87R20516 CAE-D

By:  Dutton H.B. No. 3731

Substitute the following for H.B. No. 3731:

By:  Dutton C.S.H.B. No. 3731

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability ratings, including interventions and sanctions administered to a school district, open-enrollment charter school, or district or school campus assigned an unacceptable performance rating.

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

SECTION 1.  Sections 12.1141(b) and (d), Education Code, are amended to read as follows:

(b)  At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for expedited renewal of the charter, the charter automatically renews unless, not later than the 30th day after the date the charter holder submits the petition, the commissioner provides written notice to the charter holder that expedited renewal of the charter is denied. The commissioner may not deny expedited renewal of a charter if:

(1)  the charter holder has been assigned the highest or second highest performance rating under Subchapter C, Chapter 39, for the three preceding school years;

(2)  the charter holder has been assigned a financial performance accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better for the three preceding school years; and

(3)  no campus operating under the charter has been assigned an unacceptable [~~the lowest~~] performance rating under Subchapter C, Chapter 39, for the three preceding school years or such a campus has been closed.

(d)  At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter, the commissioner may not renew the charter and shall allow the charter to expire if:

(1)  the charter holder has been assigned an unacceptable [~~the lowest~~] performance rating under Subchapter C, Chapter 39, for any three of the five preceding school years;

(2)  the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years;

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

(4)  any campus operating under the charter has been assigned an unacceptable [~~the lowest~~] performance rating under Subchapter C, Chapter 39, for the three preceding school years and such a campus has not been closed.

SECTION 2.  Section 39.054(a), Education Code, is amended to read as follows:

(a)  The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c). An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement or unacceptable performance, in accordance with Section 39.0543. An overall or domain performance rating of F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D, except as provided by Section 39.0543, or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement. A reference in law to an unacceptable performance rating includes an overall or domain performance rating of D, as provided by Section 39.0543, and F.

SECTION 3.  Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0543 to read as follows:

Sec. 39.0543.  NEEDS IMPROVEMENT OR UNACCEPTABLE PERFORMANCE RATING. (a) A reference in law to an acceptable performance or acceptable performance rating for a school district, open-enrollment charter school, district campus, or charter school campus includes an overall performance rating of D if, since previously receiving an overall performance rating of C or higher the district, charter school, district campus, or school campus:

(1)  has not received an overall performance rating of F; and

(2)  has not received two or more overall performance ratings of D.

(a-1)  For the purposes of this section, an overall performance rating issued in 2017-2018 or a prior school year for a school district, open-enrollment charter school, district campus, or charter school campus of:

(1)  met standard, academically acceptable, recognized, exemplary, A, B, or C is considered to be a performance rating of C or higher; and

(2)  improvement required, academically unacceptable, or F is considered to be a rating of F.

(a-2)  Subsection (a-1) and this subsection expire September 1, 2027.

(b)  A performance rating of D that meets the requirements of Subsection (a) is considered performance that needs improvement.

(c)  A reference in law to an unacceptable performance or unacceptable performance rating includes a performance rating of D if the rating does not satisfy Subsection (a).

SECTION 4.  Section 39A.061(b), Education Code, is amended to read as follows:

(b)  The commissioner may authorize a targeted improvement plan, [~~or~~] an updated targeted improvement plan, or a local improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11.

SECTION 5.  Subchapter B, Chapter 39A, Education Code, is amended by adding Section 39A.065 to read as follows:

Sec. 39A.065.  LOCAL IMPROVEMENT PLAN. (a) A school district, open-enrollment charter school, district campus, or charter school campus that is assigned a rating of D that qualifies as a performance that needs improvement rating under Section 39.0543(a) shall develop and implement a local improvement plan.

(b)  A local improvement plan must be presented to the board of trustees of the school district or governing board of the open-enrollment charter school.

(c)  The commissioner shall adopt rules to establish requirements for a local improvement plan components and training. The commissioner may not require a school district or open-enrollment charter school to submit the local improvement plan to the agency.

SECTION 6.  Subchapter C, Chapter 39A, Education Code, is amended by adding Sections 39A.118 and 39A.119 to read as follows:

Sec. 39A.118.  INTERVENTION IF ASSIGNED CERTAIN PERFORMANCE NEEDS IMPROVEMENT RATING. (a) Until another performance rating is issued, the agency may not implement the intervention or sanctions as provided by Subsection (b) for a school district, open-enrollment charter school, district campus, or charter school campus, if the performance rating initiating the action under Subsection (b) is based on the first or second overall performance rating of D, since previously receiving a rating of C or higher.

(b)  The following interventions are subject to a pause under Subsection (a):

(1)  revocation of a charter under Section 12.115(c);

(2)  annexation under Section 13.054;

(3)  change in accreditation status under rules adopted for accreditation under Section 39.052; and

(4)  interventions or sanctions under Section 39A.101(a), 39A.107(a) or (c), or 39A.111.

(c)  The performance rating identified under Subsection (a):

(1)  may not be included in calculating consecutive school years of an unacceptable performance rating; and

(2)  is not considered a break in consecutive school years of an unacceptable performance rating.

(d)  Interventions or sanctions implemented prior to the intervention pause under Subsection (a) shall continue during the school year for which actions under Subsection (b) are paused.

(e)  This section does not apply to a commissioner action based on performance or reasons not listed as interventions under Subsection (b).

Sec. 39A.119.  PERFORMANCE NEEDS IMPROVEMENT RATING TRANSITION PROVISION. (a) For each school district, open-enrollment charter school, district campus, and charter school campus, the commissioner shall determine the number of unacceptable performance ratings issued to the district, school, or district or school campus since the last acceptable performance rating or higher as defined by Subsection (b) and use that as the base number of consecutive years of unacceptable performance for which the performance rating in the 2021-2022 school year will be added.

(b)  For purposes of this section:

(1)  an acceptable performance rating includes:

(A)  a rating of met standard, academically acceptable, recognized, exemplary, A, B, or C; or

(B)  a rating of D that meets the requirements of Section 39.0543(a);

(2)  an unacceptable performance rating includes:

(A)  a rating of improvement required, academically unacceptable, or F; or

(B)  a rating of D that meets the requirements of Section 39.0543(c); and

(3)  a rating of not rated may not be considered acceptable or unacceptable and may not be considered a break in consecutive years of unacceptable performance.

(c)  This section expires September 1, 2027.

SECTION 7.  Section 39A.0545, Education Code, is repealed.

SECTION 8.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.