By Grusendorf H.B. No. 2300

A BILL TO BE ENTITLED

AN ACT

relating to awards, incentives, and assistance for certain schools, school districts, and students, to the qualifications of school principals, to the accreditation of public schools, and to educational economic policy research.

Henry Cellar

Williamson

Robert Jewell

Rick Perry

R G Smith

Anita Hill

Bill Blackwood

Wendell Hudler

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Steve Holzhauser

Bill Hammond

Jim Brown

Brad Wright

Barry Connelly

Nick Waterfield

David Bunts

Valigura

Fred Hill

Bill Glaster

Terrell Dunn

Dick Stop

Jim Hart

Dan Morales

Phyllis Robinson

Anne Mowery

John Culberson

Carolyn Park

M. A. Taylor

Mike Hackson

Jeff Wentworth

Jim Tallas

Bob Eckels

Bob Melton

Barry B Telford

By Grusendorf, Williams H.B. No. 2300

A BILL TO BE ENTITLED

AN ACT

relating to awards, incentives, and assistance for certain schools, school districts, and students, to the qualifications of school principals, to the accreditation of public schools, and to educational economic policy research.

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

SECTION 1. The Educational Excellence Program for Texas is created by this Act. The purposes of the program are to recognize and reward gains in the achievement of schools and school districts, to improve the system of accreditation for school districts, to provide awards and incentives for certain students, to provide school principal development grants and scholarships, to authorize waivers for innovative education programs in exemplary school districts, to provide early intervention for students at risk of dropping out, and to encourage school districts to reduce their dropout rates.

SECTION 2. Title 2, Education Code, is amended by adding Chapter 34 to read as follows:

CHAPTER 34. PUBLIC EDUCATION PROGRAMS IN THE OFFICE OF THE GOVERNOR

SUBCHAPTER A. THE TEXAS EDUCATION EXCELLENCE AWARD SYSTEM

Sec. 34.001. CREATION OF SYSTEM. The Texas Education Excellence Award System (TEXAS) is created in the office of the governor to recognize and reward gains in achievement of schools

and school districts.

Sec. 34.002. TYPES OF AWARDS. (a) The governor may present a cash award to the schools or districts that a committee determines have the most improved performances. For each student in average daily attendance, each of those schools or districts is entitled to an amount set for the award for which the school or district is selected by the committee responsible for that award, subject to any limitation set by that committee on the total amount that may be awarded to a school or district.

(b) The governor may present proclamations or certificates to additional schools and districts that a committee determines have exemplary performances.

Sec. 34.003. EDUCATIONAL EXCELLENCE COMMITTEE. (a) The educational excellence committee is created to establish the criteria for and select the recipients of the scholastic gains award. The committee is composed of nine members appointed by the governor with the advice and consent of the senate. Members serve staggered six-year terms, with three members' terms expiring February 1 of each odd-numbered year.

(b) The committee must include a parent, a member of the general public, and persons from the fields of public education, higher education, and business.

(c) Each person appointed to the committee must be interested in public education. The representatives of public or higher education appointed to the committee must have knowledge and experience in one or more of the following areas:

(1) curriculum and instruction;

(2) statistical analysis;

(3) school leadership; or

(4) educational management.

Sec. 34.004. SCHOLASTIC GAINS AWARD. (a) Not later than November 30 each year, the educational excellence committee shall select schools and districts qualified to receive scholastic gains awards for improvements in performance during the preceding school year.

(b) The committee shall establish the criteria for the award. The committee shall incorporate criteria for the performance of students in special education programs. The criteria for schools and districts must be measurable criteria and may include criteria related to:

(1) student achievement;

(2) operational efficiency;

(3) central administrative support;

(4) student and teacher attendance;

(5) graduates who enter college, receive advanced training, or are employed;

(6) principals participating in instructional leadership training; and

(7) other matters selected by the committee that are related to scholastic gains.

(c) The Central Education Agency shall notify each school district of the manner in which the district, or a school in the district, may qualify for a scholastic gains award.

Sec. 34.005. STUDENT INTERVENTION PROGRAM COMMITTEE. (a)

The student intervention program committee is created to select the schools and districts qualified to receive student intervention program awards. The committee is composed of nine persons appointed by the governor with the advice and consent of the senate. Members serve six-year staggered terms, with three members' terms expiring February 1 of each odd-numbered year.

