student outcomes;

22 (2) assist in updating the targeted improvement plan
23 to identify and analyze areas of growth and areas that require
24 improvement; and

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

27 SECTION 5. Sections 39.107(a), (a-2), (b), (b-4), (d), (e),

1 (f), and (g-1), Education Code, are amended to read as follows:

2 (a) After a campus has been identified as unacceptable under
3 the school progress domain under Section 39.053(c)(2) for two
4 consecutive school years, the commissioner shall order the campus
5 to prepare and submit a campus turnaround plan. The commissioner
6 shall by rule establish procedures governing the time and manner in
7 which the campus must submit the campus turnaround plan.

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 unacceptable
14 performance rating under the school progress domain under Section
15 39.053(c)(2) for two consecutive years and will be required to
16 submit a campus turnaround plan; and

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

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

1 implementation of the district charter. The plan must assist the
2 campus in implementing procedures to satisfy ~~all~~ the performance
3 standards required under Section 39.054(e) for the school progress
4 domain under Section 39.053(c)(2).

5 (b-4) A campus turnaround plan developed under this section
6 must take effect not later than the school year following the third
7 consecutive school year that the campus has received an
8 unacceptable performance rating for the school progress domain
9 under Section 39.053(c)(2).

10 (d) The commissioner may approve a campus turnaround plan
11 only if the commissioner determines that the campus will be rated as
12 acceptable under Section 39.054(e) for the school progress domain
13 under Section 39.053(c)(2), not later than the second year after
14 the campus receives a rating for the school progress domain under
15 Section 39.053(c)(2) following the implementation of the campus
16 turnaround plan. If the commissioner does not make this
17 determination, the commissioner shall order:

18 (1) appointment of a board of managers to govern the
19 district as provided by Section 39.112(b);

20 (2) alternative management of the campus under this
21 section; or

22 (3) closure of the campus.

23 (e) If a campus is rated as unacceptable in the school
24 progress domain under Section 39.053(c)(2) for three consecutive
25 school years after the campus is ordered to submit a campus
26 turnaround plan under Subsection (a), the commissioner, subject to
27 Subsection (e-2), shall order:

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

3 (2) closure of the campus.

4 (f) Notwithstanding Section 39.112(e), the commissioner may
5 remove a board of managers appointed to govern a district under this
6 section only if the campus that was the basis for the appointment of
7 the board of managers receives an acceptable performance rating for
8 the school progress domain under Section 39.053(c)(2) for two
9 consecutive school years. If a campus that was the basis for the
10 appointment of a board of managers receives an unacceptable rating
11 for the school progress domain under Section 39.053(c)(2) for two
12 additional consecutive years following the appointment of the board
13 of managers, the commissioner may remove the board of managers and,
14 in consultation with the local community, may appoint a new board of
15 managers to govern the district.

16 (g-1) If the commissioner orders alternative management of
17 a campus under Subsection (d)(2), the school district shall execute
18 a contract with a managing entity for a term not to exceed five
19 years. The commissioner may require a district to extend the term
20 of the contract if the commissioner determines that extending the
21 contract on expiration of the initial term is in the best interest
22 of the students attending the campus. The terms of the contract
23 must be approved by the commissioner. If a campus receives an
24 unacceptable rating for the school progress domain under Section
25 39.053(c)(2) for two consecutive school years after the managing
26 entity assumes management of the campus, the commissioner shall
27 cancel the contract with the managing entity.

1 SECTION 6. Section 39.107, Education Code, is amended by
2 adding Subsections (b-10), (b-11), and (b-12) and amending
3 Subsections (c), (d), and (g-1) to read as follows:

4 (b-10) Not later than June 15 of each year, the commissioner
5 shall, in writing, either approve or reject any campus turnaround
6 plan prepared and submitted to the commissioner by a district. If
7 the commissioner rejects a campus turnaround plan, the commissioner
8 must also send the district an outline of the specific concerns
9 regarding the turnaround plan that resulted in the rejection.

10 (b-11) If the commissioner rejects a campus turnaround
11 plan, the district must create a modified plan with assistance from
12 agency staff and submit the modified plan to the commissioner for
13 approval not later than August 15. The commissioner shall notify
14 the district in writing of the commissioner's decision regarding
15 the modified plan not later than September 1.

16 (b-12) If the agency assists or offers assistance to a
17 district in modifying a campus turnaround plan following a
18 rejection under Subsection (b-10), the agency may not recommend or
19 require participation by the district in any of the following:

20 (1) general workshops for the board of trustees of the
21 district;

22 (2) the use of fidelity instruments as part of the
23 campus turnaround plan; or

24 (3) any other initiative that does not directly relate
25 to a concern raised in regard to the rejected campus turnaround plan
26 that was identified by the commissioner under Subsection (b-10).

27 (c) A campus subject to Subsection (a) shall implement the

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

10 (d) The commissioner may approve a campus turnaround plan or
 11 modified turnaround plan only if the commissioner determines that
 12 the campus will satisfy all student performance standards required
 13 under Section 39.054(e) not later than the second year the campus
 14 receives a performance rating following the implementation of the
 15 campus turnaround plan. If the commissioner does not make this
 16 determination after reviewing a modified turnaround plan, the
 17 commissioner shall order:

18 (1) ~~appointment of a board of managers to govern the~~
 19 ~~district as provided by Section 39.112(b),~~

20 ~~(2)~~ alternative management of the campus under this
 21 section; or

22 (2) ~~(3)~~ closure of the campus.

23 (g-1) If the commissioner orders alternative management of
 24 a campus under Subsection (d)(1) ~~(d)(2)~~, the school district shall
 25 execute a contract with a managing entity for a term not to exceed
 26 five years. The commissioner may require a district to extend the
 27 term of the contract if the commissioner determines that extending

1 the contract on expiration of the initial term is in the best
2 interest of the students attending the campus. The terms of the
3 contract must be approved by the commissioner. If a campus receives
4 an academically unacceptable performance rating for two
5 consecutive school years after the managing entity assumes
6 management of the campus, the commissioner shall cancel the
7 contract with the managing entity.

8 SECTION 7. This Act takes effect on September 1, 2017.