

81R8226 CAS-D

By: Dukes

H.B. No. 1238

A BILL TO BE ENTITLED

AN ACT

relating to sanctions that may be imposed on public school campuses identified as academically unacceptable for two consecutive school years.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.1324, Education Code, is amended to read as follows:

Sec. 39.1324. MANDATORY SANCTIONS. (a) If a campus has been identified as academically unacceptable for two consecutive school years, including the current school year, the commissioner shall ~~[order the reconstitution of the campus and]~~ assign a campus intervention team. The ~~[In reconstituting the campus, a]~~ campus intervention team shall assist the campus in:

(1) developing a school improvement plan in consultation with parents and guardians of campus students and other interested persons in the community;

(2) obtaining approval of the plan from the commissioner; and

(3) executing the plan on approval by the commissioner.

(b) The campus intervention team, in consultation with school district officials, the campus-level planning and decision-making committee established under Subchapter F, Chapter 11, other parents and guardians of campus students, and other interested persons in the community, shall decide which educators may be retained at that campus. A principal who has been employed by the campus in that capacity during the full two-year period described by Subsection (a) may not be retained at that campus. A teacher of a subject assessed by an assessment instrument under Section 39.023 may be retained only if the campus intervention team, in consultation with school district officials, the campus-level planning and decision-making committee, other parents and guardians of campus students, and other interested persons in the community, determines that a pattern exists of significant academic improvement by students taught by the teacher. If an educator is not retained, the educator may be assigned to another position in the district.

(c) A campus subject to Subsection (a), in conjunction with school district officials and the campus-level planning and

decision-making committee, shall implement the school improvement plan as approved by the commissioner and shall make the plan available to interested persons on request. The commissioner may appoint a monitor, conservator, management team, or a board of managers to the district to ensure and oversee the implementation of the school improvement plan.

(d) Notwithstanding any other provision of this subchapter, if the commissioner determines that a campus subject to Subsection (a) is not fully implementing the school improvement plan, the commissioner may, in consultation with school district and campus officials and the campus-level planning and decision-making committee, take any of the following actions:

(1) replace any campus employee determined to be contributing to the continued failure to meet state performance standards;

(2) implement a new, scientifically-based curriculum and professional development training in providing instruction in that curriculum;

(3) increase the number of hours in the school day or the number of days of instruction in the school year;

(4) appoint a person from outside the campus who has

relevant professional experience in education to assist the campus in making progress, as provided by the campus improvement plan, towards meeting state performance standards; or

(5) decrease the authority of the campus administrators in managing the campus or otherwise restructure the campus's management or administrative structure [pursue alternative management of the campus under Section 39.1327 or may order closure of the campus].

(e) If a campus is considered an academically unacceptable campus for the subsequent school year after the campus intervention team is assigned [~~reconstituted~~] under this section, the commissioner shall review the progress of the campus and may, in consultation with school district and campus officials and the campus-level planning and decision-making committee, take any action authorized under Subsection (d) [~~order closure of the campus or pursue alternative management under Section 39.1327~~].

(f) If a campus is considered academically unacceptable for two consecutive school years after the campus intervention team is assigned [~~reconstituted~~] under Subsection (a), the commissioner shall review the progress of the campus and shall, in consultation with school district and campus officials and

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~~the campus-level planning and decision-making committee, take one or more actions authorized under Subsection (d) [order closure of the campus or pursue alternative management under Section 39.1327].~~

SECTION 2. Section 39.1323(f), Education Code, is repealed.

SECTION 3. This Act applies beginning with the 2009-2010 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.