

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Craddick

H.B. No. 4205

A BILL TO BE ENTITLED

1 AN ACT

2 relating to accountability intervention provisions applicable to  
3 school district campuses, including the conditions under which a  
4 closed campus may be repurposed to serve students at that campus  
5 location and the creation of accelerated campus excellence  
6 turnaround plans.

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

8 SECTION 1. Section 39A.105, Education Code, is amended to  
9 read as follows:

10 Sec. 39A.105. CONTENTS OF CAMPUS TURNAROUND PLAN. (a) A  
11 campus turnaround plan must include:

12 (1) details on the method for restructuring,  
13 reforming, or reconstituting the campus;

14 (2) a detailed description of the academic programs to  
15 be offered at the campus, including:

16 (A) instructional methods;

17 (B) length of school day and school year;

18 (C) academic credit and promotion criteria; and

19 (D) programs to serve special student  
20 populations;

21 (3) if a district charter is to be granted for the  
22 campus under Section 12.0522:

23 (A) the term of the charter; and

24 (B) information on the implementation of the

1 charter;

2 (4) written comments from:

3 (A) the campus-level committee established under  
4 Section 11.251, if applicable;

5 (B) parents; and

6 (C) teachers at the campus; and

7 (5) a detailed description of the budget, staffing,  
8 and financial resources required to implement the plan, including  
9 any supplemental resources to be provided by the school district or  
10 other identified sources.

11 (b) A campus may submit an accelerated campus excellence  
12 turnaround plan as provided by this subsection. The plan must  
13 provide:

14 (1) the assignment of a principal to the campus who has  
15 demonstrated a history of improvement in student academic growth at  
16 campuses in which the principal has previously worked;

17 (2) that the principal has final authority over  
18 personnel decisions at the campus;

19 (3) that at least 80 percent of the classroom teachers  
20 assigned to the campus be teachers who performed in the top quartile  
21 of teachers in the district that employed the teacher during the  
22 previous school year, with performance determined by:

23 (A) for a teacher who taught in the district  
24 during the previous school year:

25 (i) the teacher's impact on student growth;  
26 and

27 (ii) an evaluation of the teacher based on

1 classroom observation; and

2 (B) for a teacher who did not teach in the  
3 district during the previous school year, data and other evidence  
4 indicating that if the teacher had taught in the district during the  
5 previous school year, the teacher would have performed in the top  
6 quartile of teachers in the district;

7 (4) a detailed description of the employment and  
8 compensation structures for the principal and classroom teachers,  
9 which must include:

10 (A) significant incentives for a high-performing  
11 principal or teacher to remain at the campus; and

12 (B) a three-year commitment by the district to  
13 continue incentives for the principal and teachers;

14 (5) policies and procedures for the implementation of  
15 best practices at the campus, including:

16 (A) data-driven instructional practices;

17 (B) a system of observation of and feedback for  
18 classroom teachers;

19 (C) positive student culture on the campus;

20 (D) family and community engagement, including  
21 partnerships with parent and community groups; and

22 (E) extended learning opportunities for  
23 students, which may include service or workforce learning  
24 opportunities; and

25 (6) assistance by a third-party provider that is  
26 approved by the commissioner in the development and implementation  
27 of the district's plan.

1        (c) The commissioner may provide guidance to districts as  
2 necessary to implement an accelerated campus excellence turnaround  
3 plan under Subsection (b).

4        SECTION 2. Section 39A.107, Education Code, is amended by  
5 adding Subsection (a-3) to read as follows:

6        (a-3) Notwithstanding Subsection (a), the commissioner  
7 shall approve a campus turnaround plan that the commissioner  
8 determines meets the requirements for an accelerated campus  
9 excellence turnaround plan under Section 39A.105(b).

10       SECTION 3. Section 39A.113, Education Code, is amended by  
11 amending Subsections (a) and (b) and adding Subsection (a-1) to  
12 read as follows:

13       (a) If the commissioner orders the closure of a campus under  
14 this subchapter, that campus may be repurposed to serve students at  
15 that campus location only if the commissioner:

16           (1) finds that the repurposed campus [+  
17                [~~(A)~~] offers a distinctly different academic  
18 program[+] and:

19                (A) [~~(B)~~] serves a majority of grade levels not  
20 served at the original campus; or [and]

21                (B) is operated under a contract, approved by the  
22 school district board of trustees, with a nonprofit organization  
23 exempt from federal taxation under Section 501(c)(3), Internal  
24 Revenue Code of 1986, that:

25                        (i) has a governing board that is  
26 independent of the district;

27                        (ii) has a successful history of operating

school district campuses or open-enrollment charter schools:

(a) that cumulatively serve 10,000 or more students; and

(b) a majority of which have been assigned an overall performance rating of B or higher under Section 39.054 for the preceding school year; and

(iii) has been assigned an overall performance rating of B or higher under Section 39.054 for the preceding school year; and

(2) approves a new campus identification number for the repurposed campus.

