

- SUBJECT:** Establishing the Texas Achievement School District
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 8 ayes — Aycock, J. Davis, Deshotel, Dutton, Farney, Huberty, K. King, Ratliff
- 2 nays — Allen, J. Rodriguez
- 1 absent — Villarreal
- SENATE VOTE:** On final passage, May 1 — 26-5 (Deuell, Garcia, Nichols, Rodriguez, Seliger)
- WITNESSES:** No public hearing
- DIGEST:** CSSB 1718 would add a new subchapter to Education Code, ch. 11 to create the Texas Achievement School District (ASD) to educate students attending certain low-performing campuses. The program would be limited to school districts with at least 20,000 students enrolled. The ASD would be limited to five campuses during fiscal 2014-15 and five during fiscal 2016-17. It would be “sunsetting” on September 1, 2025.
- Criteria.** After a campus has been identified as unacceptable for two consecutive school years, the education commissioner would determine whether a school district has instituted meaningful change, including reconstituting the staff or leadership. If there has been progress, the commissioner could wait another school year and reevaluate the campus.
- If there has not been meaningful change, the commissioner could:
- order the reconstitution of the campus;
  - order the removal of the campus to the ASD;
  - approve a plan by the school board to operate the campus as an open-enrollment charter school for up to two school years, after which the campus would be transferred to the ASD if it was still rated as unacceptable; or
  - require the district to contract for appropriate technical assistance.

The commissioner would be required to give considerable weight to recommendations from parents of the students enrolled at the failing school.

The affected students could choose to attend another school within the district. Students attending other schools in the district could choose to attend the campus transferred to the ASD if it could enroll more students.

A campus could change its name only on agreement of the prior system and the ASD. A diploma issued would be required to bear the name of the prior system.

The bill would allow campuses to be returned to the prior system on recommendation of the ASD superintendent and commissioner after the campus achieved an acceptable level of performance. The commission would have to include provisions for continuing programs that helped boost student academic achievement and for the employment status of all persons who were not previously employed by the prior system.

If a school operated by the ASD had failed to achieve acceptable performance, the commissioner would be required to return it to the prior system or close the school.

The bill would include a temporary provision that would expire September 1, 2016, allowing the commissioner to refrain from taking action against a campus based on performance for the 2014-15 school year and preceding school years.

**Operations.** The commissioner would select the superintendent of the ASD and employ central administrative staff, who could be employees of the Texas Education Agency. The district would not have taxing authority but could seek and expend federal and grant funding.

The ASD could operate each campus or contract with a charter school operator that:

- had been rated exemplary or recognized for three of the preceding five years;
- had documented success in school interventions; and
- had demonstrated success in educating similar student populations

to the population enrolled at the transferred campus.

The performance of a campus under the ASD could not be used to determine the prior school district's rating under the state accountability system.

Open meetings and records laws that apply to districts would apply to the ASD.

**Funding.** The ASD would be entitled to receive funding under the Foundation School Program equal to the amount per student in weighted average daily attendance without a tier one local share. Funding formula adjustments would be based on the adjustments for the prior system. The ASD would be entitled to receive enrichment funding under the guaranteed yield program based on the actual amount for the prior system.

The bill would add a temporary provision, set to expire September 1, 2015, to require the commissioner to apply the same adjustment factor to calculate the ASD's regular program allotment as for the prior system.

The ASD would report its student attendance and receive funding in the same manner as any other district. The prior district could not count the attendance of those students who were transferred to the ASD.

CSSB 1718 would entitle the ASD to use any school buildings and facilities used by the campus before it was placed in the ASD. The ASD would be responsible for routine maintenance and repairs.

The ASD could require the prior system to provide student transportation, food service, or student assessment for special education eligibility, although the ASD would be required to reimburse the prior system.

**Teachers.** Unlike rules governing most charter schools, a teacher employed by the ASD would need to be certified in the subject the teacher teaches.

The ASD superintendent would decide which teachers to retain, but would have to give priority consideration to certified teachers who held comparable positions in the prior system. A teacher could choose to remain with the prior system, which would retain and reassign the teacher consistent with contractual obligations.

For the purpose of determining any benefit or right requiring continuous service, the prior system would be required to grant a leave of absence to a person who was employed when the campus was removed. The prior system is not required to provide benefits during such leave.

The bill's provisions would apply beginning with the 2014-15 school year. This 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, 2013.

**SUPPORTERS  
SAY:**

CSSB 1718 would give the education commissioner another option to deal with failing schools so those students could have an opportunity to get a quality education. It would create a statewide Achievement School District that could operate up to 10 campuses or assign the operation to a proven charter school provider.

Many low-performing schools are located in predominantly minority and economically distressed neighborhoods. It is not a coincidence that for African American and Hispanic students, the dropout rate is more than one-third.

Recovery school districts have shown the promise of improvement in states such as Tennessee and Louisiana and they should be tried in Texas.

Although parents could no longer take their concerns to the local school board, the campus would have a principal. Parents also could contact the legislators for the district where the school is located and the education commissioner.

The bill would provide choice for students in failing schools that would not involve the use of vouchers. All Texas students deserve a public school system that prepares them for postsecondary studies and careers.

The bill would affect 58 districts with enrollment of more than 20,000 students to avoid transferring control of a small district's only high school, for example. Currently, 20 campuses would be eligible for transfer to the ASD, due to two or more years of academically unacceptable ratings.

Students and their parents would have the option to attend the campus under the ASD or choose to attend another school within the regular

district.

State money would follow the student, but the prior district would keep local tax dollars. Students still would have available transportation services, food services, and student assessments for special education as required under the prior system.

The bill would protect teachers by allowing them to remain employed by the prior system or be given priority consideration for employment in a comparable position by the superintendent of ASD.

OPPONENTS  
SAY:

CSSB 1718 would authorize the education commissioner to take over neighborhood schools rated low-performing for two consecutive years and turn them over to Austin bureaucrats and private charter school operators. The state takeover of local schools would require no inquiry into the reasons for the schools low ratings or whether it had received adequate funding and support needed to succeed academically.

In the process, students, teachers, and parents could lose safeguards of educational quality and fair treatment that they now have under the Education Code. Parents would not be able to go to their local elected school board with concerns.

The idea was borrowed from New Orleans where the school system was devastated after Hurricane Katrina. Despite inflated claims of success for the Louisiana model, the charter-dominated recovery district ranks dead last in educational quality among that state's 70 school districts.

The notion that neighborhood schools would be improved by eliminating state standards such as class-size limits, teacher contract rights, and policies against grade inflation is wrong. Rather than lower state quality standards, legislators should provide funding for smaller class sizes and other resources to help students succeed.

The bill would appear to depart from existing state funding formulas by flowing funding to ASD campuses based on student characteristics in the district left behind rather than on the characteristics of students who actually choose to attend the ASD.

NOTES:

Compared to the engrossed version, the House committee substitute would:

- limit ASD provisions to districts with enrollment of 20,000 students;
- limit ASD transfers to 10 campuses;
- apply Sunset review provisions; and
- allow other options for districts to address low-performing schools.