

BILL ANALYSIS

Senate Research Center
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S.B. 854
By: Harris
Education
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DIGEST AND PURPOSE

In 1993, the legislature mandated the creation of the Texas public school accountability system (accountability system) to accredit school districts and to rate schools. While the accountability system has gained acclaim, improvements can be made. As proposed, S.B. 854 allows the commissioner of education to work with other states to develop end-of-course assessment instruments and creates the voluntary gold performance rating program to rate public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 39.023, Education Code), SECTION 3 (Section 39.0721, Education Code), SECTION 5 (Section 39.132) and SECTION 6 (Section 42.159, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 7A, Education Code, by adding Section 7.006, as follows:

Sec. 7.006. COORDINATION OF RECORDS. Requires the commissioner of education and the commissioner of higher education to ensure that records relating to student performance held by the Texas Education Agency and the Texas Higher Education Coordinating Board are coordinated and maintained in standardized, compatible formats that permit the exchange of information between agencies and the matching of individual student records so that a student's academic performance may be assessed throughout the student's educational career.

SECTION 2. Amends Section 39.023, Education Code, by adding Subsection (d), (e), and (i), to authorize the commissioner of education (commissioner) to participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. Authorizes the commissioner, by rule, to require a school district to administer an end-of-course assessment instrument developed through the multistate efforts. Requires the admission, review, and dismissal committee of a student in a special education program under Chapter 29A to determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument or whether the student should be exempted under Section 39.027(a)(2).

(e) Makes a conforming change.

(i) Provides that the provisions of this section, except Subsection (d), are subject to modification by rules adopted under Section 39.022. Requires each assessment instrument required under Subsection (d) to be reliable and valid and to meet any applicable federal requirements for measurement of student progress.

SECTION 3. Amends Chapter 39D, Education Code, by adding Section 39.0721, as follows:

Sec. 39.0721. VOLUNTARY GOLD PERFORMANCE RATING PROGRAM. (a)
Requires the commissioner, in addition to district and campus performance ratings reported

under Section 39.072 and in consultation with an advisory committee appointed under this section, to develop a voluntary gold performance rating program based on enhanced performance. Requires the Texas Education Agency (agency) to administer the program.

(b) Authorizes a district or campus rated exemplary under Section 39.072, under the voluntary gold performance rating program, to apply to the agency for an exemplary gold rating. Authorizes a district or campus rated recognized under Section 39.072, under the voluntary gold performance rating program, to apply to the agency for a recognized gold rating. Authorizes a district or campus rated academically acceptable under Section 39.072, under the voluntary gold performance rating program, to apply to the agency for an academically acceptable gold rating.

(c) Sets forth the criteria of performance standards on which a voluntary gold performance rating are to be based.

(d) Sets forth the size, membership requirements, and manner of appointment of the advisory committee assisting the commissioner in developing the voluntary gold performance rating program.

(e) Authorizes the commissioner to adopt rules as necessary to implement and administer this section, including rules establishing a procedure and form a district or campus must use in applying to the agency for a voluntary rating.

(b) Requires the commissioner, not later than March 1, 2002, to appoint members to the advisory committee for the voluntary gold performance rating program as provided by Section 39.0721(d), Education Code, as added by Subsection (a) of this section.

(c) Requires the commissioner, not later than March 30, 2006, to complete the development of the voluntary gold performance rating system as provided by Section 39.0721, Education Code, as added by Subsection (a) of this section, and to adopt any rules necessary for implementation and administration of Section 39.0721, Education Code.

(d) Requires the agency, beginning with the 2006-2007 school year or an earlier school year, to implement the voluntary gold performance rating program under Section 39.0721, Education Code, as added by Subsection (a) of this section.

[Note: S.B. 854 as drafted letters the subsections of proposed Section 39.0721, Education Code, as (a), (b), (c), (d), (e), (b), (c), (d).]

SECTION 4. Amends Sections 39.131(b) and (c), Education Code, as follows:

(b) Authorizes the commissioner, if a campus performance is below any standard under Section 39.073(b), to either authorize the board of trustees of the district in which the campus is located to declare emergency status at the campus as provided by Section 39.132, or take certain other actions.

(c) Provides that this subsection does not apply to a campus at which emergency status is declared under Section 39.132.

SECTION 5. Amends Chapter 39G, by adding Section 39.132, as follows:

Sec. 39.132. (a) **DECLARATION OF EMERGENCY STATUS AT LOW-PERFORMING CAMPUSES.** Authorizes the board of trustees of a school district (board) to apply to the commissioner for authorization for the board to declare emergency status at any

low-performing campus in the district.

(b) Provides that a campus at which emergency status is declared is subject to federal and state laws and rules governing public schools, except that in order to overcome impediments to efforts to aggressively address the problems at the campus, the commissioner is authorized to exempt the campus from this code and rules adopted under this code.

(c) Requires the commissioner to prescribe the form and content of an application for a declaration of emergency status.

(d) Requires the commissioner, if the commissioner objects to an application for a declaration of emergency status, to notify the board, not later than the 30th day after the date the application is received, in writing that the application is denied. Provides that if the commissioner does not notify the board of an objection within that time, the application is considered granted.

(e) Prohibits the commissioner from approving emergency status at a campus under this section for a period of longer than two years, except that the board is authorized to submit a written application to the commissioner for an extension of the emergency status for a period of not longer than one year. Requires the application to explain the reason an extension is necessary.

(f) Authorizes the commissioner to adopt rules to administer this section.

SECTION 6. Amends Chapter 42C, Education Code, by adding Section 42.159, as follows:

Sec. 42.159. **CAMPUS BONUS ALLOTMENT.** Provides that a school district is entitled to an annual allotment of \$3,000 for each full-time equivalent teacher at a campus determined by the commissioner to have shown extraordinary improvement in the preceding school year. Provides that a school district is entitled to an annual allotment of \$1,000 for each full-time equivalent teacher at a school campus determined by the commissioner to have shown significant improvement in the preceding school year. Authorizes an allotment under this section to be used only to provide additional funding to the campus for which the allotment was made. Requires the campus-level committee established under Chapter 11F for a campus for which an allotment under this section was made to determine the manner in which the allotment is used. Authorizes the commissioner to adopt rules to administer this section.

SECTION 7. Makes application of Sections 39.131(b) and (c), Education Code, as amended by this Act, and Section 39.132, Education Code, as added by this Act, prospective to the 2001-2002 school year.

SECTION 8. (a) Effective date: upon passage or September 1, 2001, except as provided by Subsection (b).

(b) Provides that Section 6 of this Act takes effect September 1, 2001.