

By: Taylor

S.B. No. 2265

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of performance ratings to school districts and school district campuses.

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 ~~an unacceptable~~ performance rating of F 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 [~~an unacceptable~~] performance rating
4 of F 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. Sections 11.174(b) and (f), Education Code, are
14 amended to read as follows:

15 (b) The board of trustees of a school district may enter
16 into a contract as provided by Subsection (a) only if:

17 (1) the charter of the open-enrollment charter school
18 has not been previously revoked;

19 (2) for the three school years preceding the school
20 year of the proposed operation of the district campus as described
21 by Subsection (a), the open-enrollment charter school has received:

22 (A) an overall performance rating of C
23 [~~acceptable~~] or higher under Subchapter C, Chapter 39; and

24 (B) a financial accountability rating under
25 Subchapter D, Chapter 39, indicating financial performance of
26 satisfactory or higher; or

27 (3) the entity considered for a district-authorized

1 charter has not previously operated an open-enrollment charter
2 school in which the charter expired or was revoked or surrendered.

3 (f) This subsection applies only to a district campus
4 subject to a contract described by Subsection (a) that received an
5 overall performance rating of F [~~unacceptable~~] under Subchapter C,
6 Chapter 39, for the school year before operation of the district
7 campus under the contract began. The commissioner may not impose a
8 sanction or take action against the campus under Section 39A.101 or
9 39A.111 [~~39.107(a) or (e)~~] for failure to satisfy academic
10 performance standards during the first two school years of
11 operation of a district campus under Subsection (a). The overall
12 performance rating received by the campus during those first two
13 school years is not included in calculating consecutive school
14 years and is not considered a break in consecutive school years
15 under Section 39A.101 or 39A.111 [~~39.107(a) or (e)~~].

16 SECTION 3. Section 12.1054(a), Education Code, is amended
17 to read as follows:

18 (a) A member of the governing body of a charter holder, a
19 member of the governing body of an open-enrollment charter school,
20 or an officer of an open-enrollment charter school is considered to
21 be a local public official for purposes of Chapter 171, Local
22 Government Code. For purposes of that chapter:

23 (1) a member of the governing body of a charter holder
24 or a member of the governing body or officer of an open-enrollment
25 charter school is considered to have a substantial interest in a
26 business entity if a person related to the member or officer in the
27 third degree by consanguinity or affinity, as determined under

1 Chapter 573, Government Code, has a substantial interest in the
2 business entity under Section 171.002, Local Government Code; and

3 (2) notwithstanding any provision of Subdivision (1)
4 [~~Section 12.1054(1)~~], an employee of an open-enrollment charter
5 school that was assigned a performance rating of C [~~rated~~
6 ~~acceptable~~] or higher under Section 39.054 for at least two of the
7 preceding three school years may serve as a member of the governing
8 body of the charter holder of the governing body of the school if
9 the employees do not constitute a quorum of the governing body or
10 any committee of the governing body; however, all members shall
11 comply with the requirements of Sections 171.003-171.007, Local
12 Government Code.

13 SECTION 4. Section 12.106(e), Education Code, is amended to
14 read as follows:

15 (e) A charter holder is entitled to receive funding under
16 Subsection (d) only if the most recent overall performance rating
17 assigned to the open-enrollment charter school under Subchapter C,
18 Chapter 39, was a C or higher [~~reflects at least acceptable~~
19 ~~performance~~]. This subsection does not apply to a charter holder
20 that operates a school program located at a day treatment facility,
21 residential treatment facility, psychiatric hospital, or medical
22 hospital.

23 SECTION 5. Section 12.110(e), Education Code, is amended to
24 read as follows:

25 (e) The commissioner shall give priority to applications
26 that propose an open-enrollment charter school campus to be located
27 in the attendance zone of a school district campus assigned a a [~~an~~

1 ~~unacceptable~~] performance rating of F under Section 39.054 for the
2 two preceding school years.

3 SECTION 6. Section 12.115(c), Education Code, is amended to
4 read as follows:

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

7 (1) the charter holder has been assigned a a [~~an~~
8 ~~unacceptable~~] performance rating of F under Subchapter C, Chapter
9 39, for the three preceding school years;

10 (2) the charter holder has been assigned a financial
11 accountability performance rating under Subchapter D, Chapter 39,
12 indicating financial performance lower than satisfactory for the
13 three preceding school years; or

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

17 SECTION 7. Section 12A.001(b), Education Code, is amended
18 to read as follows:

19 (b) A school district is eligible for designation as a
20 district of innovation only if the district's most recent
21 performance rating under Section 39.054 was a C or higher [~~reflects~~
22 ~~at least acceptable performance~~].

