

By: Aycock

H.B. No. 1842

Substitute the following for H.B. No. 1842:

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C.S.H.B. No. 1842

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the intervention in and sanction of a public school that
3 has received an academically unsuccessful performance rating for at
4 least two consecutive school years.

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

6 SECTION 1. The heading to Section 39.107, Education Code,
7 is amended to read as follows:

8 Sec. 39.107. CAMPUS TURNAROUND PLAN, BOARD OF MANAGERS
9 [RECONSTITUTION, — REPURPOSING], ALTERNATIVE MANAGEMENT, AND
10 CLOSURE.

11 SECTION 2. Section 39.107, Education Code, is amended by
12 amending Subsections (a), (a-1), (b), (b-1), (b-2), (d), (e),
13 (e-1), (e-2), (f), and (g) and adding Subsections (a-2), (b-3),
14 (b-4), (b-5), (b-6), (b-7), (b-8), (b-9), (e-4), (e-5), (e-6),
15 (g-1), and (g-2) to read as follows:

16 (a) After a campus has been identified as unacceptable for
17 two consecutive school years, the commissioner shall order the
18 campus to prepare and submit a campus turnaround plan ~~[the~~
19 ~~reconstitution of the campus]~~. The commissioner shall by rule
20 establish procedures governing the time and manner in which the
21 campus must submit the campus turnaround plan.

22 (a-1) A ~~[In reconstituting a campus, a]~~ campus intervention
23 team shall assist the campus in:

24 (1) developing an updated targeted improvement plan,

1 including a campus turnaround plan to be implemented by the campus;

2 (2) submitting the updated targeted improvement plan
3 to the board of trustees of the school district for approval and
4 presenting the plan in a public hearing as provided by Section
5 39.106(e-1);

6 (3) obtaining approval of the updated plan from the
7 commissioner; and

8 (4) executing the plan on approval by the
9 commissioner.

10 (a-2) Before a campus turnaround plan is prepared and
11 submitted for approval to the board of trustees of the school
12 district, the district, in consultation with the campus
13 intervention team, shall:

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

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

20 (b) The school district, in consultation with the campus
21 intervention team, shall prepare the campus turnaround plan and
22 allow parents, the community, and stakeholders an opportunity to
23 review the plan before it is submitted for approval to the board of
24 trustees of the school district. The plan must include details on
25 the method for restructuring, reforming, or reconstituting the
26 campus. If the district determines that granting a district
27 charter under Section 12.0522 is appropriate for the campus, the

1 campus turnaround plan must provide information on the
2 implementation of the district charter. The plan must assist the
3 campus in implementing procedures to satisfy all performance
4 standards required under Section 39.054(e) [~~decide which educators~~
5 may be retained at that campus. A principal who has been employed
6 by the campus in that capacity during the full period described by
7 Subsection (a) may not be retained at that campus unless the campus
8 intervention team determines that retention of the principal would
9 be more beneficial to the student achievement and campus stability
10 than removal].

11 (b-1) A campus turnaround plan must include:

12 (1) a detailed description of the academic programs to
13 be offered at the campus, including instructional methods, length
14 of school day and school year, academic credit and promotion
15 criteria, and programs to serve special student populations;

16 (2) the term of the charter, if a district charter is
17 to be granted for the campus under Section 12.0522, which may not
18 exceed five years;

19 (3) written comments from the campus-level committee
20 established under Section 11.251, if applicable, parents, and
21 teachers at the campus; and

22 (4) a detailed description of the budget, staffing,
23 and financial resources required to implement the plan, including
24 any supplemental resources to be provided by the district or other
25 identified sources [~~A teacher of a subject assessed by an~~

26 ~~assessment instrument under Section 39.023 may be retained only if~~
27 ~~the campus intervention team determines that a pattern exists of~~

1 ~~significant academic improvement by students taught by the teacher.~~
2 ~~If an educator is not retained, the educator may be assigned to~~
3 ~~another position in the district].~~

