

BILL ANALYSIS

C.S.H.B. 1842
By: Aycock
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that public schools that have underperformed for multiple years should have appropriate supports and interventions to improve school performance. C.S.H.B. 1842 attempts to strengthen state interventions and sanctions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 1842 amends the Education Code to replace the requirement that the commissioner of education order the reconstitution of a public school campus after the campus has been identified as unacceptable for two consecutive school years with a requirement that the commissioner in such a circumstance order the campus to prepare and submit a campus turnaround plan. The bill requires the commissioner by rule to establish procedures governing the time and manner in which the campus must submit the campus turnaround plan. The bill removes the specification that, with regard to the requirement that a campus intervention team assist such a campus in developing, submitting, obtaining approval of, and executing an updated targeted improvement plan, the campus intervention team do so as part of reconstituting the campus and includes a campus turnaround plan to be implemented by such a campus as part of the updated targeted improvement plan.

C.S.H.B. 1842 removes the requirement that the campus intervention team decide which educators may be retained at the underperforming campus, the prohibition against retaining certain principals unless the campus intervention team determines that retention of the principal would be more beneficial to the student achievement and campus stability than removal, provisions relating to the retention and reassignment of certain teachers, provisions relating to updating and submitting the targeted improvement plan for each year that a campus is considered to have an unacceptable performance rating, and provisions relating to the development of a comprehensive plan for repurposing a campus on order of the commissioner.

C.S.H.B. 1842 requires a school district, in consultation with the campus intervention team and before a campus turnaround plan is prepared and submitted for approval to the district's board of trustees, to provide notice to parents, the community, and stakeholders that the campus has received an academically unacceptable performance rating for two consecutive years and will be required to submit a campus turnaround plan and to request assistance from parents, the

community, and stakeholders in developing the campus turnaround plan. The bill requires the district, in consultation with the campus intervention team, to prepare the campus turnaround plan and to allow parents, the community, and stakeholders an opportunity to review the plan before it is submitted for approval to the district board. The bill requires the plan to include details on the method for restructuring, reforming, or reconstituting the campus and to provide information on the implementation of a district charter on determination by the district that granting a district charter is appropriate for the campus. The bill requires the plan to assist the campus in implementing procedures to satisfy all performance standards required under applicable law. The bill sets out certain requirements applicable to the plan and certain required elements of the plan.

C.S.H.B. 1842 authorizes a school district to request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan and requires the updated targeted improvement plan submitted to a district board of trustees to include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board. The bill requires a campus turnaround plan to take effect not later than the school year following the third consecutive school year that the campus has received an academically unacceptable performance rating and authorizes the school district, in consultation with the campus intervention team, to take any actions needed to prepare for the implementation of the campus turnaround plan following the commissioner's approval of the plan.

C.S.H.B. 1842 authorizes the district's board of trustees, if a campus for which a campus turnaround plan has been ordered receives an academically acceptable performance rating for the school year following the order, to implement the campus turnaround plan, implement a modified version of the campus turnaround plan, or to withdraw the campus turnaround plan. The bill authorizes a school district required to implement a campus turnaround plan to modify or withdraw the plan if the campus receives an academically acceptable performance rating for two consecutive school years following plan implementation. The bill exempts a district charter approved under a commissioner order as part of a campus intervention or sanction from the student enrollment-based percentage limit on the number of district charters that may be granted and authorizes such a district charter to be renewed or continue in effect after the campus is no longer subject to the order.

C.S.H.B. 1842 requires the commissioner to adopt rules governing the procedures for an open-enrollment charter school campus that is subject to an order to prepare and submit a campus turnaround plan. The bill requires an open-enrollment charter school to revise the school's charter in accordance with applicable law in the campus turnaround plan but establishes that nothing in the bill's provisions relating to a campus turnaround plan may be construed to modify any provision of applicable law relating to the expiration, nonrenewal, revocation, or modification of the governance of an open-enrollment charter school. The bill requires the governing board of the open-enrollment charter school to perform the duties of a district board of trustees with regard to a campus turnaround plan.