(a-1) A contract described by Subsection (a)(1)(B) must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus.

(b) The majority of students assigned to a campus that has been closed and repurposed under Subsection (a)(1)(A) may not have attended that campus in the previous school year.

SECTION 4. (a) The commissioner of education shall select one campus that received an unacceptable rating for the 2017-2018 school year to submit an accelerated campus excellence turnaround plan as provided by Section 39A.105(b), Education Code, as added by this Act, for the 2019-2020 school year. The commissioner may adjust timelines established under Chapter 39A, Education Code, for the campus selected by the commissioner under this section for purposes of developing and implementing the accelerated campus excellence turnaround plan. A decision by the commissioner under

1 this section is final and may not be appealed.

2 (b) Except as provided by Subsection (a), Sections 39A.105  
3 and 39A.107, Education Code, as amended by this Act, apply  
4 beginning with the 2020-2021 school year.

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

ADOPTED

MAY 22 2019

*Letay Spaul*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Chris Perry*

Amend H.B. No. 4205 (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 39A.105(b)(3), Education Code, strike page 2, lines 1 through 7, and substitute the following:

(3) that at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:

(A) for a teacher who taught in the district during the previous school year:

(i) the teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district;

(2) In SECTION 1 of the bill, in added Section 39A.105(b)(3)(B), Education Code (page 2, line 15), strike "quartile" and substitute "half".

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 39A, Education Code, is amended by adding Section 39A.116 to read as follows:

Sec. 39A.116. COMMISSIONER AUTHORITY. A decision by the commissioner under this subchapter is final and may not be appealed.

ADOPTED

MAY 22 2019

*Leta J. Spaul*  
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: Philip D. Naton

1 Amend H.B. No. 4205 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in added Section  
3 39A.105(b)(5)(D), Education Code (page 2, line 30), strike "and"  
4 after the underlined semicolon.

5 (2) In SECTION 1 of the bill, following added Section  
6 39A.105(b)(5)(E), Education Code (page 2, between lines 33 and 34),  
7 insert the following:

8 (F) providing student services before or after  
9 the instructional day that improve student performance, which may  
10 include tutoring, extracurricular activities, counseling services,  
11 and offering breakfast, lunch, and dinner to all students at the  
12 campus; and

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 22, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4205** by Craddick (Relating to accountability intervention provisions applicable to school district campuses, including the conditions under which a closed campus may be repurposed to serve students at that campus location and the creation of accelerated campus excellence turnaround plans.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that the provisions of the bill relating to the conditions under which a closed campus may be repurposed could be absorbed using existing resources.

**Local Government Impact**

The bill would give school districts that are subject to campus turnaround plan requirements the authority to submit an alternative type of campus turnaround plan called an accelerated excellence campus turnaround plan. Under this alternative plan a district could appoint high achieving leadership and teachers to a campus. The plan would also incorporate incentive pay for teachers and require assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan. There could be costs associated with hiring a third party to help with the administration of the plan. In general, the alternative plan would be optional, with the exception of one campus selected by the Commissioner for the 2019-2020 school year to implement this type of plan.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, THo, CPa, AM, HL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 8, 2019**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4205** by Craddick (Relating to accountability intervention provisions applicable to school district campuses, including the conditions under which a closed campus may be repurposed to serve students at that campus location and the creation of accelerated campus excellence turnaround plans.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that the provisions of the bill relating to the conditions under which a closed campus may be repurposed could be absorbed using existing resources.

**Local Government Impact**

The bill would give school districts that are subject to campus turnaround plan requirements the authority to submit an alternative type of campus turnaround plan called an accelerated excellence campus turnaround plan. Under this alternative plan a district could appoint high achieving leadership and teachers to a campus. The plan would also incorporate incentive pay for teachers and require assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan. There could be costs associated with hiring a third party to help with the administration of the plan. In general, the alternative plan would be optional, with the exception of one campus selected by the Commissioner for the 2019-2020 school year to implement this type of plan.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, THo, CPa, AM, HL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 14, 2019**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4205** by Craddick ( Relating to the conditions under which a closed campus may be repurposed to serve students at that campus location.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that the provisions of the bill relating to the conditions under which a closed campus may be repurposed could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to school districts and charter schools is anticipated.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, CPa, AM, THo, HL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 3, 2019**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4205** by Craddick (Relating to the conditions under which a closed campus may be repurposed to serve students at that campus location.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that the provisions of the bill relating to the conditions under which a closed campus may be repurposed could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to school districts and charter schools is anticipated.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, HL, AM, THo