

By: Kolkhorst

S.B. No. 1566

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain powers and duties of the board of trustees of an
3 independent school district and the governing body of an
4 open-enrollment charter school.

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

6 SECTION 1. Section [11.1511](#), Education Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) The board may compel a school district's chief financial
9 officer or chief academic officer or a person holding an equivalent
10 position to appear at an executive session of the board or to
11 testify at a public hearing held by the board. A superintendent may
12 not interfere with an appearance or testimony compelled by the
13 board under this subsection.

14 SECTION 2. Section [11.1512](#), Education Code, is amended by
15 amending Subsection (c) and adding Subsection (g) to read as
16 follows:

17 (c) A member of the board of trustees of the district, when
18 acting in the member's official capacity, has an inherent right of
19 access to information, documents, and records maintained by the
20 district, and the district shall provide the information,
21 documents, and records to the member without requiring the member
22 to submit a public information request under Chapter [552](#),
23 Government Code. The district shall provide the information,
24 documents, and records to the member not later than the 20th

1 business day after the date the district receives a request,
2 without regard to whether the requested items are the subject of or
3 relate to an item listed on an agenda for an upcoming meeting. The
4 district may withhold or redact information, a document, or a
5 record requested by a member of the board to the extent that the
6 item is excepted from disclosure or is confidential under Chapter
7 552, Government Code, or other law. This subsection does not
8 require the district to provide information, documents, and records
9 that are not subject to disclosure under the Family Educational
10 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

11 (g) A district shall create a policy on visits to a district
12 campus or other facility by a member of the board of trustees of the
13 district.

14 SECTION 3. Section 11.1513, Education Code, is amended by
15 adding Subsection (k) to read as follows:

16 (k) Notwithstanding Subsection (a)(2), the board of
17 trustees may employ or dismiss a chief financial officer, a chief
18 academic officer, or a person holding an equivalent position.

19 SECTION 4. Subchapter D, Chapter 11, Education Code, is
20 amended by adding Sections 11.1515 and 11.1516 to read as follows:

21 Sec. 11.1515. OVERSIGHT OF ACADEMIC ACHIEVEMENT. The board
22 of trustees of an independent school district or the governing body
23 of an open-enrollment charter school is responsible for overseeing
24 student academic achievement and maximizing student performance.

25 Sec. 11.1516. DISTRICT DATA ON ACADEMIC ACHIEVEMENT.

26 (a) On request by the board of trustees of an independent school
27 district, the agency shall create a secure Internet website that

1 members of the board may use to review campus and district academic
2 achievement data.

3 (b) The website must:

4 (1) include district information, disaggregated by
5 campus, grade, academic quarter or semester, as applicable, and
6 school year, regarding the following:

7 (A) student academic achievement and growth;

8 (B) teacher and student attendance; and

9 (C) student discipline records; and

10 (2) be updated each quarter of the school year.

11 (c) The commissioner shall provide information that permits
12 a board member to compare the district's academic performance with
13 the academic performance of other districts of similar size and
14 racial and economic demographics.

15 (d) A district must provide requested information to the
16 commissioner for the creation of a website under this section.

17 (e) The agency may contract with a private entity as
18 necessary to implement this section.

19 (f) All information and reports created or received by the
20 commissioner under this section from a district are considered
21 confidential under Chapter 552, Government Code, and may not be
22 disclosed in any public or private setting.

23 (g) The commissioner may adopt rules for the implementation
24 of this section.

25 SECTION 5. Section 11.157, Education Code, is amended to
26 read as follows:

27 Sec. 11.157. CONTRACTS FOR EDUCATIONAL SERVICES. (a) The

1 board of trustees of an independent school district may contract
2 with a public or private entity for that entity to provide
3 educational services for the district.

4 (b) The board of trustees by a majority vote may require a
5 two-thirds vote for the renewal of a contract described by
6 Subsection (a).

