

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

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

5 (A) the insufficient performance;

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

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

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

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

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

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

24 (7) authorize the district to enter into a memorandum
25 of understanding with an institution of higher education that
26 provides for the assistance of the institution of higher education
27 in improving the district's performance [~~appoint a conservator to~~

1 ~~oversee the operations of the district, or~~

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

6 (b) Chapter 823 (H.B. 1553), Acts of the 85th Legislature,
7 Regular Session, 2017, which amended Sections 39.102(a) and
8 39.111(c), Education Code, is repealed.

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

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

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

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

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

21 (3) (3) ~~[(4) ordering]~~ the use of ~~[any other intervention~~
22 ~~strategy effective in reducing dropout rates, including]~~ mentor
23 programs and flexible class scheduling.

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

26 SUBCHAPTER B. ~~[CAMPUS INTERVENTION TEAM,]~~ TARGETED IMPROVEMENT

27 PLAN

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

3 Sec. 39A.051. ACTIONS BASED ON CAMPUS PERFORMANCE. (a) If
4 the performance of a campus is below any standard under Section
5 39.054(e), the commissioner shall[+]

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

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

9 (b) For a campus described by Subsection (a), the
10 commissioner, to the extent the commissioner determines necessary,
11 may[+]

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

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

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

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

27 (1) conduct[~~, with the involvement and advice of the~~

1 ~~school community partnership team, if applicable]~~:

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

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

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

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

13 (1) an assessment of the staff to determine:

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

16 (B) the percentage of teachers who are certified;

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

19 (D) the rate of teacher retention;

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

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

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

27 (5) an assessment of the extent and quality of the

1 mentoring program provided for:

2 (A) new teachers on the campus; and

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

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

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

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

13 (9) financial and accounting practices;

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

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

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

24 (A) recommending an action under Section
25 [39A.054](#); and

26 (B) executing a targeted improvement plan under
27 Section [39A.059](#).

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

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

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

- 14 (1) reallocation of resources;
- 15 (2) technical assistance;
- 16 (3) changes in school procedures or operations;
- 17 (4) staff development for instructional and
18 administrative staff;
- 19 (5) intervention for individual administrators or
20 teachers;
- 21 (6) waivers from state statutes or rules;
- 22 (7) teacher recruitment or retention strategies and
23 incentives provided by the school district to attract and retain
24 teachers with the characteristics included in Sections
25 39A.053(c)(1)(A)-(C); or

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

1 Sec. 39A.055. TARGETED IMPROVEMENT PLAN. (a) If the
2 performance of a campus is below any standard under Section
3 39.054(e), [~~In addition to the campus intervention team duties~~
4 ~~under Sections 39A.053 and 39A.054 relating to the on-site needs~~
5 ~~assessment,~~] the campus [~~intervention team~~] shall:

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

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

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

18 (A) the board's approval; and

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

21 (b) The district shall [~~, and~~

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

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

26 Sec. 39A.058. SUBMISSION OF TARGETED IMPROVEMENT PLAN TO
27 COMMISSIONER. The board of trustees of the school district shall

1 submit the targeted improvement plan or updated targeted
2 improvement plan to the commissioner for approval. [~~The campus
3 intervention team shall assist the campus in submitting the
4 targeted improvement plan to the commissioner.~~]

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

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

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

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

19 SECTION 9. Section [39A.101\(c\)](#), Education Code, is amended
20 to read as follows:

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

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

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

1 for:

2 (A) the board's approval; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 22 [~~(1) Subchapter C,~~
- 23 [~~(2) Subchapter D,~~
- 24 [~~(3) Section 39A.201(b),~~
- 25 [~~(4) Section 39A.206(a),~~
- 26 [~~(5) Section 39A.207, and~~
- 27 [~~(6) Section 39A.209].~~

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

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

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

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

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

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

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

26 Sec. 39A.905. CAMPUS NAME CHANGE PROHIBITED. In
27 ~~[reconstituting, repurposing, or]~~ imposing an ~~[any other]~~

1 intervention or sanction on a campus under this chapter, the
2 commissioner may not require that the name of the campus be changed.

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

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

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

- 14 (1) Sections 39A.003, 39A.004, 39A.005, 39A.006,
15 39A.052, and 39A.060;
- 16 (2) Section 39A.061(a);
- 17 (3) Section 39A.107(c);
- 18 (4) Sections 39A.111, 39A.112, and 39A.113;
- 19 (5) Subchapters D and E, Chapter 39A;
- 20 (6) Section 39A.252(b);
- 21 (7) Sections 39A.256, 39A.257, 39A.258, 39A.259, and
22 39A.260;
- 23 (8) Subchapter G, Chapter 39A; and
- 24 (9) Section 39A.906.

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

1 codes.

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

10 (b) On the date specified in the transition plan required
11 under Subsection (a) of this section, each board of managers,
12 conservator, management team, campus intervention team, or
13 managing entity governing a school district or campus under Chapter
14 39A, Education Code, as that chapter existed immediately before the
15 effective date of this Act, is abolished and the governance of the
16 school district or campus is transferred to a monitor appointed by
17 the commissioner of education.

18 (c) A policy or procedure of a board of managers,
19 conservator, management team, campus intervention team, or
20 managing entity governing a school district or campus under Chapter
21 39A, Education Code, as that chapter existed immediately before the
22 effective date of this Act, that is in effect on the effective date
23 of this Act remains in effect until changed under procedures
24 consistent with the governance procedures authorized under Chapter
25 39A, Education Code, as amended by this Act.

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