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By:  Reynolds H.B. No. 2704

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability interventions, sanctions, and related actions.

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

SECTION 1.  Section 12.1162(a), Education Code, is amended to read as follows:

(a)  The commissioner shall take any of the actions described by Subsection (b) or by Section 39A.001, 39A.002, [~~39A.004, 39A.005,~~] or 39A.007, to the extent the commissioner determines necessary, if an open-enrollment charter school, as determined by a report issued under Section 39.058(b):

(1)  commits a material violation of the school's charter;

(2)  fails to satisfy generally accepted accounting standards of fiscal management; or

(3)  fails to comply with this subchapter or another applicable rule or law.

SECTION 2.  (a) Section 39A.002, Education Code, is amended to conform to Section 1, Chapter 823 (H.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, and further amended to read as follows:

Sec. 39A.002.  AUTHORIZED COMMISSIONER ACTIONS. If a school district is subject to commissioner action under Section 39A.001, the commissioner may:

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

(2)  order a hearing to be conducted by the board of trustees of the district to notify the public of:

(A)  the insufficient performance;

(B)  the improvements in performance expected by the agency; and

(C)  the interventions and sanctions that may be imposed under this subchapter if the performance does not improve;

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

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

(5)  arrange a monitoring review of the district;

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

(7)  authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance [~~appoint a conservator to oversee the operations of the district; or~~

[~~(8)  appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person~~].

(b)  Chapter 823 (H.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, which amended Sections 39.102(a) and 39.111(c), Education Code, is repealed.

SECTION 3.  Section 39A.007(b), Education Code, is amended to read as follows:

(b)  The commissioner may impose against a school district subject to this section sanctions designed to improve high school completion rates, including ordering:

(1)  [~~ordering~~] the development of a dropout prevention plan for approval by the commissioner;

(2)  [~~restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;~~

[~~(3)  ordering~~] lower student-to-counselor ratios on school campuses with high dropout rates; and

(3) [~~(4)  ordering~~] the use of [~~any other intervention strategy effective in reducing dropout rates, including~~] mentor programs and flexible class scheduling.

SECTION 4.  The heading to Subchapter B, Chapter 39A, Education Code, is amended to read as follows:

SUBCHAPTER B. [~~CAMPUS INTERVENTION TEAM;~~] TARGETED IMPROVEMENT PLAN

SECTION 5.  Section 39A.051, Education Code, is amended to read as follows:

Sec. 39A.051.  ACTIONS BASED ON CAMPUS PERFORMANCE. (a) If the performance of a campus is below any standard under Section 39.054(e), the commissioner shall[~~:~~

[~~(1)~~]  take actions, to the extent the commissioner determines necessary, as provided by this chapter[~~; and~~

[~~(2)  assign a campus intervention team~~].

(b)  For a campus described by Subsection (a), the commissioner, to the extent the commissioner determines necessary, may[~~:~~

[~~(1)~~]  order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the school district, the district superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement[~~; or~~

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

SECTION 6.  Sections 39A.053(a), (c), and (d), Education Code, are amended to read as follows:

(a)  If the performance of a campus is below any standard under Section 39.054(e), the [~~A~~] campus [~~intervention team~~] shall:

(1)  conduct[~~, with the involvement and advice of the school community partnership team, if applicable~~]:

(A)  if the commissioner determines necessary, a comprehensive on-site needs assessment, using the procedures provided by Subsection (c); or

(B)  a targeted on-site needs assessment relevant to an area of insufficient performance of the campus as provided by Subsection (d); and

(2)  recommend appropriate actions as provided by Section 39A.054.

(c)  In conducting a comprehensive on-site needs assessment, the campus [~~intervention team~~] shall use each of the following guidelines and procedures:

(1)  an assessment of the staff to determine:

(A)  the percentage of certified teachers who are teaching in their field;

(B)  the percentage of teachers who are certified;

(C)  the number of teachers with more than three years of experience; and

(D)  the rate of teacher retention;

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

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

(4)  a report on the parental involvement strategies and the effectiveness of the strategies;

(5)  an assessment of the extent and quality of the mentoring program provided for:

(A)  new teachers on the campus; and

(B)  experienced teachers on the campus who have less than two years of teaching experience in the subject or grade level to which the teacher is assigned;

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

(7)  a demographic analysis of the student population, including student demographics, at-risk populations, and special education percentages;

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

(9)  financial and accounting practices;

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

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

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

(A)  recommending an action under Section 39A.054; and

(B)  executing a targeted improvement plan under Section 39A.059.

