

- SUBJECT:** Promoting academic achievement in public schools
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 6 ayes — Grusendorf, Branch, Dawson, Eissler, Griggs, Madden  
0 nays  
3 absent — Oliveira, Dutton, Hochberg
- SENATE VOTE:** On final passage, April 7 — 31-0
- WITNESSES:** For — Lindsay Gustafson, Texas Classroom Teachers Association; (*On House companion bill, HB 2220:*) Drew Scheberle, Texas Business and Education Coalition; Jeri Stone, Texas Classroom Teachers Association  
Against — None  
On — (*On House companion bill, HB 2220:*) David Anderson, Texas Education Agency; Tim Bacon, Texas State Teachers Association; Robert Floyd; Texas Music Educators Association; Ted Melina Raab, Texas Federation of Teachers
- BACKGROUND:** The federal No Child Left Behind Act of 2001 (NCLB) requires schools that receive federal funds under Title I, Part A to have a “highly qualified” teacher in every classroom by the 2005-06 school year. NCLB defines a highly qualified teacher as an educator who is licensed by the state, holds at least a bachelor’s degree, and demonstrates subject-area competence.  
  
Education Code, sec. 39.023(c) requires the Texas Education Agency (TEA) to adopt exit-level tests to assess whether students in grade 11 have mastered mathematics, English language arts, social studies, and science at a level necessary for high school graduation. The exit-level Texas Assessment of Knowledge and Skills (TAKS) test also is designed to show a student’s readiness to enroll in an institution of higher education.

Education Code, sec. 39.131(b) sets forth accreditation sanctions the commissioner may impose on low-performing campuses, in order of severity from issuing public notice of the deficiency to the school board to ordering closure of the school program on a campus.

**DIGEST:**

CSSB 1108 would allow the commissioner by rule to establish a statewide standard for certifying school districts that were preparing, training, and recruiting high quality teachers in a manner consistent with NCLB.

The bill would require the commissioner to coordinate with representatives from higher education and school districts to develop a diagnostic and assistance program for each subject assessed by the exit-level TAKS test, and for other academic programs of mutual benefit to schools districts and institutions of higher education. The commissioner would have to seek private funding to support posting and maintaining the programs on the Internet, and they would have to be made available no later than the beginning of the 2004-05 school year.

Beginning with the 2003-04 school year, CSSB 1108 would allow the commissioner to permit a low performing campus, as an alternative to accreditation sanctions, to participate in an innovative redesign of the campus to improve campus performance.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

CSSB 1108 would put supports in place to ensure that Texas schools had a highly qualified teacher in every classroom by 2005-06. The bill would direct the commissioner to establish a statewide standard to certify schools with highly qualified teachers, thus aligning state policy with federal standards in time for implementation of NCLB.

The bill would help more high school students graduate and ensure that they were ready for college. According to the Texas Higher Education Coordinating Board's *Closing the Gaps* report, Texas must nearly double the number of students completing bachelor's degrees by the year 2015 to place this state above the national average. Under this bill, the commissioner would

seek private funding to develop an online diagnostic program for each TAKS subject area, thus allowing the state to benefit from current efforts by the University of Texas to develop such a tool with a \$2 million grant from the Houston Endowment. With the help of an online diagnostic, teachers and students could identify areas needing improvement before the administration of the exit-level TAKS test. This could help more students graduate on time and create more opportunities for qualified students to go on to college.

CSSB 1108 would grant new flexibility to school districts that wanted to assist low-performing campuses, by allowing them to participate in an innovative campus redesign before sanctions were imposed. This would allow a targeted intervention at the local level with the commissioner's permission, so that those closest to the school could participate in turning it around.

**OPPONENTS  
SAY:**

CSSB 1108 would not define what an innovative campus redesign would look like, nor who would do the redesigning. The bill should specify that a campus redesign involve the participation of teachers and parents as well as administrators and school board members.

**NOTES:**

In addition to the provisions set forth in the House committee substitute, the engrossed version of SB 1108 would have:

- made open-enrollment charter schools subject to personal graduation plans and intensive instruction programs;
- allowed a student at risk of dropping out of school because of poor performance on the TAKS test to substitute a foundation curriculum course for an elective enrichment course, as needed to improve test performance;
- required a school to develop a personal graduation plan for a student who did not perform satisfactorily on the TAKS test or who was not likely to graduate within five years of enrolling in grade 9;
- required a school district to offer an intensive instruction program for each student who did not perform satisfactorily on the TAKS test; and
- allowed a school district to retain a portion of its compensatory education allotment to finance intensive instruction programs and TAKS study guides.