(b) The members of the committee may include:

(1) parents;

(2) students;

(3) persons who work in literacy, drug abuse prevention, or job training programs;

(4) persons from the fields of education, business, social services, and juvenile justice; and

(5) members of the general public.

(c) The committee shall include persons with experience in program planning and evaluation, understanding of social problems in the school environment, and knowledge of model programs for dropout and drug prevention and for increasing parental and community involvement.

Sec. 34.006. STUDENT INTERVENTION PROGRAM AWARDS. (a) Not later than April 30 each year, the student intervention program committee shall select schools or districts qualified to receive awards for providing exemplary student intervention programs during the preceding two school years.

(b) The programs must be designed to serve students at risk of dropping out of school and may include programs for dropout prevention and recovery, drug and alcohol prevention, parental and

community involvement, or other programs that assist those students.

(c) The committee shall establish criteria for the awards that are related to:

(1) the planning, cost, and transferability of a program;

(2) the relevance of a program to social problems in the school;

(3) parental and community participation;

(4) the effect of the program on dropout, promotion, and attendance rates; and

(5) other matters selected by the committee that are related to a program's effectiveness in assisting students at risk of dropping out of school.

(d) The Central Education Agency shall notify each school district of the manner in which the district or a school in the district may qualify for a student intervention program award.

Sec. 34.007. USE OF AWARDS. (a) In determining the use of a monetary award received under this subchapter, a school or district shall give a priority to academic enhancement purposes. The award may not be used for salary supplements or any purpose related to athletics.

(b) The principal of each school or the superintendent of each district that receives a cash award under this subchapter, as applicable, shall appoint a committee to determine the use of the funds awarded. The board of trustees may determine the composition of the committee, which may include teachers, administrators, other

school employees, and parents, but the majority of the committee members must be teachers at the school or in the district, as applicable.

Sec. 34.008. FUNDING. The award system may be funded by donations, grants, or legislative appropriations. The office of the governor may solicit and receive grants and donations for the purpose of making awards under this subchapter.

Sec. 34.009. ADMINISTRATIVE AND RESEARCH ASSISTANCE. The Central Education Agency shall provide each committee appointed by the governor under this subchapter with staff support and research and technical assistance.

[Sections 34.010-34.030 reserved for expansion]

SUBCHAPTER B. STUDENT AWARDS AND INCENTIVES

Sec. 34.031. MATH AND SCIENCE INCENTIVES. (a) The office of the governor may issue to a student in a public high school who receives credit for a course in advanced physics or calculus, or another advanced science and mathematics course as defined by the educational excellence committee, an award in the form of:

(1) a $75 tuition credit, evidenced by a certificate issued by the governor, which may be applied to tuition and fees at a public institution of higher education in this state; or

(2) a $50 cash award from private funds donated for the purpose of awards under this section.

(b) A student who receives a certificate for tuition credit under this section may submit the certificate to a qualifying institution in which the student enrolls to be applied to the student's tuition and fees. The institution shall reduce the

student's tuition and fees by the amount of the tuition credit.

(c) The office of the governor may accept donations for the purpose of awarding tuition credits and cash awards under this section.

Sec. 34.032. SECOND CHANCE AWARDS. (a) The office of the governor may issue to a student dropout, who dropped out of school before January 1, 1989, is under the age of 19 on September 1, 1989, and returns to school and graduates from high school an award in the form of:

(1) a $500 tuition credit, evidenced by a certificate issued by the governor, which may be applied to tuition and fees at a public institution of higher education in this state;

(2) a cash award, in an amount determined by the office of the governor, from private funds donated for the purpose of awards under this section; or

(3) an opportunity for public or private employment.

(b) The office of the governor shall coordinate employment opportunities offered by public or private employers for students eligible for awards under this section.

(c) A student who receives a certificate for tuition credit under this section may submit the certificate to a qualifying institution in which the student enrolls to be applied to the student's tuition and fees. The institution shall reduce the student's tuition and fees by the amount of the tuition credit.

(d) The office of the governor may accept donations for the purpose of awarding tuition credits and cash awards under this section.

(e) This section expires September 1, 1993.