7 SECTION 6. Section 11.159, Education Code, is amended by
8 amending Subsection (b) and adding Subsections (c) and (d) to read
9 as follows:

10 (b) A trustee must complete any training required by the
11 State Board of Education. The minutes of the last regular meeting
12 of the board of trustees held during a calendar year must reflect
13 whether each trustee has met or is delinquent in meeting the
14 training required to be completed as of the date of the meeting. If
15 the minutes reflect that a trustee is delinquent, the district
16 shall post notice of the delinquency on the district's Internet
17 website within two weeks of discovering the delinquency and
18 maintain the posting until the trustee meets the requirements.

19 (c) The State Board of Education shall require a trustee to
20 complete at least three hours of training on evaluating student
21 academic performance each year. The agency shall create the
22 training on evaluating student academic performance and certify a
23 trustee's completion of the training. A candidate for trustee may
24 complete the training before the candidate is elected. A new
25 trustee shall complete the training within 120 days after the date
26 of the trustee's election or appointment. A returning trustee
27 shall complete the training annually.

1 (d) A trustee or candidate for trustee may complete training
2 required under Subsection (c) at a regional education service
3 center.

4 SECTION 7. Subchapter D, Chapter 11, Education Code, is
5 amended by adding Section 11.182 to read as follows:

6 Sec. 11.182. BOARD IMPROVEMENT AND EVALUATION TOOL.

7 (a) The commissioner shall develop a board of trustees improvement
8 and evaluation tool. The evaluation tool must be designed to assist
9 a school district in improving board oversight and academic
10 achievement.

11 (b) A board of trustees may determine whether to use the
12 evaluation tool, except that the commissioner shall require a board
13 to use the evaluation tool if:

14 (1) the district has received an overall performance
15 rating of D or F under Section 39.054 for two of the preceding three
16 school years; or

17 (2) the commissioner determines the board is
18 ineffectively managing the district.

19 (c) The commissioner may adopt rules for the implementation
20 of this section.

21 SECTION 8. Section 11.201(b), Education Code, is amended to
22 read as follows:

23 (b) The board of trustees of an independent school district
24 may employ by contract a superintendent for a term not to exceed
25 five years. If approved by a majority vote of the board, the board
26 may specify in a superintendent's contract that the contract may be
27 renewed only with a two-thirds vote of the board.

1 SECTION 9. The heading to Section 12.064, Education Code,
2 is amended to read as follows:

3 Sec. 12.064. PROCEDURE FOR PLACEMENT ON PROBATION, ~~[OR]~~
4 REVOCATION, OR RENEWAL.

5 SECTION 10. Section 12.064, Education Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) The board of trustees by a majority vote may require a
8 two-thirds vote for the renewal of a charter under this subchapter.

9 SECTION 11. Section 39.057(a), Education Code, is amended
10 to read as follows:

11 (a) The commissioner may authorize special accreditation
12 investigations to be conducted:

13 (1) when excessive numbers of absences of students
14 eligible to be tested on state assessment instruments are
15 determined;

16 (2) when excessive numbers of allowable exemptions
17 from the required state assessment instruments are determined;

18 (3) in response to complaints submitted to the agency
19 with respect to alleged violations of civil rights or other
20 requirements imposed on the state by federal law or court order;

21 (4) in response to established compliance reviews of
22 the district's financial accounting practices and state and federal
23 program requirements;

24 (5) when extraordinary numbers of student placements
25 in disciplinary alternative education programs, other than
26 placements under Sections 37.006 and 37.007, are determined;

27 (6) in response to an allegation involving a conflict

1 between members of the board of trustees or between the board and
2 the district administration if it appears that the conflict
3 involves a violation of a role or duty of the board members or the
4 administration clearly defined by this code;

5 (7) when excessive numbers of students in special
6 education programs under Subchapter A, Chapter 29, are assessed
7 through assessment instruments developed or adopted under Section
8 39.023(b);

9 (8) in response to an allegation regarding or an
10 analysis using a statistical method result indicating a possible
11 violation of an assessment instrument security procedure
12 established under Section 39.0301, including for the purpose of
13 investigating or auditing a school district under that section;