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

25 (a) The commissioner may terminate a district's designation
26 as a district of innovation if the district receives for two
27 consecutive school years:

1 (1) an [~~unacceptable~~] academic performance rating of F
2 under Section 39.054;

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

5 (3) an [~~unacceptable~~] academic performance rating of F
6 under 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 (c) The commissioner shall terminate a district's
10 designation as a district of innovation if the district receives
11 for three consecutive school years:

12 (1) an [~~unacceptable~~] academic performance rating of F
13 under Section 39.054;

14 (2) an unacceptable financial accountability rating
15 under Section 39.082; or

16 (3) any combination of one or more [~~unacceptable~~]
17 ratings of F under Subdivision (1) and one or more unacceptable
18 ratings under Subdivision (2).

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

21 Sec. 13.054. [~~ACADEMICALLY UNACCEPTABLE~~] SCHOOL DISTRICTS
22 ASSIGNED ACADEMIC PERFORMANCE RATING OF F.

23 SECTION 10. Sections 13.054(a), (b), and (d), Education
24 Code, are amended to read as follows:

25 (a) The commissioner by order may annex to one or more
26 adjoining districts a school district that has been assigned an
27 academic performance rating of F [~~rated as academically~~

1 ~~unacceptable~~] for a period of two years.

2 (b) The governing board of a district to which territory of
3 a [an academically unacceptable] district assigned an academic
4 performance rating of F is annexed is the governing board for the
5 new district.

6 (d) Title to the real property of the [~~academically~~
7 ~~unacceptable~~] district assigned an academic performance rating of F
8 vests in the district to which the property is annexed. Each
9 district to which territory is annexed assumes and is liable for any
10 portion of the [~~academically unacceptable district's~~] indebtedness
11 of the district assigned an academic performance rating of F that is
12 allocated to the receiving district under Section 13.004.

13 SECTION 11. Section 21.453(b), Education Code, is amended
14 to read as follows:

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

18 (1) are assigned an academic performance rating of F
19 [~~rated academically unacceptable~~];

20 (2) have one or more campuses assigned an academic
21 performance rating of F [~~rated as academically unacceptable~~]; or

22 (3) are otherwise in need of assistance as indicated
23 by the academic performance of students, as determined by the
24 commissioner.

25 SECTION 12. Section 28.020(c), Education Code, is amended
26 to read as follows:

27 (c) A campus designated as a mathematics innovation zone is

1 not subject to interventions under the state accountability system
2 described by Section 39A.101 or 39A.111 [~~39.107(a) or (e)~~] for the
3 first two years of the designation, provided that the campus
4 implements the instructional program with fidelity and complies
5 with each mathematics innovation zone requirement to the
6 satisfaction of the commissioner. The period that a campus is
7 exempt from interventions as provided by this subsection is not:

8 (1) included in calculating consecutive school years
9 under Section 39A.101 or 39A.111 [~~39.107(a) or (e)~~]; or

10 (2) considered a break in consecutive school years of
11 receiving performance [~~unacceptable~~] ratings of F for purposes of
12 determining the need for intervention under Section 39A.101 or
13 39A.111 [~~39.107(a) or (e)~~].

14 SECTION 13. Section 29.202(a), Education Code, is amended
15 to read as follows:

16 (a) A student is eligible to receive a public education
17 grant or to attend another public school in the district in which
18 the student resides under this subchapter if the student is
19 assigned to attend a public school campus assigned a [~~an~~
20 ~~unacceptable~~] performance rating of F that is made publicly
21 available under Section 39.054 for:

22 (1) the student achievement domain under Section
23 39.053(c)(1); and

24 (2) the school progress domain under Section
25 39.053(c)(2).

