

BILL ANALYSIS

Senate Research Center
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S.B. 2265
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since implementation of H.B. 22 (85R) there has been some confusion in how some low-performing schools are treated that run contrary to legislative intent. S.B. 2265 makes conforming changes by removing references to the prior rating system (exemplary, recognized, acceptable, needs improvement, unacceptable) by substituting references to the new A-F ratings (A, B, C, D, or F).

As proposed, S.B. 2265 amends current law relating to the assignment of performance ratings to school districts and school district campuses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 15 (Section 39.054, Education Code) and SECTION 16 (Section 39A.0545, Education Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 8.051(b) and (d), Education Code, as follows:

(b) Requires each plan submitted by a regional education service center to the commissioner of education (commissioner) to include the purposes and description of the services the center will provide to:

(1) campuses assigned a performance rating of F, rather than an unacceptable performance rating, under Section 39.054 (Methods and Standards for Evaluating Performance); and

(2)–(3) makes no changes to these subdivisions.

(d) Makes a conforming change to this subsection.

SECTION 2. Amends Sections 11.174(b) and (f), Education Code, as follows:

(b) Authorizes the board of trustees of a school district to enter into a contract as provided by Subsection (a) (relating to certain contracts to partner to operate a school district campus with the governing body of an open-enrollment charter school or an entity granted a charter under certain conditions) only if:

(1) makes no changes to this subdivision;

(2) for the three school years preceding the school year of the proposed operation of the district campus as described by Subsection (a), the open-enrollment charter school has received an overall performance rating of C, rather than acceptable, or higher under Subchapter C (Accreditation), Chapter 39 (Public School System Accountability) and a financial accountability rating under Subchapter D (Financial Accountability), Chapter 39, indicating financial performance of satisfactory or higher; or

(3) makes no changes to this subdivision.

(f) Provides that this subsection applies only to a district campus subject to a contract described by Subsection (a) that received an overall performance rating of F, rather than unacceptable, under Subchapter C, Chapter 39, for the school year before operation of the district campus under the contract began. Prohibits the commissioner from imposing a sanction or taking action against the campus under Section 39A.101 (Order For Preparation of Campus Turnaround Plan) or 39A.111 (Continued Unacceptable Performance Rating), rather than Section 39.107(a) or (e), for failure to satisfy academic performance standards during the first two school years of operation of a district campus under Subsection (a). Provides that the overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years under Section 39A.101 or 39A.111, rather than under Section 39.107(a) or (e).

SECTION 3. Amends Section 12.1054(a), Education Code, as follows:

(a) Provides that for purposes of Chapter 171 (Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments):

(1) makes a nonsubstantive change to this subdivision; and

(2) notwithstanding any provision of Subdivision (1), rather than of Section 12.1054(1), an employee of an open-enrollment charter school that was assigned a performance rating of C or higher, rather than rated acceptable or higher, under Section 39.054 (Methods and Standards for Evaluating Performance) for at least two of the preceding three school years is authorized to serve as a member of the governing body of the charter holder of the governing body of the school if the employees do not constitute a quorum of the governing body or any committee of the governing body but requires all members to comply with the requirements of Sections 171.003 (Prohibited Acts; Penalty)–171.007 (Common law Preempted; Cumulative of Municipal Provisions), Local Government Code.

SECTION 4. Amends Section 12.106(e), Education Code, as follows:

(e) Entitles a charter holder to receive funding under Subsection (d) (relating to determining a certain amount of state funding) only if the most recent overall performance rating assigned to the open-enrollment charter school under Subchapter C, Chapter 39, was a C or higher, rather than reflects at least acceptable performance.

SECTION 5. Amends Section 12.110(e), Education Code, as follows:

(e) Requires the commissioner to give priority to applications that propose an open-enrollment charter school campus to be located in the attendance zone of a school district campus assigned a performance rating of F, rather than an unacceptable performance rating, under Section 39.054 for the two preceding school years.

SECTION 6. Amends Section 12.115(c), Education Code, as follows:

(c) Requires the commissioner to revoke the charter of an open-enrollment charter school in certain circumstances, including if the charter holder has been assigned a performance rating of F, rather than an unacceptable performance rating, under subchapter C, Chapter 39, for the three preceding school years.

SECTION 7. Amends Section 12A.001(b), Education Code, to provide that a school district is eligible for designation as a district of innovation only if the district's most recent performance rating under Section 39.054 was a C or higher, rather than reflects at least acceptable performance.

SECTION 8. Amends Sections 12A.008(a) and (c), Education Code, as follows:

(a) Authorizes the commissioner to terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

- (1) an academic performance rating of F, rather than an unacceptable academic performance rating, under Section 39.054;
- (2) makes no changes to this subdivision; or
- (3) makes a conforming change to this subdivision.