C.S.H.B. 1842 authorizes the commissioner to approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under applicable law not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan. The bill requires the commissioner, if the commissioner does not make that determination, to order appointment of a board of managers to govern the district as provided by applicable law, alternative management of the campus, or closure of the campus. The bill removes the authorization for the commissioner to order campus repurposing, alternative management, or closure on certain other determinations.

C.S.H.B. 1842 replaces the requirement that the commissioner order repurposing, alternative management, or closure of a campus that is considered to have an unacceptable performance rating for three consecutive school years after the campus is reconstituted with a requirement that

the commissioner order the appointment of a board of managers to govern the district or order closure of the campus that is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan. The bill removes the commissioner's conditional authority to waive that requirement and authorizes a campus, if the commissioner orders its closure, to be repurposed to serve students at that campus location only if the commissioner finds that the repurposed campus offers a distinctly different academic program and serves a majority of grade levels at the repurposed campus not served at the original campus and approves a new campus identification number for the campus. The bill prohibits the majority of students assigned to a campus that has been closed and repurposed from having attended that campus in the previous school year and requires any student assigned to a campus that has been closed to be allowed to transfer to any other campus in the district that serves that student's grade level and to be provided transportation to the other campus on request. The bill authorizes the commissioner to grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.

C.S.H.B. 1842 requires a board of managers appointed by the commissioner as part of a campus intervention or sanction to take appropriate actions to resolve the conditions that caused a campus to be subject to an order to prepare and submit a campus turnaround plan, including amending the district's budget, reassigning staff, or relocating academic programs. The bill provides for the payment and removal of a board of managers, the replacement of a board member, and the commissioner's appointment of a conservator for the district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan following the removal of a board of managers or at the request of a managing entity appointed to oversee the implementation of alternative management.

C.S.H.B. 1842 requires a district, if the commissioner orders alternative management of a campus, to execute a contract with a managing entity for a term not to exceed five years and requires the terms of the contract to be approved by the commissioner. The bill requires the commissioner, if a campus receives an academically unacceptable performance rating for two consecutive school years after the managing entity assumes management of the campus, to cancel the contract with the managing entity. The bill requires the district board of trustees, at the end of the contract term with a managing entity or the cancellation of a contract with a managing entity, to resume management of the campus, subject to any other required commissioner action.

C.S.H.B. 1842 grants a member of a board of managers appointed by the commissioner immunity from civil liability to the same extent as a professional employee of a school district. The bill requires the Legislative Budget Board (LBB), not later than December 1, 2018, to publish a report evaluating the implementation of the bill's changes, including an analysis of whether the changes result in improvements to school performance and student performance. The bill authorizes the LBB to contract with another entity for the purpose of producing the evaluation.

C.S.H.B. 1842 requires the commissioner to adopt a transition plan that allows a public school campus that received an academically unacceptable performance rating for three or more consecutive school years before the bill's effective date to continue with the interventions and sanctions that have already been applied to the campus and to be closed or for a board of managers to be appointed for the school district if the campus receives an academically unacceptable performance rating for the two school years following the bill's effective date. The bill's provisions apply beginning with the 2016–2017 school year. The bill specifies that its provisions apply beginning with the 2016–2017 school year for a public school campus that receives an academically unacceptable performance rating for a second consecutive year following the 2015–2016 school year.