26 SECTION 14. Section 30A.101(a), Education Code, is amended
27 to read as follows:

1 (a) A school district or open-enrollment charter school is
2 eligible to act as a course provider under this chapter only if the
3 district or school is assigned a performance rating of C or higher
4 ~~[rated acceptable]~~ under Section 39.054. An open-enrollment
5 charter school may serve as a course provider only:

6 (1) to a student within its service area; or

7 (2) to another student in the state:

8 (A) through an agreement with the school district
9 in which the student resides; or

10 (B) if the student receives educational services
11 under the supervision of a juvenile probation department, the Texas
12 Juvenile Justice Department, or the Texas Department of Criminal
13 Justice, through an agreement with the applicable agency.

14 SECTION 15. Sections 39.054(a) and (a-2), Education Code,
15 are amended to read as follows:

16 (a) The commissioner shall adopt rules to evaluate school
17 district and campus performance and assign each district and campus
18 an overall performance rating of A, B, C, D, or F. In addition to
19 the overall performance rating, the commissioner shall assign each
20 district and campus a separate domain performance rating of A, B, C,
21 D, or F for each domain under Section 39.053(c). ~~[An overall or~~
22 ~~domain performance rating of A reflects exemplary performance. An~~
23 ~~overall or domain performance rating of B reflects recognized~~
24 ~~performance. An overall or domain performance rating of C reflects~~
25 ~~acceptable performance. An overall or domain performance rating of~~
26 ~~D reflects performance that needs improvement. An overall or~~
27 ~~domain performance rating of F reflects unacceptable performance.]~~

1 A district may not receive an overall or domain performance rating
2 of A if the district includes any campus with a corresponding
3 overall or domain performance rating of D or F. If a school
4 district has been approved under Section 39.0544 to assign campus
5 performance ratings and the commissioner has not assigned a campus
6 an overall performance rating of D or F, the commissioner shall
7 assign the campus an overall performance rating based on the school
8 district assigned performance rating under Section 39.0544. [~~A
9 reference in law to an acceptable rating or acceptable performance
10 includes an overall or domain performance rating of A, B, C, or D or
11 performance that is exemplary, recognized, or acceptable
12 performance or performance that needs improvement.~~]

13 (a-2) The commissioner by rule may adopt procedures to
14 ensure that a repeated performance rating of D or F [~~or
15 unacceptable~~] in one domain, particularly performance that is not
16 significantly improving, is reflected in the overall performance
17 rating of a district or campus under this section or a campus under
18 Section 39.0544 and is not compensated for by a performance rating
19 of A, B, or C in another domain.

20 SECTION 16. Section 39.101, Education Code, as added by
21 Chapter 807 (H.B. 22), Acts of the 85th Legislature, Regular
22 Session, 2017, is transferred to Subchapter B, Chapter 39A,
23 Education Code, redesignated as Section 39A.0545, Education Code,
24 amended to conform to the repeal of Subchapter E, Chapter 39,
25 Education Code, by Article 21, Chapter 324 (S.B. 1488), Acts of the
26 85th Legislature, Regular Session, 2017, and further amended to
27 read as follows:

1 Sec. 39A.0545 [~~39.101~~]. PERFORMANCE [~~NEEDS IMPROVEMENT~~]

2 RATING OF D. (a) Notwithstanding any other law, if a school
3 district or campus is assigned an overall or domain performance
4 rating of D:

5 (1) the commissioner shall order the district or
6 campus to develop and implement a targeted improvement plan
7 approved by the board of trustees of the district; and

8 (2) the interventions and sanctions provided by this
9 chapter [~~subchapter~~] based on failure to satisfy performance
10 standards under Section 39.054(e) apply to the district or campus
11 only as provided by this section.

12 (b) The interventions and sanctions provided by this
13 chapter [~~subchapter~~] based on failure to satisfy performance
14 standards under Section 39.054(e) apply to a district or campus
15 ordered to develop and implement a targeted improvement plan under
16 Subsection (a) only if the district or campus is assigned:

17 (1) an overall or domain performance rating of F; or

18 (2) an overall performance rating of D as provided by
19 Subsection (c).

20 (c) If a school district or campus is assigned an overall
21 performance rating of D for a school year after the district or
22 campus is ordered to develop and implement a targeted improvement
23 plan under Subsection (a), the commissioner shall implement
24 interventions and sanctions that apply to a [~~an unacceptable~~]
25 campus that received a performance rating of F and those
26 interventions and sanctions shall continue for each consecutive
27 school year thereafter in which the campus is assigned an overall

1 performance rating of D.