(c) Requires the commissioner to terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

- (1) an academic performance rating of F, rather than an unacceptable academic performance rating, under Section 39.054;
- (2) makes no changes to this subdivision; or
- (3) makes a conforming change to this subdivision.

SECTION 9. Amends the heading to Section 13.054, Education Code, to read as follows:

Sec. 13.054. SCHOOL DISTRICTS ASSIGNED ACADEMIC PERFORMANCE RATING OF F.

SECTION 10. Amends Sections 13.054(a), (b), and (d), Education Code, to read as follows:

(a) Authorizes the commissioner by order to annex to one or more adjoining districts a school district that has been assigned an academic performance rating of F, rather than rated as academically unacceptable, for a period of two years.

(b) and (d) Makes conforming changes to these subdivisions.

SECTION 11. Amends Section 21.453(b), Education Code, as follows:

(b) Authorizes the commissioner to allocate funds from the staff development account to regional education service centers to provide staff development resources to school districts that:

- (1) are assigned an academic performance rating of F, rather than rated academically unacceptable;
- (2) makes a conforming change to this subdivision; or
- (3) makes no changes to this subdivision.

SECTION 12. Amends Section 28.020(c), Education Code, as follows:

(c) Provides that a campus designated as a mathematics innovation zone is not subject to interventions under the state accountability system described by Section 39A.101 or 39A.111, rather than 39.107(a) or (e), for the first two years of the designation, provided that the campus implements the instructional program with fidelity and complies with each mathematics innovation zone requirement to the satisfaction of the commissioner. Provides that the period that a campus is exempt from interventions as provided by this subsection is not:

- (1) included in calculating consecutive school years under Section 39A.101 or 39A.111, rather than 39.107(a) or (e); or

(2) considered a break in consecutive school years of receiving performance ratings of F, rather than unacceptable ratings, for purposes of determining the need for intervention under Section 39A.101 or 39A.111, rather than 39.107(a) or (e).

SECTION 13. Amends Section 29.202(a), Education Code, as follows:

(a) Provides that a student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus assigned a performance rating of F, rather than assigned an unacceptable performance rating, that is made publicly available under Section 39.054 for certain performance indicator domains.

SECTION 14. Amends Section 30A.101(a), Education Code, to provide that school district or open-enrollment charter school is eligible to act as a course provider under this chapter only if the district or school is assigned a performance rating of C or higher, rather than rated acceptable, under Section 39.054.

SECTION 15. Amends Sections 39.054(a) and (a-2), Education Code, as follows:

(a) Deletes existing text establishing the criteria for the overall or domain performance ratings of A-F.

(a-2) Authorizes the commissioner by rule to adopt procedures to ensure that a repeated performance rating of D or F, rather than D or F or unacceptable, in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus under this section or a campus under Section 39.0544 (Local Accountability System) and is not compensated for by a performance rating of A, B, or C in another domain.

SECTION 16. Transfers Section 39.101, Education Code, as added by Chapter 807 (H.B. 22), Acts of the 85th Legislature, Regular Session, 2017, to Subchapter B, Chapter 39A, Education Code, redesignates it as Section 39A.0545, Education Code, amends it to conform to the repeal of Subchapter E, Chapter 39, Education Code, by Article 21, Chapter 324 (S.B. 1488), Acts of the 85th Legislature, Regular Session, 2017, and further amends it as follows:

Sec. 39A.0545. New heading: PERFORMANCE RATING OF D. (a) Provides that notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of D:

(1) makes no changes to this subdivision; and

(2) the interventions and sanctions provided by this Chapter (Accountability Interventions and Sanctions) based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b) Provides that the interventions and sanctions provided by this chapter, rather than subchapter, based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a) only if the district or campus is assigned a certain rating.

(c) Requires the commissioner, if a school district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), to implement interventions and sanctions that apply to a campus that received a performance rating of F, rather than that apply to an unacceptable campus, and requires those interventions and sanctions to continue for each consecutive school

year thereafter in which the campus is assigned an overall performance rating of D.

(d) Makes no changes to this subsection.

SECTION 17. Amends Section 39.201(b), Education Code, to prohibit a district or campus from being awarded a distinction designation under this subchapter unless the district or campus has a performance rating of C or higher, rather than has acceptable performance, under Section 39.054.

SECTION 18. Amends Sections 39.232(a) and (d), Education Code, as follows:

(a) Provides that except as provided by Subsection (b), a school campus or district that has been awarded a distinction designation, rather than is rated exemplary, under Subchapter G (Distinction Designations) is exempt from requirements and prohibitions imposed under this code including rules adopted under this code.

(d) Makes a conforming change to this subsection.