[Sections 34.033-34.050 reserved for expansion]

SUBCHAPTER C. CENTER FOR EDUCATIONAL ECONOMIC POLICY RESEARCH

Sec. 34.051. CREATION AND PURPOSE. (a) The Center for Educational Economic Policy Research is created as a consortium of universities.

(b) The center shall study the efficiency of the public school system and the effectiveness of instructional methods and curricular programs. The center shall promote the use of successful methods and programs.

Sec. 34.052. FUNDING. The center may be funded by donations, grants, and legislative appropriations. The office of the governor may receive grants and donations for the purposes of this subchapter.

Sec. 34.053. UNIVERSITY PARTICIPATION. Each public senior college or university in the state shall participate in the research conducted by the center at the request of the governor. The universities participating shall execute interagency agreements with each other as necessary for the conducting of the research, and those agreements may provide for services with or without reimbursement for expenses.

SECTION 3. Subchapter F, Chapter 13, Education Code, is amended by adding Section 13.3531 to read as follows:

Sec. 13.3531. PRINCIPAL DEVELOPMENT GRANTS AND SCHOLARSHIPS. (a) The Central Education Agency may establish a program to provide:

(1) grants to institutions and organizations that

provide exemplary administrative training and education for principals; and

(2) scholarships to principals to attend training programs approved by the agency.

(b) To be approved by the agency for a grant under this section or for the purpose of attendance of principals under a scholarship awarded under this section, a training program must:

(1) be designed as a short-term, intensive program to develop instructional leadership skills and the ability of a principal to implement those skills at the principal's school;

(2) receive funding from the business community; and

(3) systematically evaluate the effectiveness of its training.

(c) The value of a scholarship awarded under this section may not exceed $600 for one year and may be awarded only to a principal in a district with limited resources, as defined by the agency.

(d) Grants and scholarships may be awarded under this section from funds appropriated for that purpose and grants from the United States Department of Education for the promotion of administrative training for school administrators.

SECTION 4. Section 13.352(b), Education Code, is amended to read as follows:

(b) The qualification for certification as a principal must be sufficiently flexible so that an outstanding individual [~~teacher~~] may qualify by substituting approved experience and professional training for part of the educational requirements.

Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications for certification as a principal shall emphasize:

(1) instructional leadership;

(2) administration, supervision, and communication skills;

(3) curriculum and instruction management;

(4) performance evaluation;

(5) organization; and

(6) fiscal management.

SECTION 5. Section 16.101, Education Code, is amended to read as follows:

Sec. 16.101. BASIC ALLOTMENT. (a) For each student in average daily attendance, not including the time students spend each day in special education or vocational education programs for which an additional allotment is made under Subchapter D of this chapter, a district is entitled to an allotment of [~~$1,290 for the 1984-1985 school year and~~] $1,350 for each school year [~~thereafter~~], or a greater amount provided by appropriation.

(b) The commissioner of education shall reduce a district's allotment under this section for each student dropout in the district who dropped out in the preceding school year and did not return to school that year. The reduction must be in proportion to the number of days of the regular school term that followed the date on which the student qualifies as a dropout as defined under Section 11.205 of this code. The State Board of Education shall

adopt a proration formula for the purposes of this subsection.

SECTION 6. Section 21.753, Education Code, is amended to read as follows:

Sec. 21.753. ACCREDITATION STANDARDS. (a) The State Board of Education shall adopt rules for the accreditation of school districts. The rules shall include criteria to evaluate the performance of school districts and to rate each district for accreditation purposes as:

(1) recognized;

(2) accredited;

(3) accredited advised;

(4) warned; or

(5) unaccredited. [~~The State Board of Education shall establish standards which a school district must satisfy to be accredited and shall adopt an accreditation process in accordance with this section.~~]

(b) The board may designate as exemplary school districts not more than 40 percent of the districts rated as recognized.