2 (d) The commissioner shall adopt rules as necessary to
3 implement this section.

4 SECTION 17. Section 39.201(b), Education Code, is amended
5 to read as follows:

6 (b) A district or campus may not be awarded a distinction
7 designation under this subchapter unless the district or campus has
8 a [acceptable] performance rating of C or higher under Section
9 39.054.

10 SECTION 18. Sections 39.232(a) and (d), Education Code, are
11 amended to read as follows:

12 (a) Except as provided by Subsection (b), a school campus or
13 district that has been awarded a distinction designation [~~is rated~~
14 ~~exemplary~~] under Subchapter G is exempt from requirements and
15 prohibitions imposed under this code including rules adopted under
16 this code.

17 (d) The commissioner may exempt a [an exemplary] school
18 campus that has been awarded a distinction designation under
19 Subchapter G from elementary class size limits under this section
20 if the school campus submits to the commissioner a written plan
21 showing steps that will be taken to ensure that the exemption from
22 the class size limits will not be harmful to the academic
23 achievement of the students on the school campus. The commissioner
24 shall review achievement levels annually. The exemption remains in
25 effect until the commissioner determines that achievement levels of
26 the campus have declined.

27 SECTION 19. Section 39.306(a), Education Code, is amended

1 to read as follows:

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

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

10 (2) information indicating the district's
11 accreditation status and identifying each district campus awarded a
12 distinction designation under Subchapter G or subject to
13 interventions or sanctions [~~considered an unacceptable campus~~]
14 under Chapter 39A;

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

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

21 (5) information concerning school violence prevention
22 and violence intervention policies and procedures that the district
23 is using to protect students;

24 (6) the findings that result from evaluations
25 conducted under the Safe and Drug-Free Schools and Communities Act
26 of 1994 (20 U.S.C. Section 7101 et seq.); and

27 (7) information received under Section 51.403(e) for

1 each high school campus in the district, presented in a form
2 determined by the commissioner.

3 SECTION 20. Section 39A.060, Education Code, is amended to
4 conform to Section 1, Chapter 472 (H.B. 2263), Acts of the 85th
5 Legislature, Regular Session, 2017, and further amended to read as
6 follows:

7 Sec. 39A.060. CAMPUS INTERVENTION TEAM CONTINUING DUTIES.
8 For each year a campus is assigned a a [~~an unacceptable~~] performance
9 rating of F, the campus intervention team shall:

- 10 (1) [~~continue to work with the campus until:~~
11 [~~(A) the campus satisfies all performance~~
12 ~~standards under Section 39.054(e) for a two-year period; or~~
13 [~~(B) the campus satisfies all performance~~
14 ~~standards under Section 39.054(e) for a one-year period and the~~
15 ~~commissioner determines that the campus is operating and will~~
16 ~~continue to operate in a manner that improves student achievement;~~
17 [~~2~~] assist in updating the targeted improvement plan
18 to identify and analyze areas of growth and areas that require
19 improvement; and
20 (2) (2) [~~3~~] submit each updated targeted improvement
21 plan described by Subdivision (1) [~~2~~] to the board of trustees of
22 the school district.

23 SECTION 21. Section 39A.103, Education Code, is amended to
24 read as follows:

25 Sec. 39A.103. NOTICE OF CAMPUS TURNAROUND PLAN. Before a
26 campus turnaround plan is prepared and submitted for approval to
27 the board of trustees of the school district, the district, in

1 consultation with the campus intervention team, shall:

2 (1) provide notice to parents, the community, and
3 stakeholders that the campus has received a [~~an unacceptable~~]
4 performance rating of F for two consecutive years and will be
5 required to submit a campus turnaround plan; and

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

8 SECTION 22. Section 39A.106, Education Code, is amended to
9 read as follows:

10 Sec. 39A.106. DATE CAMPUS TURNAROUND PLAN TAKES EFFECT. A
11 campus turnaround plan must take effect not later than the school
12 year following the third consecutive school year that the campus
13 has received a [~~an unacceptable~~] performance rating of F.