SECTION 19. Amends Section 39.306(a), Education Code, as follows:

(a) Requires the annual report on the educational performance of a district's board of trustees to also include:

(1) makes no changes to this subdivision;

(2) information indicating the district's accreditation status and identifying each district campus awarded a distinction designation under Subchapter G or subject to interventions or sanctions, rather than considered an unacceptable campus, under Chapter 39A (Accountability Interventions And Sanctions); and

(3)–(7) makes no changes to these subdivisions;

SECTION 20. Amends Section 39A.060, Education Code, to conform to Section 1, Chapter 472 (H.B. 2263), Acts of the 85th Legislature, Regular Session, 2017, and further amends it to read as follows:

Sec. 39A.060. **CAMPUS INTERVENTION TEAM CONTINUING DUTIES.** Requires the campus intervention team, for each year a campus is assigned a performance rating of F, rather than an unacceptable performance rating, to:

(1) deletes existing text of this subdivision relating to continuing to work with the campus until the campus until the campus satisfies certain requirements and creates this subdivisions from existing subdivision (2); and

(2) redesignates existing Subdivision (3) as this subdivision and makes a conforming change.

SECTION 21. Amends Sections 39A.103, Education Code, as follows:

Sec. 39A.103. **NOTICE OF CAMPUS TURNAROUND PLAN.** Requires the district, in consultation with the campus intervention team, before a campus turnaround plan is prepared and submitted for approval to the board of trustees of the school district, to:

(1) provide notice to parents, the community, and stakeholders that the campus has received a performance rating of F, rather than an unacceptable performance rating, for two consecutive years and will be required to submit a campus turnaround plan; and

(2) makes no changes to this subsection.

SECTION 22. Amends Section 39A.106, Education Code, as follows:

Sec. 39A.106. DATE CAMPUS TURNAROUND PLAN TAKES EFFECT. 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 a performance rating of F, rather than an unacceptable performance rating.

SECTION 23. Amends Section 39A.110, Education Code, as follows:

Sec. 39A.110. CHANGE IN CAMPUS PERFORMANCE RATING. (a) Authorizes the board of trustees of the school district, if a campus for which a campus turnaround plan has been ordered under Section 39A.101 receives a performance rating of C or higher for the school year following the order, to take certain actions.

(b) Authorizes a school district required to implement a campus turnaround plan to modify the plan if the campus receives a performance rating of C or higher, rather than an acceptable performance rating, for two consecutive school years following implementation of the plan.

SECTION 24. Amends Section 39A.111, Education Code, as follows:

Sec. 39A.111. New heading: CONTINUED PERFORMANCE RATING OF F. Requires the commissioner, subject to Section 39A.112 (Parent Petition For Action), if a campus is assigned a performance rating of F, rather than if 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 under Section 39A.101, to order certain sanctions.

SECTION 25. Amends Section 39A.152(a), Education Code, as follows:

(a) Requires the entity, to qualify for consideration as a managing entity under this subchapter (Alternative Manager), to 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 who have:

(1) documented success in whole school interventions that increased the educational and performance levels of students in campuses assigned a performance rating of F, rather than campuses considered to have an unacceptable performance rating; and

(2)–(5) makes no changes to these subdivisions.

SECTION 26. Amends Section 39A.156, Education Code, as follows:

Sec. 39A.156. CANCELLATION OF MANAGEMENT CONTRACT. Requires the commissioner, if a campus receives a performance rating of F, rather than an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, to cancel the contract with the managing entity.

SECTION 27. Amends Sections 39A.209(a) and (b), Education Code, as follows:

(a) Authorizes the commissioner, notwithstanding Section 39A.208 (Expiration of Appointment), to remove a board of managers appointed to govern a school district under Subchapter C only if the campus that was the basis for the appointment of the board of managers receives a performance rating of C or higher, rather than an acceptable performance rating for two consecutive school years.

(b) Authorizes the commissioner, if a campus that was the basis for the appointment of a board of managers receives a performance rating of F, rather than an unacceptable

performance rating, for two additional consecutive years following the appointment of the board of managers, to remove the board of managers and, in consultation with the local community, to appoint a new board of managers to govern the school district.

SECTION 28. Amends Sections 39A.906(b) and (d), Education Code, as follows:

(b) Requires the commissioner, if a campus described by Subsection (a) receives a performance rating of F, rather than an unacceptable performance rating, for the 2016–2017 and 2017–2018 school years, to apply the interventions and sanctions authorized by Section 39A.111 to the campus.

(d) Makes a conforming change to this subsection.

SECTION 29. Amends Section 42.002(b), Education Code, as follows:

(b) Provides that the Foundation School Program Consists of:

(1) two tiers that in combination provide for:

(A) sufficient financing for all school districts to provide a basic program of education that is assigned a performance rating of C or higher, rather than rated acceptable or higher under Section 39.054 and meets other applicable legal standards; and

(B) makes no changes to this paragraph; and

(2) makes no changes to this subdivision.

SECTION 30. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 31. Provides that to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 32. Effective date: upon passage or September 1, 2019.