C.S.H.B. 1842 repeals Section 39.106(f), Education Code, which authorizes the commissioner to order the reconstitution of a certain underperforming campus the commissioner determines is not

fully implementing the recommendations or plans of an assigned campus intervention team.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1842 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 39.102(a), Education Code, is amended to read as follows:

(a) If a school district does not satisfy the accreditation criteria under Section 39.052, the academic performance standards under Section 39.053 or 39.054, or any financial accountability standard as determined by commissioner rule, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

- (1) issue public notice of the deficiency to the board of trustees;
- (2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the interventions and sanctions that may be imposed under this section if the performance does not improve;
- (3) order the preparation of a student achievement improvement plan that addresses each student achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and implementation of the plan;
- (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
- (5) arrange an on-site investigation of the district to identify deficiencies and possible solutions;
- (6) appoint an agency monitor to participate in and report to the agency on the activities

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

- of the board of trustees or the superintendent;
- (7) appoint a conservator to oversee the operations of the district;
- (8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;
- (9) if a district has a current accreditation status of accredited-warned or accredited-probation, fails to satisfy any standard under Section 39.054(e), or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;
- (10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has failed to satisfy any standard under Section 39.054(e), or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:
- (A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or
- (B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter; or
- (11) if a district has failed to satisfy any standard under Section 39.054(e) due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:
- (A) ordering the development of a dropout prevention plan for approval by the commissioner;
- (B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;
- (C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and
- (D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

SECTION 2. Section 39.103(b), Education

No equivalent provision.

Code, is amended to read as follows:

- (b) For a campus described by Subsection (a), the commissioner, to the extent the commissioner determines necessary, may:
- (1) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees, a majority of the members of the board of trustees, the superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement; or
 - (2) establish a school community partnership team composed of members of the campus-level planning and decision-making committee established under Section 11.251 and additional community representatives as determined appropriate by the commissioner.

SECTION 3. Sections 39.106(a), (b), (c), and (e-1), Education Code, are amended to read as follows:

- (a) If a campus performance is below any standard under Section 39.054(e), the commissioner shall assign a campus intervention team. A campus intervention team shall:
- (1) conduct, with the involvement and advice of the school community partnership team, if applicable:
 - (A) a targeted on-site needs assessment relevant to an area of insufficient performance of the campus as provided by Subsection (b); or
 - (B) if the commissioner determines necessary, a comprehensive on-site needs assessment, using the procedures provided by Subsection (b);
 - (2) recommend appropriate actions as provided by Subsection (c);
 - (3) assist in the development of a targeted improvement plan;
 - (4) assist the campus in submitting the targeted improvement plan to the board of trustees for approval and presenting the plan in a public hearing as provided by Subsection (e-1); and
 - (5) assist and advise the commissioner in monitoring the progress of the campus in implementing the targeted improvement plan.
- (b) An on-site needs assessment of the campus under Subsection (a) must

No equivalent provision.

determine the contributing education-related and other factors resulting in the campus's low performance and lack of progress. The team shall use all of the following guidelines and procedures relevant to each area of insufficient performance in conducting a targeted on-site needs assessment and shall use each of the following guidelines and procedures in conducting a comprehensive on-site needs assessment:

- (1) an assessment of the staff to determine the percentage of certified teachers who are teaching in their field, the percentage of teachers who are fully certified, the number of teachers with more than three years of experience, and teacher retention rates;
- (2) compliance with the appropriate class-size rules and number of class-size waivers received;
- (3) an assessment of the quality, quantity, and appropriateness of instructional materials, including the availability of technology-based instructional materials;
- (4) a report on the parental involvement strategies and the effectiveness of the strategies;
- (5) an assessment of the extent and quality of the mentoring program provided for new teachers on the campus and provided for experienced teachers on the campus who have less than two years of teaching experience in the subject or grade level to which the teacher is assigned;
- (6) an assessment of the type and quality of the professional development provided to the staff;
- (7) a demographic analysis of the student population, including student demographics, at-risk populations, limited English proficiency populations, and special education percentages;
- (8) a report of disciplinary incidents and school safety information;
- (9) financial and accounting practices;
- (10) an assessment of the appropriateness of the curriculum and teaching strategies;
- (11) a comparison of the findings from Subdivisions (1) through (10) to other campuses serving the same grade levels within the district or to other campuses within the campus's comparison group if there are no other campuses within the district serving the same grade levels as the campus; and

(12) any other research-based data or information obtained from a data collection process that would assist the campus intervention team in:

- (A) recommending an action under Subsection (c); and
- (B) executing a targeted improvement plan under Subsection (d-3).

