

BILL ANALYSIS

Senate Research Center

S.B. 1601
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The recent closure of Johnston High School in Austin (JHS) and the commissioner of education's (commissioner) approval of the repurposing of the Johnston campus have been instructive in how the law needs to be changed to ensure better outcomes for the students, school administrators, teachers, and the community.

In 2008, JHS was ordered closed and its campus subsequently approved for repurposing. The current law and rules displace students from their neighborhoods and result in over-crowded schools, a disservice to both the closed-campus students and the students in the schools to which the closed-campus students transfer.

As proposed, S.B. 1601 requires a campus rated academically unacceptable to implement the school improvement plan as approved by the commissioner, who is authorized to appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee the implementation of the plan. This bill requires the commissioner, in making an appointment, to consider individuals who have demonstrated success working in the management of campuses with student populations similar to the student population of the campus subject to the appointment. S.B. 1601 also prohibits the commissioner from approving the repurposing of a campus unless at least 50 percent of the students enrolled at the campus in the school year immediately preceding the repurposing of the campus are provided with the opportunity to enroll at another school, the principal is not retained at the campus, and at least 75 percent of the teachers employed at the campus in the school year immediately preceding the repurposing of the campus are not retained at the campus.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 3 (Section 39.1327, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 39.1322, Education Code, by adding Subsection (e), as follows:

(e) Requires a technical assistance team or campus intervention team appointed under this section, if the commissioner of education (commissioner) appoints a monitor, conservator, management team, or board of managers to the district under Section 39.1324(c), to work with and under the direction of the monitor, conservator, management team, or board of managers. Authorizes the monitor, conservator, management team, or board of managers to recommend to the commissioner that all or part of the services of a technical assistance team or campus intervention team are no longer needed at a campus.

SECTION 2. Amends Sections 39.1324(c)-(f), Education Code, as follows:

(c) Requires a campus subject to Subsection (a) (relating to an academically unacceptable campus being assigned a campus intervention team) to implement the school improvement plan (plan) as approved by the commissioner. Authorizes the commissioner to appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee the implementation of the plan. Requires the commissioner, in making an appointment under this subsection, to consider individuals

who have demonstrated success working in the management of campuses with student populations similar to the student population of the campus subject to the appointment. Makes a nonsubstantive change.

(d) Authorizes the commissioner, notwithstanding any other provision of this subchapter, if the commissioner determines that a campus subject to Subsection (a) is not fully implementing the plan, to order repurposing of the campus under Section 39.1327 or closure of the campus, rather than to pursue alternative management of the campus under Section 39.1327 or order closure of the campus.

(e)-(f) Makes conforming changes.

SECTION 3. Amends Section 39.1327, Education Code, as follows:

Sec. 39.1327. New heading: REPURPOSING OF CERTAIN ACADEMICALLY UNACCEPTABLE CAMPUSES. (a) Makes a conforming change.

(b) Redesignates Subsection (c) as Subsection (b). Deletes existing Subsection (b) requiring the commissioner to solicit proposals from qualified nonprofit entities to assume management of a campus subject to this section or is authorized to appoint to assume management of a campus subject to this section a school district other than the district in which the campus is located that is located in the boundaries of the same regional education service center as the campus is located. Deletes existing text requiring a district appointed under this section to assume management of a campus subject to this section in the same manner provided by this section for a qualified nonprofit entity or in accordance with commissioner rule.

(c) Requires a district ordered to repurpose a campus under Section 39.1324 to submit a plan to the commissioner for approval. Requires the plan to include a description of a rigorous and relevant academic program for the campus. Authorizes the plan to include various instructional models.

(d) Prohibits the commissioner from approving the repurposing of a campus under Section 39.1324 unless:

(1) at least 50 percent of the students enrolled at the campus in the school year immediately preceding the repurposing of the campus are provided with the opportunity to enroll at another school, which is authorized to include another school on the same campus;

(2) the principal is not retained at the campus; and

(3) at least 75 percent of the teachers employed at the campus in the school year immediately preceding the repurposing of the campus are not retained at the campus, unless an exception is granted under Subsection (e).