4 (b-2) A school district may request that a regional
5 education service center provide assistance in the development and
6 implementation of a campus turnaround plan. ~~[For each year that a~~
7 ~~campus is considered to have an unacceptable performance rating, a~~
8 ~~campus intervention team shall:~~

9 ~~[(1) assist in updating the targeted improvement plan~~
10 ~~to identify and analyze areas of growth and areas that require~~
11 ~~improvement;~~

12 ~~[(2) submit the updated plan to:~~

13 ~~[(A) the board of trustees of the school~~
14 ~~district; and~~

15 ~~[(B) the parents of campus students; and~~

16 ~~[(3) assist in submitting the updated plan to the~~
17 ~~commissioner for approval.]~~

18 (b-3) The updated targeted improvement plan submitted to
19 the board of trustees of a school district under Subsection (a-1)
20 must include all plans and details that are required to execute the
21 campus turnaround plan without any additional action or approval by
22 the board of trustees.

23 (b-4) A campus turnaround plan developed under this section
24 must take effect not later than the school year following the third
25 consecutive school year that the campus has received an
26 academically unacceptable performance rating.

27 (b-5) Following approval of a campus turnaround plan by the

1 commissioner, the school district, in consultation with the campus
2 intervention team, may take any actions needed to prepare for the
3 implementation of the plan.

4 (b-6) If a campus for which a campus turnaround plan has
5 been ordered under Subsection (a) receives an academically
6 acceptable performance rating for the school year following the
7 order, the board of trustees may:

8 (1) implement the campus turnaround plan;

9 (2) implement a modified version of the campus
10 turnaround plan; or

11 (3) withdraw the campus turnaround plan.

12 (b-7) A school district required to implement a campus
13 turnaround plan may modify or withdraw the plan if the campus
14 receives an academically acceptable performance rating for two
15 consecutive school years following the implementation of the plan.

16 (b-8) Section 12.0522(b) does not apply to a district
17 charter approved by the commissioner under this section. A
18 district charter approved under this section may be renewed or
19 continue in effect after the campus is no longer subject to an order
20 under Subsection (a).

21 (b-9) The commissioner shall adopt rules governing the
22 procedures for an open-enrollment charter school campus that is
23 subject to an order issued under Subsection (a). An
24 open-enrollment charter school must revise the school's charter in
25 accordance with Section 12.114 in the campus turnaround plan.
26 Nothing in this section may be construed to modify any provision of
27 Subchapter D, Chapter 12, relating to the expiration, nonrenewal,

1 revocation, or modification of the governance of an open-enrollment
2 charter school. The governing board of the open-enrollment charter
3 school shall perform the duties of a board of trustees of a school
4 district under this section.

5 (d) The commissioner may approve a campus turnaround plan
6 only if the commissioner determines that the campus will satisfy
7 all student performance standards required under Section 39.054(e)
8 not later than the second year the campus receives a performance
9 rating following the implementation of the campus turnaround plan.
10 If the commissioner does not make this determination [~~determines~~
11 ~~that the campus is not fully implementing the updated targeted~~
12 ~~improvement plan or if the students enrolled at the campus fail to~~
13 ~~demonstrate substantial improvement in the areas targeted by the~~
14 ~~updated plan~~], the commissioner shall [~~may~~] order:

15 (1) appointment of a board of managers to govern the
16 district as provided by Section 39.112(b) [~~repurposing of the~~
17 ~~campus under this section~~];

18 (2) alternative management of the campus under this
19 section; or

20 (3) closure of the campus.