(c) [~~(b)~~] The criteria in the accreditation rules [~~accreditation standards~~] must include consideration of:

(1) goals and objectives of the district;

(2) compliance with statutory requirements and requirements imposed by rule of the State Board of Education under statutory authority;

(3) the quality of learning on each of the district's campuses based on indicators such as scores on achievement tests;

(4) the quality of the district's appraisal of teacher

performance and of administrator performance;

(5) the effectiveness of district principals as instructional leaders;

(6) the fulfillment of curriculum requirements;

(7) the effectiveness of the district's programs in special education and for special populations;

(8) the correlation between student grades and performance on standardized tests;

(9) the quality of teacher in-service training;

(10) paperwork reduction efforts;

(11) training received by board members;

(12) the effectiveness of the district's efforts to improve attendance; [and]

(13) the effectiveness of the district's remedial and support programs under Section 21.557 of this code for students at risk of dropping out of school;

(14) the effectiveness of the district's dropout prevention and recovery programs;

(15) the effectiveness of the district's drug abuse prevention programs;

(16) parental and community involvement in the district;

(17) student achievement in the district; and

(18) efficient allocation of available resources.

SECTION 7. Section 21.754, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) Not less than once every six [~~three~~] years, the agency shall investigate whether a school district satisfies the accreditation criteria [~~standards~~]. The State Board of Education may extend that period for districts that the board designates as exemplary for an additional period not to exceed two years. The agency shall investigate more frequently a district that does not satisfy the accreditation criteria and shall investigate a district rated as warned at least once a year [~~is-determined-to-be-below-any accreditation-standard~~].

(b) In all other years, the agency shall investigate the district without visiting the district's facilities. The investigation shall include an analysis of test data and demographic data, results of parent surveys, and dropout, attendance, and promotion rates. If the investigation identifies potential problems, the agency shall conduct a partial review at the facilities of the district to address those problems. [~~The agency-shall-direct-investigators-to-be-alert--to--any--fundamental deficiencies-in-a-district's-educational-system,-such-as-failure-of the--district--to--satisfy--curriculum--requirements,-and-to-report deficiencies--to--agency--staff--responsible---for---research---and planning.~~]

(c) In making an accreditation investigation, the investigators shall obtain information from campus administrators, teachers, and parents of students enrolled in the district. The agency shall adopt a system to survey the concerns and opinions of parents about the district.

(e) To determine if a district qualifies for a higher rating

than its current rating, the agency may conduct an investigation at the facilities of a district that is not regularly scheduled.

SECTION 8. Section 21.757, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) If a district does not satisfy the accreditation criteria [~~standards~~], the commissioner shall take the following actions[~~,-in-sequence,~~] to the extent the commissioner determines necessary:

(1) confidential notice of the deficiency to any accreditation committee of the board of trustees and to the district superintendent;

(2) public notice of the deficiency to the board of trustees;

(3) appointment of an agency monitor to participate in and report to the agency on the activities of the board of trustees; and

(4) appointment of a master to oversee the operations of the district.

(b) If a district fails to satisfy [~~meet--or--maintain~~] accreditation criteria [~~standards~~] despite the actions of the commissioner under this section, the State Board of Education shall revoke the district's accreditation and shall [~~may~~] withhold state funds from the district.

(d) A district rated as warned shall attempt to qualify for an award under the Texas Education Excellence Award System under Subchapter A, Chapter 34, of this code. A warned district that

does not make a good faith effort to qualify for an award under that subchapter is not eligible for a higher rating under this subchapter.

(e) A district that does not have a rating above accredited advised for a period of three years is unaccredited at the conclusion of that period unless the district qualifies for a rating above accredited advised at that time.

SECTION 9. Subchapter B, Chapter 11, Education Code, is amended by adding Section 11.27 to read as follows:

Sec. 11.27. INNOVATIVE EDUCATIONAL PROGRAMS. (a) The State Board of Education shall establish a process under which a limited number of programs developed by school districts identified as exemplary under Section 21.753 of this code may be approved by the board, notwithstanding lack of compliance with other statutory requirements, to implement innovative educational practices at a school in the district.

(b) For a program to be approved under this section:

(1) the approval must be requested by the school's principal with the approval of at least two-thirds of the teachers at the school; and

(2) the program must provide specific procedures for the evaluation of the program.

(c) A program approved under this section may not result in an increase in the amount of state funds allocated to the district or a decrease in the amount allocated to any other district.

(d) If an innovative educational program proposes a deviation from a requirement or prohibition imposed by state law or

rule, final approval of the program by the State Board of Education constitutes a waiver of the requirement or prohibition for the duration of the program. A prohibition on conduct that constitutes a criminal offense may not be waived.