14 SECTION 23. Section 39A.110, Education Code, is amended to
15 read as follows:

16 Sec. 39A.110. CHANGE IN CAMPUS PERFORMANCE RATING. (a) If
17 a campus for which a campus turnaround plan has been ordered under
18 Section 39A.101 receives a [~~an acceptable~~] performance rating of C
19 or higher for the school year following the order, the board of
20 trustees of the school district may:

21 (1) implement the campus turnaround plan;

22 (2) implement a modified version of the campus
23 turnaround plan; or

24 (3) withdraw the campus turnaround plan.

25 (b) A school district required to implement a campus
26 turnaround plan may modify the plan if the campus receives a [~~an~~
27 ~~acceptable~~] performance rating of C or higher for two consecutive

1 school years following implementation of the plan.

2 SECTION 24. Section 39A.111, Education Code, is amended to
3 read as follows:

4 Sec. 39A.111. CONTINUED [~~UNACCEPTABLE~~] PERFORMANCE RATING
5 OF F. If a campus is assigned a [~~considered to have an~~
6 ~~unacceptable~~] performance rating of F for three consecutive school
7 years after the campus is ordered to submit a campus turnaround plan
8 under Section 39A.101, the commissioner, subject to Section
9 39A.112, shall order:

10 (1) appointment of a board of managers to govern the
11 school district as provided by Section 39A.202; or

12 (2) closure of the campus.

13 SECTION 25. Section 39A.152(a), Education Code, is amended
14 to read as follows:

15 (a) To qualify for consideration as a managing entity under
16 this subchapter, the entity must submit a proposal that provides
17 information relating to the entity's management and leadership team
18 that will participate in management of the campus under
19 consideration, including information relating to individuals who
20 have:

21 (1) documented success in whole school interventions
22 that increased the educational and performance levels of students
23 in campuses assigned a [~~considered to have an unacceptable~~]
24 performance rating of F;

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

27 (3) a proven ability to apply research-based school

1 intervention strategies;

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

4 (5) any other experience or qualifications the
5 commissioner determines necessary.

6 SECTION 26. Section 39A.156, Education Code, is amended to
7 read as follows:

8 Sec. 39A.156. CANCELLATION OF MANAGEMENT CONTRACT. If a
9 campus receives a [an unacceptable] performance rating of F for two
10 consecutive school years after a managing entity assumes management
11 of the campus, the commissioner shall cancel the contract with the
12 managing entity.

13 SECTION 27. Sections 39A.209(a) and (b), Education Code,
14 are amended to read as follows:

15 (a) Notwithstanding Section 39A.208, the commissioner may
16 remove a board of managers appointed to govern a school district
17 under Subchapter C only if the campus that was the basis for the
18 appointment of the board of managers receives a [an acceptable]
19 performance rating of C or higher for two consecutive school years.

20 (b) If a campus that was the basis for the appointment of a
21 board of managers receives a [an unacceptable] performance rating
22 of F for two additional consecutive years following the appointment
23 of the board of managers, the commissioner may remove the board of
24 managers and, in consultation with the local community, may appoint
25 a new board of managers to govern the school district.

26 SECTION 28. Sections 39A.906(b) and (d), Education Code,
27 are amended to read as follows:

1 (b) If a campus described by Subsection (a) receives a a [~~an~~
2 ~~unacceptable~~] performance rating of F for the 2016-2017 and
3 2017-2018 school years, the commissioner shall apply the
4 interventions and sanctions authorized by Section 39A.111 to the
5 campus.

6 (d) If a campus described by Subsection (c) receives a a [~~an~~
7 ~~unacceptable~~] performance rating of F for the 2016-2017, 2017-2018,
8 and 2018-2019 school years, the commissioner shall apply the
9 interventions and sanctions authorized by Section 39A.111 to the
10 campus.

11 SECTION 29. Section 42.002(b), Education Code, is amended
12 to read as follows:

13 (b) The Foundation School Program consists of:

14 (1) two tiers that in combination provide for:

15 (A) sufficient financing for all school
16 districts to provide a basic program of education that is assigned a
17 performance rating of C [~~rated acceptable~~] or higher under Section
18 39.054 and meets other applicable legal standards; and

19 (B) substantially equal access to funds to
20 provide an enriched program; and

21 (2) a facilities component as provided by Chapter 46.

22 SECTION 30. This Act applies beginning with the 2019-2020
23 school year.

24 SECTION 31. To the extent of any conflict, this Act prevails
25 over another Act of the 86th Legislature, Regular Session, 2019,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

1 SECTION 32. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2019.