

SUBJECT: Student eligibility to transfer from a public school rated unacceptable

COMMITTEE: Public Education —favorable, without amendment

VOTE: 10 ayes — Aycock, Allen, J. Davis, Deshotel, Dutton, Farney, K. King, Ratliff, J. Rodriguez, Villarreal

0 nays

1 absent — Huberty

WITNESSES: For — (*Registered, but did not testify:* Jennifer Allmon, Texas Catholic Conference and Roman Catholic Bishops of Texas; David D Anderson, Arlington ISD Board of Trustees; Jesus Chavez, Texas School Alliance; Harley Eckhart, Texas Elementary Principals and Supervisors Association; Ann Fickel, Texas Classroom Teachers Association; Ken McCraw, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Jordan Michalik, Texas PTA; Lauren Pierce, Americans for Prosperity Texas; Don Rogers, Texas Rural Education Association; Nelson Salinas, Texas Association of Business; Julie Shields, Texas Association of School Boards)

Against — None

On — (*Registered, but did not testify:* David Anderson, Lisa Dawn-Fisher, Shannon Housson, Texas Education Agency)

BACKGROUND: Under Education Code, sec. 29.202, a public school student is eligible to transfer to a new public school in the same or another district if the student attends a school at which 50 percent or more of the students did not perform satisfactorily on a state assessment in any two of the preceding three years or that failed to satisfy any standard under sec. 39.054 (e) within the last three years. A school that fails to satisfy any of these standards is assigned a rating of unacceptable performance, according to the Texas Education Agency.

Schools from which students may transfer under these criteria are considered public education grant (PEG) listed schools, according TEA. If a student attends a PEG-listed school, the school district must notify the

student's parents annually of the student's eligibility to transfer. A transferring student is eligible to stay at the new school through the completion of all grades offered by the original school.

DIGEST: HB 222 would make eligible for a public education grant to transfer to another school any student who attended a school that had received a rating of unacceptable performance in either of the last two years, rather than any of the last three years as under current law.

The bill would apply beginning with the 2013-14 school year.

The bill would take immediate effect if passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

SUPPORTERS SAY: CSHB 222 appropriately would reduce to two years the time a student had to transfer from a school that had received a rating of unacceptable performance. The current practice of keeping a school on the list of schools from which a student may transfer (the public education grant list) for three years after it has received an unacceptable performance rating is too long. Currently, even if a school has been rated academically exemplary for two years following one year of an unacceptable rating, the school is required to notify parents that a student is eligible to transfer. The bill would reduce this notification period to two years after a school was on the PEG list, rewarding schools that successfully worked to achieve an acceptable rating.

OPPONENTS SAY: By reducing to two years the time a school remained on the PEG list after a rating of unacceptable performance, CSHB 222 would limit the opportunity of a student to attend a better-performing school of the student's choice. If the school were removed from the PEG list after two years, a student who might be better suited to a different school would be unable to transfer only three years after the school the student was attending had received an unacceptable performance rating.

NOTES: On March 27, the House passed CSHB 5 by Aycock, which would establish a new rating system to evaluate schools on academic performance and other factors.