

SUBJECT: Aligning state and federal policy on sanctions for low-performing schools

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Grusendorf, Oliveira, Branch, Dawson, Dutton, Eissler, Griggs, Hochberg

0 nays

1 absent — Madden

SENATE VOTE: On final passage, April 1 — voice vote

WITNESSES: For — None

Against — None

On — Cathy Cox, Texas State Comptroller; Marjorie Wall, Texas State Teachers Association

BACKGROUND: Under the federal No Child Left Behind Act of 2001 (NCLB), underachieving schools qualify for extra help, including emergency funding and technical assistance. Schools that continue to underachieve after four years of extra help are required to implement significant corrective actions to improve the school, such as replacing certain staff. After five years, such schools may be subject to dramatic transformation through such measures as reconstitution, state takeover, the hiring of a private management contractor, conversion to a charter school, or significant staff restructuring.

Education Code, sec. 39.131 sets forth accreditation sanctions for school districts and individual campuses in order of severity, from issuing public notice of the deficiency to the board of trustees to ordering closure of school programs on campuses that are low-performing for two years or more.

The Public Education Grant (PEG) program was created in 1995 in SB 1 by Ratliff. A student who attends a public school at which 50 percent or more of the students performed unsatisfactorily on an assessment test in two of the

three preceding years, or at a school that was identified as low-performing at any time in the previous three years, is eligible to attend school in another district under a PEG transfer.

Under Education Code, sec. 7.056, a school district required to develop and implement a student achievement improvement plan as part of an accreditation sanction may, under certain circumstances, receive an exemption or waiver from the commissioner.

DIGEST:

CSSB 618 would align state accreditation sanctions for public school campuses with those required under NCLB. A school district or campus could apply to the commissioner of education for a waiver or exemption from sanctions under the bill.

Effective with the 2005-06 school year, if a campus was low-performing for two consecutive years or more, the commissioner would have to reconstitute the campus. A special campus intervention team would be assembled for the purpose of deciding which educators could be retained at the campus. An educator who was not retained could be terminated or reassigned within the district.

Effective with the 2004-05 school year, if the commissioner appointed a board of managers to govern a district or a campus, the powers of the board of trustees would be suspended for the period of the appointment, and the commissioner would appoint a district superintendent or campus principal. The board of managers could exercise all the powers and duties assigned to the board of trustees, including amending the district's budget or submitting budget amendments to the commissioner for approval at the campus level.

Effective with the 2004-05 school year, conforming amendments would be made to update the eligibility of students to use PEG transfers to leave low-performing schools that had received accreditation sanctions. The bill would update the eligibility of certain child care workers to receive scholarships if they worked within the attendance zone of a low-performing school. The bill also would make home-rule school districts subject to updated accreditation sanctions.

The bill would take effect September 1, 2003.

NOTES: CSSB 618 differs from the engrossed Senate version in that it would allow an educator to be terminated as well as to be reassigned during a campus reconstitution.

SB 1108 by Shapiro, set on the General State Calendar for May 22 and postponed until May 25, 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.