(c) On completing the on-site needs assessment under this section, the campus intervention team shall, with the involvement and advice of the school community partnership team, if applicable, recommend actions relating to any area of insufficient performance, including:

- (1) reallocation of resources;
- (2) technical assistance;
- (3) changes in school procedures or operations;
- (4) staff development for instructional and administrative staff;
- (5) intervention for individual administrators or teachers or teams of administrators or teachers;
- (6) waivers from state statutes or rules;
- (7) teacher recruitment or retention strategies and incentives provided by the district to attract and retain teachers with the characteristics included in Subsection (b)(1); or
- (8) other actions the campus intervention team considers appropriate.

(e-1) After a targeted improvement plan or updated plan is submitted to the board of trustees of the school district, the board:

- (1) shall conduct a hearing for the purpose of:
 - (A) notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the intervention measures or sanctions that may be imposed under this subchapter if the performance does not improve within a designated period; and
 - (B) soliciting public comment on the targeted improvement plan or any updated plan;
- (2) must post the targeted improvement plan on the district's Internet website before the hearing;
- (3) may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated plan; [and]
- (4) shall submit the targeted improvement plan or any updated plan to the

commissioner for approval; and

(5) shall notify the parents of students enrolled at the campus subject to a targeted improvement plan or updated plan of the scheduled hearing not later than the seventh day before the date of the hearing.

No equivalent provision.

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

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

No equivalent provision.

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

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

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

(1) developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;

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

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

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

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

(1) provide notice to parents, the community, and stakeholders that the

campus has received an academically unacceptable performance rating for two consecutive years and will be required to submit a campus turnaround plan; and
(2) request assistance from parents, the community, and stakeholders in developing the campus turnaround plan.

SECTION 4. Sections 39.107(b), (d), (f), and (k), Education Code, are amended to read as follows:

(b) The campus intervention team shall decide which educators may be retained or reassigned at that campus. A principal who has been employed by the campus in that capacity during the full period described by Subsection (a) may not be retained at that campus unless the campus intervention team determines that retention of the principal would be more beneficial to the student achievement and campus stability than removal.

(b) The school district, in consultation with the campus intervention team, shall prepare the campus turnaround plan and allow parents, the community, and stakeholders an opportunity to review the plan before it is submitted for approval to the board of trustees of the school district. The plan must include details on the method for restructuring, reforming, or reconstituting the campus. If the district determines that granting a district charter under Section 12.0522 is appropriate for the campus, the campus turnaround plan must provide information on the implementation of the district charter. The plan must assist the campus in implementing procedures to satisfy all performance standards required under Section 39.054(e) [decide which educators may be retained at that campus. A principal who has been employed by the campus in that capacity during the full period described by Subsection (a) may not be retained at that campus unless the campus intervention team determines that retention of the principal would be more beneficial to the student achievement and campus stability than removal].

No equivalent provision.

(b-1) A campus turnaround plan must include:
(1) a detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;
(2) the term of the charter, if a district charter is to be granted for the campus under Section 12.0522, which may not exceed five years;
(3) written comments from the campus-level committee established under Section 11.251, if applicable, parents, and teachers at the campus; and

(4) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources [A teacher of a subject assessed by an assessment instrument under Section 39.023 may be retained only if the campus intervention team determines that a pattern exists of significant academic improvement by students taught by the teacher. If an educator is not retained, the educator may be assigned to another position in the district].

No equivalent provision.

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

- [① assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement;
- [② submit the updated plan to:
- [③ the board of trustees of the school district; and
- [④ the parents of campus students; and
- [⑤ assist in submitting the updated plan to the commissioner for approval.]

No equivalent provision.

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

No equivalent provision.

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

No equivalent provision.

(b-5) Following approval of a campus turnaround plan by the commissioner, the school district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan.