(d)  In conducting a targeted on-site needs assessment, the campus [~~intervention team~~] shall use the appropriate guidelines and procedures described by Subsection (c) relevant to each area of insufficient performance.

SECTION 7.  Sections 39A.054 and 39A.055, Education Code, are amended to read as follows:

Sec. 39A.054.  RECOMMENDED ACTIONS FOLLOWING ASSESSMENT [~~CAMPUS INTERVENTION TEAM RECOMMENDATIONS~~]. On completing the on-site needs assessment required under Section 39A.053, the campus [~~intervention team~~] shall[~~, with the involvement and advice of the school community partnership team, if applicable,~~] recommend actions relating to any area of insufficient performance, including:

(1)  reallocation of resources;

(2)  technical assistance;

(3)  changes in school procedures or operations;

(4)  staff development for instructional and administrative staff;

(5)  intervention for individual administrators or teachers;

(6)  waivers from state statutes or rules;

(7)  teacher recruitment or retention strategies and incentives provided by the school district to attract and retain teachers with the characteristics included in Sections 39A.053(c)(1)(A)-(C); or

(8)  other actions the campus [~~intervention team~~] considers appropriate.

Sec. 39A.055.  TARGETED IMPROVEMENT PLAN. (a) If the performance of a campus is below any standard under Section 39.054(e), [~~In addition to the campus intervention team duties under Sections 39A.053 and 39A.054 relating to the on-site needs assessment,~~] the campus [~~intervention team~~] shall:

(1)  develop [~~assist the campus in developing~~] a targeted improvement plan;

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

(3)  submit [~~assist the campus in submitting~~] the targeted improvement plan to the board of trustees of the district for:

(A)  the board's approval; and

(B)  presentation of [~~presenting~~] the plan in a public hearing as provided by Section 39A.057.

(b)  The district shall[~~; and~~

[~~(4)~~]  assist the commissioner in monitoring the progress of the campus in executing the targeted improvement plan.

SECTION 8.  Sections 39A.058 and 39A.059, Education Code, are amended to read as follows:

Sec. 39A.058.  SUBMISSION OF TARGETED IMPROVEMENT PLAN TO COMMISSIONER. The board of trustees of the school district shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. [~~The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner.~~]

Sec. 39A.059.  EXECUTING TARGETED IMPROVEMENT PLAN. In executing the targeted improvement plan, the school district [~~campus intervention team~~] shall, if appropriate:

(1)  assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;

(2)  provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

(3)  [~~require the school district to~~] develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

SECTION 9.  Section 39A.101(c), Education Code, is amended to read as follows:

(c)  A campus [~~intervention team~~] shall [~~assist the campus in~~]:

(1)  develop  [~~developing~~] an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;

(2)  submit  [~~submitting~~] the updated targeted improvement plan to the board of trustees of the school district for:

(A)  the board's approval; and

(B)  presentation of [~~presenting~~] the plan in a public hearing as provided by Section 39A.057;

(3)  obtain [~~obtaining~~] approval of the updated plan from the commissioner; and

(4)  execute  [~~executing~~] the updated plan on approval by the commissioner.

SECTION 10.  Section 39A.102(b), Education Code, is amended to read as follows:

(b)  The commissioner may appoint a monitor[~~, conservator, management team, or board of managers~~] to the school district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan.

SECTION 11.  Section 39A.103, Education Code, is amended to read as follows:

Sec. 39A.103.  NOTICE OF CAMPUS TURNAROUND PLAN. Before a campus turnaround plan is prepared and submitted for approval to the board of trustees of the school district, the district[~~, in consultation with the campus intervention team,~~] shall:

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

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

SECTION 12.  Section 39A.104(a), Education Code, is amended to read as follows:

(a)  The school district[~~, in consultation with the campus intervention team,~~] shall prepare the campus turnaround plan and allow parents, the community, and stakeholders an opportunity to review the plan before it is submitted for approval to the board of trustees of the district.