21 (e) If a campus is considered to have an unacceptable
22 performance rating for three consecutive school years after the
23 campus is ordered to submit a campus turnaround plan
24 [~~reconstituted~~] under Subsection (a), the commissioner, subject to
25 Subsection [~~(e-1) or~~] (e-2), shall order:

26 (1) appointment of a board of managers to govern the
27 district as provided by Section 39.112(b) [~~repurposing of the~~

1 ~~campus under this section]; or~~

2 (2) ~~[alternative management of the campus under this~~
3 ~~section; or~~

4 ~~[(3)]~~ closure of the campus.

5 (e-1) If the commissioner orders the closure of a campus
6 under this section, that campus may be repurposed to serve students
7 at that campus location only if the commissioner finds that the
8 repurposed campus offers a distinctly different academic program
9 and serves a majority of grade levels at the repurposed campus not
10 served at the original campus and approves a new campus
11 identification number for the campus. The majority of students
12 assigned to a campus that has been closed and repurposed may not
13 have attended that campus in the previous school year. Any student
14 assigned to a campus that has been closed must be allowed to
15 transfer to any other campus in the district that serves that
16 student's grade level and on request must be provided
17 transportation to the other campus. The commissioner may grant an
18 exemption allowing students assigned to a closed campus to attend
19 the repurposed campus if there is no other campus in the district at
20 which the students may enroll ~~[The commissioner may waive the~~
21 ~~requirement to enter an order under Subsection (e) for not more than~~
22 ~~one school year if the commissioner determines that, on the basis of~~
23 ~~significant improvement in student performance over the preceding~~
24 ~~two school years, the campus is likely to be assigned an acceptable~~
25 ~~performance rating for the following school year].~~

26 (e-2) For purposes of this subsection, "parent" has the
27 meaning assigned by Section 12.051. If the commissioner is

1 presented, in the time and manner specified by commissioner rule, a
2 written petition signed by the parents of a majority of the students
3 enrolled at a campus to which Subsection (e) applies, specifying
4 the action described by Subsection (e)(1) or [7] (2) [~~7~~ ~~or~~ (3)] that
5 the parents request the commissioner to order, the commissioner
6 shall, except as otherwise authorized by this subsection, order the
7 specific action requested. If the board of trustees of the school
8 district in which the campus is located presents to the
9 commissioner, in the time and manner specified by commissioner
10 rule, a written request that the commissioner order specific action
11 authorized under Subsection (e) other than the specific action
12 requested in the parents' petition and a written explanation of the
13 basis for the board's request, the commissioner may order the
14 action requested by the board of trustees.

15 (e-4) A board of managers appointed by the commissioner
16 under this section is required to take appropriate actions to
17 resolve the conditions that caused a campus to be subject to an
18 order under Subsection (a), including amending the district's
19 budget, reassigning staff, or relocating academic programs.

20 (e-5) The commissioner may authorize payment of a board of
21 managers appointed under this section from agency funds.

22 (e-6) The commissioner may at any time replace a member of a
23 board of managers appointed under this section.

24 (f) Notwithstanding Section 39.112(e), the commissioner may
25 remove a board of managers appointed to govern a district under this
26 section only if the campus that was the basis for the appointment of
27 the board of managers receives an academically acceptable

1 performance rating for two consecutive school years. [~~If the~~
2 ~~commissioner orders repurposing of a campus, the school district~~
3 ~~shall develop a comprehensive plan for repurposing the campus and~~
4 ~~submit the plan to the board of trustees for approval, using the~~
5 ~~procedures described by Section 39.106(e-1), and to the~~
6 ~~commissioner for approval. The plan must include a description of a~~
7 ~~rigorous and relevant academic program for the campus. The plan may~~
8 ~~include various instructional models. The commissioner may not~~
9 ~~approve the repurposing of a campus unless:~~

10 ~~[(1) all students in the assigned attendance zone of~~
11 ~~the campus in the school year immediately preceding the repurposing~~
12 ~~of the campus are provided with the opportunity to enroll in and are~~
13 ~~provided transportation on request to another campus, unless the~~
14 ~~commissioner grants an exception because there is no other campus~~
15 ~~in the district in which the students may enroll,~~