(e) Authorizes the commissioner or a management team appointed under Section 39.1324(c) to grant an exception to the requirement provided by Subsection (d)(3) for a teacher who provides instruction in a subject other than a subject for which an assessment instrument is administered under Section 39.023(a) (relating to requirement of the Texas Education Agency (TEA) to adopt or develop appropriate criterion-referenced assessment instruments) or (c) (relating to the requirement of TEA to adopt end-of-course assessment instruments). Authorizes the commissioner, at the request of a district that is comprised of a single school providing instruction at the effected [*sic*] grade level, to grant an exception to the requirement provided b [*sic*] Subsection (d)(1) if the commissioner finds that there is no school in the district in which the students may enroll. Authorizes the commissioner, if granting an exception to the requirement provided by Subsection (d)(1), to order the school district to provide students with more intensive

academic intervention. Authorizes the commissioner, at the request of the district, to grant an exception to the requirement provided by Subsection (d)(3) for a teacher who provides instruction in a subject for which an assessment instrument is administered under Section 39.023(a) or (c) if the district demonstrates that the students of the teacher demonstrated improved academic growth [performed at or above the statewide average on the assessment instrument for] in the teacher's subject of instruction [that was administered under Section 39.023(a) or (c)] in the school year immediately preceding the repurposing of the campus. Requires the commissioner to adopt objective standards for determining improved academic growth.

(f) Authorizes an educator, if the educator is not retained under Subsection (d), to be assigned to another position in the district.

Deletes existing Subsection (d) authorizing the commissioner to annually solicit proposals under this section for the management of a campus subject to this section. Deletes existing text requiring the commissioner to notify a qualified nonprofit entity that has been approved as a provider under this section and requiring the district to execute a contract with an approved provider and relinquish control of the campus before January 1 of the school year.

Deletes existing Subsection (e) requiring the entity, to qualify for consideration as a managing entity under this section, 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 certain individuals.

Deletes existing Subsection (f) requiring the commissioner, in selecting a managing entity under this section, to give preference to a nonprofit entity that meets any qualifications under this section and has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus that is to be operated by a managing entity under this section.

Deletes existing Subsection (g) authorizing the school district to negotiate the term of management contract for not more than five years with an option to renew the contract and that requiring the management contract to include a provision describing the district's responsibilities in supporting the operation of the campus. Deletes existing text requiring the commissioner to approve the contract before the contract is executed and, as appropriate, is authorized to require the district, as a term of the contract, to support the campus in the same manner as the district was required to support the campus before the execution of the management contract.

Deletes existing Subsection (h) requiring that a management contract under this section include provisions approved by the commissioner that require the managing entity to demonstrate improvement in campus performance, including negotiated performance measures that are required to be consistent with the priorities of this chapter. Deletes existing text requiring the commissioner to evaluate a managing entity's performance on the first and second anniversaries of the date of the management contract. Deletes existing text authorizing the district, if the evaluation fails to demonstrate improvement as negotiated under the contract by the first anniversary of the date of the management contract, to terminate the management contract, with the commissioner's consent, for nonperformance or breach of contract and select another provider from an approved list provided by the commissioner. Deletes existing text requiring the district, if the evaluation fails to demonstrate significant improvement, as determined by the commissioner, by the second anniversary of the date of the management contract, to terminate the management contract and select another provider from an approved list provided by the commissioner or resume operation of the campus if approved by the commissioner, and if the commissioner

approves the district's operation of the campus, the commissioner is required to assign a technical assistance team to assist the campus.

Deletes existing Subsection (i) prohibiting the funding for a campus operated by a managing entity, notwithstanding any other provision of this code, from being less than the funding of the other campuses in the district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received.

Deletes existing Subsection (j) providing that each campus operated by a managing entity under this section is subject to this chapter in the same manner as any other campus in the district.

Deletes existing Subsection (k) authorizing the commissioner to adopt rules necessary to implement this section.

Deletes existing Subsection (l) providing that with respect to the management of a campus under this section a managing entity is considered to be a governmental body for purposes of Chapters 551 (Open Meetings) and 552 (Public Information), Government Code and any requirement in these chapters that applies to a school district or the board of trustees of a school district applies to a managing entity.

SECTION 4. Amends Section 39.134, Education Code, to delete existing text requiring that the costs of providing a managing entity under Section 39.1327 be paid by the district.

SECTION 5. Amends Section 39.135(c), Education Code, to set forth certain responsibilities of the conservator or management team, including authorizing the conservator or management team to recommend to the commissioner that all or part of the services of a technical assistance team appointed under Section 39.1322 are no longer needed at a campus.

SECTION 6. Provides that a campus ordered to pursue alternative management under Section 39.1324, Education Code, as that section existed before the effective date of this Act, and that entered into a contract with a managing entity under Section 39.1327, Education Code, as that section existed immediately before the effective date of this Act, is governed by Section 39.1327, Education Code, as that section existed immediately before the effective date of this Act, until the expiration of the contract, and Section 39.1327, Education Code, as that section existed immediately before the effective date of this Act, continues in effect for that purpose.

SECTION 7. Effective date: upon passage or September 1, 2009.