14 (9) when a significant pattern of decreased academic
15 performance has developed as a result of the promotion in the
16 preceding two school years of students who did not perform
17 satisfactorily as determined by the commissioner under Section
18 39.0241(a) on assessment instruments administered under Section
19 39.023(a), (c), or (l);

20 (10) when excessive numbers of students eligible to
21 enroll fail to complete an Algebra II course or any other advanced
22 course as determined by the commissioner;

23 (11) when resource allocation practices as evaluated
24 under Section 39.0821 indicate a potential for significant
25 improvement in resource allocation;

26 (12) when a disproportionate number of students of a
27 particular demographic group is graduating with a particular

1 endorsement under Section 28.025(c-1);

2 (13) when an excessive number of students is
3 graduating with a particular endorsement under Section
4 28.025(c-1);

5 (14) in response to a complaint submitted to the
6 agency with respect to alleged inaccurate data that is reported
7 through the Public Education Information Management System (PEIMS)
8 or through other reports required by state or federal law or rule or
9 court order and that is used by the agency to make a determination
10 relating to public school accountability, including accreditation,
11 under this chapter; ~~or~~

12 (15) when the commissioner determines the board is
13 ineffectively managing the district; or

14 (16) as the commissioner otherwise determines
15 necessary.

16 SECTION 12. Section 39.102(a), Education Code, is amended
17 to read as follows:

18 (a) If a school district does not satisfy the accreditation
19 criteria under Section 39.052, the academic performance standards
20 under Section 39.053 or 39.054, or any financial accountability
21 standard as determined by commissioner rule, or if considered
22 appropriate by the commissioner on the basis of a special
23 accreditation investigation under Section 39.057, the commissioner
24 shall take any of the following actions to the extent the
25 commissioner determines necessary:

26 (1) issue public notice of the deficiency to the board
27 of trustees;

1 (2) order a hearing conducted by the board of trustees
2 of the district for the purpose of notifying the public of the
3 insufficient performance, the improvements in performance expected
4 by the agency, and the interventions and sanctions that may be
5 imposed under this section if the performance does not improve;

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

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

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

17 (6) appoint an agency monitor to participate in and
18 report to the agency on the activities of the board of trustees or
19 the superintendent;

20 (7) appoint a conservator to oversee the operations of
21 the district;

22 (8) appoint a management team to direct the operations
23 of the district in areas of insufficient performance or require the
24 district to obtain certain services under a contract with another
25 person;

26 (9) if a district has a current accreditation status
27 of accredited-warned or accredited-probation, fails to satisfy any

1 standard under Section 39.054(e), or fails to satisfy financial
2 accountability standards as determined by commissioner rule,
3 appoint a board of managers to exercise the powers and duties of the
4 board of trustees;

5 (10) if for two consecutive school years, including
6 the current school year, a district has received an accreditation
7 status of accredited-warned or accredited-probation, has failed to
8 satisfy any standard under Section 39.054(e), or has failed to
9 satisfy financial accountability standards as determined by
10 commissioner rule, revoke the district's accreditation and:

11 (A) order closure of the district and annex the
12 district to one or more adjoining districts under Section 13.054;
13 or

14 (B) in the case of a home-rule school district or
15 open-enrollment charter school, order closure of all programs
16 operated under the district's or school's charter; [~~or~~]

17 (11) if a district has failed to satisfy any standard
18 under Section 39.054(e) due to the district's dropout rates, impose
19 sanctions designed to improve high school completion rates,
20 including:

21 (A) ordering the development of a dropout
22 prevention plan for approval by the commissioner;

23 (B) restructuring the district or appropriate
24 school campuses to improve identification of and service to
25 students who are at risk of dropping out of school, as defined by
26 Section 29.081;

27 (C) ordering lower student-to-counselor ratios

1 on school campuses with high dropout rates; and

2 (D) ordering the use of any other intervention
3 strategy effective in reducing dropout rates, including mentor
4 programs and flexible class scheduling; or

5 (12) order the use of the board improvement and
6 evaluation tool as provided by Section 11.182.

7 SECTION 13. This Act takes effect September 1, 2017.