16 ~~[(2) the principal is not retained at the campus,~~
17 ~~unless the commissioner determines that students enrolled at the~~
18 ~~campus have demonstrated significant academic improvement, and~~

19 ~~[(3) teachers employed at the campus in the school~~
20 ~~year immediately preceding the repurposing of the campus are not~~
21 ~~retained at the campus, unless the commissioner or the~~
22 ~~commissioner's designee grants an exception, at the request of a~~
23 ~~school district, for:~~

24 ~~[(A) a teacher who provides instruction in a~~
25 ~~subject other than a subject for which an assessment instrument is~~
26 ~~administered under Section 39.023(a) or (c) who demonstrates to the~~
27 ~~commissioner satisfactory performance, or~~

1 ~~[(B) a teacher who provides instruction in a~~
2 ~~subject for which an assessment instrument is administered under~~
3 ~~Section 39.023(a) or (c) if the district demonstrates that the~~
4 ~~students of the teacher demonstrated satisfactory performance or~~
5 ~~improved academic growth on that assessment instrument.]~~

6 (g) Following the removal of a board of managers under
7 Subsection (f), or at the request of a managing entity appointed
8 under Subsection (d) to oversee the implementation of alternative
9 management, the commissioner may appoint a conservator for the
10 district to ensure district-level support for low-performing
11 campuses and to oversee the implementation of the updated targeted
12 improvement plan ~~[If an educator is not retained under Subsection~~
13 ~~(f), the educator may be assigned to another position in the~~
14 ~~district].~~

15 (g-1) If the commissioner orders alternative management of
16 a campus under Subsection (d)(2), the school district shall execute
17 a contract with a managing entity for a term not to exceed five
18 years. The terms of the contract must be approved by the
19 commissioner. If a campus receives an academically unacceptable
20 performance rating for two consecutive school years after the
21 managing entity assumes management of the campus, the commissioner
22 shall cancel the contract with the managing entity.

23 (g-2) Subject to Subsection (e), at the end of the contract
24 term with a managing entity or the cancellation of a contract with a
25 managing entity under Subsection (g-1), the board of trustees of
26 the school district shall resume management of the campus.

27 SECTION 3. Section 39.114, Education Code, is amended to

1 read as follows:

2 Sec. 39.114. IMMUNITY FROM CIVIL LIABILITY. An employee,
3 volunteer, or contractor acting on behalf of the commissioner under
4 this subchapter, or a member of a board of managers appointed by the
5 commissioner under this subchapter is immune from civil liability
6 to the same extent as a professional employee of a school district
7 under Section 22.051.

8 SECTION 4. Section 39.106(f), Education Code, is repealed.

9 SECTION 5. Not later than December 1, 2018, the Legislative
10 Budget Board shall publish a report evaluating the implementation
11 of Section 39.107, Education Code, as amended by this Act,
12 including an analysis of whether the changes in law made by this Act
13 result in improvements to school performance and student
14 performance. The Legislative Budget Board may contract with another
15 entity for the purpose of producing the evaluation required by this
16 section.

17 SECTION 6. The commissioner of education shall adopt a
18 transition plan that allows a public school campus that received an
19 academically unacceptable performance rating for three or more
20 consecutive school years before the effective date of this Act:

21 (1) to continue with the interventions and sanctions
22 that have already been applied to the campus; and

23 (2) to be closed or for a board of managers to be
24 appointed for the school district if the campus receives an
25 academically unacceptable performance rating for the two school
26 years following the effective date of this Act.

27 SECTION 7. (a) Except as provided by Subsection (b) of this

1 section, this Act applies beginning with the 2016-2017 school year.

2 (b) For a public school campus that receives an academically
3 unacceptable performance rating for a second consecutive year
4 following the 2015-2016 school year, this Act applies beginning
5 with the 2016-2017 school year.

6 SECTION 8. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.