(e) The State Board of Education shall report to the Legislative Education Board the innovative educational programs requested and approved.

SECTION 10. (a) The Central Education Agency shall conduct a study to determine the amount of funding that would be necessary for the state to pay the expense of summer school for students who are eligible for the national school lunch program of free or reduced-priced lunches to retake courses in which they were enrolled in the preceding regular school term but for which they did not earn credit because of grade averages below 70. The agency shall report its findings to the 72nd Legislature not later than February 1, 1991.

(b) For the school years that are concurrent with the fiscal years in the biennium ending August 31, 1991, the Central Education Agency may establish and administer a tuition assistance program for the students described under Subsection (a) of this section using funds appropriated for that purpose.

SECTION 11. Notwithstanding any provision to the contrary in Chapter 34, Education Code, as added by this Act, schools and school districts shall be selected for scholastic gains awards under Section 34.004 of that chapter in fall 1989 for improvements during the preceding three school years.

SECTION 12. (a) The chairman of the State Board of

Education shall appoint an advisory committee to develop the criteria for evaluating the performance of school districts and rating the districts for accreditation purposes under Section 21.753, Education Code, as amended by this Act.

(b) A person appointed to the committee must be knowledgeable in statistical analysis, evaluation methods, curriculum and instruction, educational management, or the education of special populations.

(c) The board shall appoint the committee not later than December 31, 1989.

(d) After the committee develops the criteria and the board adopts the rules that include the criteria, the board shall immediately certify the adoption of the rules to the governor. If the governor finds that the board has adopted the rules as required by this section and by Section 21.753, Education Code, as amended by this Act, the governor shall publish the finding in the Texas Register. The committee is abolished on the date of the publication of the finding.

SECTION 13. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.011 to read as follows:

<u>Sec. 31.011. EARLY INTERVENTION PROGRAM. (a) The Texas Department of Human Services shall establish a program to provide early intervention educational services for families receiving aid under this chapter.</u>

<u>(b) The department may administer the program or may contract with a private, nonprofit organization for the administration of the program.</u>

(c) At the time the department reviews the eligibility of a family for aid under this chapter, the department shall review the report cards, student test results, or day-care center reports of each child in the family. The review may occur only with the consent of the child's parent or guardian. If the department determines on review of the child's records that there is a probability that the child is at risk of dropping out of school, the department shall refer the child and the child's family to the early intervention program.

(d) The program shall provide counseling and training for the child's parent or guardian relating to the importance of the child's education, parenting skills, meeting the child's needs, and interacting with school officials. The program shall encourage the parent or guardian to attend teacher-parent meetings and to participate in school activities.

(e) The department shall coordinate services available for the benefit of the child and the child's family, including services provided by the Central Education Agency, literacy programs, programs funded under the Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes), the family members' employers, day-care centers, health organizations, and community organizations.

SECTION 14. This Act takes effect September 1, 1989, except that Section 2 takes effect immediately.

SECTION 15. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

H. B. No. 2300

By Grusendorf, Williams

A BILL TO BE ENTITLED

AN ACT

relating to awards, incentives, and assistance for certain schools, school districts, and students, to the qualifications of school principals, to the accreditation of public schools, and to educational economic policy research.

MAR 9 1989 1. Filed with the Chief Clerk.

MAR 22 1989 2. Read first time and Referred to Committee on Public Education

_____ 3. Reported ___ favorably (as amended) (as substituted) and sent to Printer at _____

_____ 4. Printed and distributed at _____

_____ 5. Sent to Committee on Calendars at _____

_____ 6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

_____ 9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 10. Caption ordered amended to conform to body of bill.

_____ 11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 12. Ordered Engrossed at _____

_____ 13. Engrossed.

_____ 14. Returned to Chief Clerk at _____

_____ 15. Sent to Senate.

_____
Chief Clerk of the House

_____ 16. Received from the House

_____ 17. Read, referred to Committee on _____

_____ 18. Reported favorably

_____ 19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

_____ 20. Ordered not printed.

_____ 21. Regular order of business suspended by (a viva voce vote.) (_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

_____
Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.) (as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

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