No equivalent provision.

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

- (1) implement the campus turnaround plan;
- (2) implement a modified version of the campus turnaround plan; or
- (3) withdraw the campus turnaround plan.

No equivalent provision.

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

No equivalent provision.

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

No equivalent provision.

(b-9) The commissioner shall adopt rules governing the procedures for an open-enrollment charter school campus that is subject to an order issued under Subsection (a). An open-enrollment charter school must revise the school's charter in accordance with Section 12.114 in the campus turnaround plan. Nothing in this section may be construed to modify any provision of Subchapter D, Chapter 12, relating to the expiration, nonrenewal, revocation, or modification of the governance of an open-enrollment charter school. The governing board of the open-enrollment charter school shall perform the duties of a board of trustees of a school district under this section.

(d)

If the commissioner determines that the campus is not fully and effectively

(d) The commissioner may approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under Section 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan. If the commissioner does not make this determination [determines that the campus

implementing the updated targeted improvement plan or if the students enrolled at the campus fail to demonstrate substantial improvement in the areas targeted by the updated plan, the commissioner may order:

(1) repurposing of the campus under this section;

- (2) alternative management of the campus under this section; or
- (3) closure of the campus.

No equivalent provision.

~~is not fully implementing the updated targeted improvement plan or if the students enrolled at the campus fail to demonstrate substantial improvement in the areas targeted by the updated plan], the commissioner shall [may] order:~~

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

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

~~(3) closure of the campus.~~

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

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

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

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

~~(e-1) If the commissioner orders the closure of a campus under this section, that campus may be repurposed to serve students at that campus location only if the commissioner finds that the repurposed campus offers a distinctly different academic program and serves a majority of grade levels at the repurposed campus not served at the original campus and approves a new campus identification number for the campus. The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year. Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the district that serves that student's grade level and on request must be provided transportation to the other campus. The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll [The commissioner may waive the requirement to enter an order under Subsection (e) for not~~

~~more than one school year if the commissioner determines that, on the basis of significant improvement in student performance over the preceding two school years, the campus is likely to be assigned an acceptable performance rating for the following school year].~~

No equivalent provision.

(e-2) For purposes of this subsection, "parent" has the meaning assigned by Section 12.051. If the commissioner is presented, in the time and manner specified by commissioner rule, a written petition signed by the parents of a majority of the students enrolled at a campus to which Subsection (e) applies, specifying the action described by Subsection (e)(1) or [;] (2)[, or (3)] that the parents request the commissioner to order, the commissioner shall, except as otherwise authorized by this subsection, order the specific action requested. If the board of trustees of the school district in which the campus is located presents to the commissioner, in the time and manner specified by commissioner rule, a written request that the commissioner order specific action authorized under Subsection (e) other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board of trustees.

No equivalent provision.

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

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

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

(f)

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

If the commissioner orders repurposing of a campus, the school district shall develop a comprehensive plan for repurposing the campus and submit the plan to the board of trustees for approval, using the procedures described by Section 39.106(e-1), and to the commissioner for approval. The plan must include a description of a rigorous, [and] relevant, and coherent academic program for the campus. The plan may include various instructional models. The commissioner may not approve the repurposing of a campus unless:

- (1) all students in the assigned attendance zone of the campus in the school year immediately preceding the repurposing of the campus are provided with the opportunity to enroll in and are provided transportation on request to another campus, unless the commissioner grants an exception because there is no other campus in the district in which the students may enroll;
- (2) the principal is not retained at the campus, unless the commissioner determines that students enrolled at the campus have demonstrated significant academic improvement; and
- (3) teachers employed at the campus in the school year immediately preceding the repurposing of the campus are not retained at the campus, unless the commissioner or the commissioner's designee grants an exception, at the request of a school district, for:

(A) a teacher who provides instruction in a subject other than a subject for which an assessment instrument is administered under Section 39.023(a) or (c) who demonstrates to the commissioner satisfactory performance; or

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

No equivalent position.