SECTION 13.  Section 39A.108, Education Code, is amended to read as follows:

Sec. 39A.108.  IMPLEMENTATION OF CAMPUS TURNAROUND PLAN. Following approval of a campus turnaround plan by the commissioner, the school district[~~, in consultation with the campus intervention team,~~] may take any actions needed to prepare for the implementation of the plan.

SECTION 14.  Section 39A.255(c), Education Code, is amended to read as follows:

(c)  Nothing in this section or Subchapter C [~~the following provisions of this chapter~~] may be construed to modify any provision of Subchapter D, Chapter 12, relating to the expiration, nonrenewal, revocation, or modification of the governance of an open-enrollment charter school[~~:~~

[~~(1)  Subchapter C;~~

[~~(2)  Subchapter D;~~

[~~(3)  Section 39A.201(b);~~

[~~(4)  Section 39A.206(a);~~

[~~(5)  Section 39A.207; and~~

[~~(6)  Section 39A.209~~].

SECTION 15.  Section 39A.901(c), Education Code, is amended to read as follows:

(c)  If the review conducted under this section reveals a lack of improvement, the commissioner shall increase the level of [~~state intervention and~~] sanction unless the commissioner finds good cause for maintaining the current status.

SECTION 16.  Sections 39A.903, 39A.904, and 39A.905, Education Code, are amended to read as follows:

Sec. 39A.903.  COSTS PAID BY SCHOOL DISTRICT. The costs of providing a monitor, [~~conservator, management team, campus intervention team,~~] technical assistance team, [~~managing entity,~~] or service provider under this chapter shall be paid by the school district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

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

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

Sec. 39A.904.  IMMUNITY FROM CIVIL LIABILITY. An employee, volunteer, or contractor acting on behalf of the commissioner under this chapter[~~, or a member of a board of managers appointed by the commissioner under this chapter,~~] is immune from civil liability to the same extent as a professional employee of a school district under Section 22.0511 [~~22.051~~].

Sec. 39A.905.  CAMPUS NAME CHANGE PROHIBITED. In [~~reconstituting, repurposing, or~~] imposing an [~~any other~~] intervention or sanction on a campus under this chapter, the commissioner may not require that the name of the campus be changed.

SECTION 17.  Section 45.261(d), Education Code, is amended to read as follows:

(d)  If a school district fails to comply with the commissioner's order under Subsection (c), the commissioner may impose any sanction on the district authorized to be imposed on a district under Chapter 39A[~~, including appointment of a board of managers or annexation to another district,~~] regardless of the district's accreditation status or the duration of a particular accreditation status.

SECTION 18.  The following provisions of the Education Code are repealed:

(1)  Sections 39A.003, 39A.004, 39A.005, 39A.006, 39A.052, and 39A.060;

(2)  Section 39A.061(a);

(3)  Section 39A.107(c);

(4)  Sections 39A.111, 39A.112, and 39A.113;

(5)  Subchapters D and E, Chapter 39A;

(6)  Section 39A.252(b);

(7)  Sections 39A.256, 39A.257, 39A.258, 39A.259, and 39A.260;

(8)  Subchapter G, Chapter 39A; and

(9)  Section 39A.906.

SECTION 19.  To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 20.  (a) As soon as practicable after the effective date of this Act, the commissioner of education shall adopt a transition plan to provide for the orderly transfer of the governance of a school district or campus by a board of managers, conservator, management team, campus intervention team, or managing entity under Chapter 39A, Education Code, as that chapter existed immediately before the effective date of this Act, to a monitor appointed by the commissioner of education.

(b)  On the date specified in the transition plan required under Subsection (a) of this section, each board of managers, conservator, management team, campus intervention team, or managing entity governing a school district or campus under Chapter 39A, Education Code, as that chapter existed immediately before the effective date of this Act, is abolished and the governance of the school district or campus is transferred to a monitor appointed by the commissioner of education.

(c)  A policy or procedure of a board of managers, conservator, management team, campus intervention team, or managing entity governing a school district or campus under Chapter 39A, Education Code, as that chapter existed immediately before the effective date of this Act, that is in effect on the effective date of this Act remains in effect until changed under procedures consistent with the governance procedures authorized under Chapter 39A, Education Code, as amended by this Act.

SECTION 21.  This Act takes effect September 1, 2019.