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

- [(1) all students in the assigned attendance zone of the campus in the school year immediately preceding the repurposing of the campus are provided with the opportunity to enroll in and are provided transportation on request to another campus, unless the commissioner grants an exception because there is no other campus in the district in which the students may enroll;
- [(2) the principal is not retained at the campus, unless the commissioner determines that students enrolled at the campus have demonstrated significant academic improvement; and
- [(3) teachers employed at the campus in the school year immediately preceding the repurposing of the campus are not retained at the campus, unless the commissioner or the commissioner's designee grants an exception, at the request of a school district, for:

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

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

(g) Following the removal of a board of managers under Subsection (f), or at the request of a managing entity appointed under Subsection (d) to oversee the implementation of alternative management, the commissioner may appoint a conservator

~~for the district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan [If an educator is not retained under Subsection (f), the educator may be assigned to another position in the district].~~

No equivalent position.

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

No equivalent position.

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

(k) To qualify for consideration as a managing entity under this section, the entity must submit a proposal that provides information relating to the entity's management and leadership team that will participate in management of the campus under consideration, including information relating to individuals that have:

- (1) documented success in whole school interventions that increased the educational and performance levels of students as determined by multiple measures in campuses considered to have an unacceptable performance rating;
- (2) a proven record of effectiveness with programs assisting low-performing students;
- (3) a proven ability to apply research-based school intervention strategies;
- (4) a proven record of financial ability to perform under the management contract; and
- (5) any other experience or qualifications the commissioner determines necessary.

No equivalent position.

SECTION 5. Section 39.108, Education Code, is amended to read as follows:

No equivalent provision.

Sec. 39.108. [ANNUAL] REVIEW OF DISTRICT OR CAMPUS SUBJECT TO INTERVENTION OR SANCTION. The commissioner shall review annually, or more frequently if the commissioner determines appropriate, the performance of a district or campus subject to this subchapter to determine the appropriate actions to be implemented under this subchapter. The commissioner must review at least annually the performance of a district for which the accreditation status or rating has been lowered due to insufficient student performance and may not raise the accreditation status or rating until the district has demonstrated improved student performance. If the review reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status.

SECTION 6. Section 39.109, Education Code, is amended to read as follows:

Sec. 39.109. ACQUISITION OF PROFESSIONAL SERVICES. In addition to other interventions and sanctions authorized under this subchapter, the commissioner may order a school district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The commissioner's order may require the district or campus to:

- (1) select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or special program expert; or
- (2) provide for or participate in the appropriate training of district staff or board of trustees members in the case of a district, or campus staff, in the case of a campus.

SECTION 7. Section 39.111(b), Education Code, is amended to read as follows:

(b) At least every 90 days, the commissioner shall review the need for the conservator or management team and shall remove the conservator or management team unless the commissioner determines that continued appointment is necessary for effective governance or financial management of the district or delivery of instructional services.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 3. Section 39.114, Education Code, is amended to read as follows:
Sec. 39.114. IMMUNITY FROM CIVIL LIABILITY. An employee, volunteer, or contractor acting on behalf of the commissioner under this subchapter, or a member of a board of managers appointed by the commissioner under this subchapter is immune from civil liability to the same extent as a professional employee of a school district under Section 22.051.

No equivalent provision.

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

No equivalent provision.

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

No equivalent provision.

SECTION 6. The commissioner of education shall adopt a transition plan that allows a public school campus that received an academically unacceptable performance rating for three or more consecutive school years before the effective date of this Act:
(1) to continue with the interventions and sanctions that have already been applied to the campus; and
(2) to be closed or for a board of managers to be appointed for the school district if the campus receives an academically unacceptable performance rating for the two school years following the effective date of this Act.

SECTION 8. This Act applies beginning with the 2015-2016 school year.

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2016-2017 school year.

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

SECTION 9. 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, 2015.

SECTION 8. Same as introduced version.