

- SUBJECT:** Allowing education commissioner to reassign low-performing school staff
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 8 ayes — Sadler, Dutton, Dunnam, Grusendorf, Hochberg, Lengefeld, Olivo, Smith
- 0 nays
- 1 absent — Oliveira
- SENATE VOTE:** On final passage, May 11 — voice vote (Barrientos recorded nay)
- WITNESSES:** For — None
- Against — None
- On — Rene Lara, Texas Federation of Teachers; Betty Ressel, Comptroller's Office
- BACKGROUND:** Under the Texas Education Code, section 39.131, the Commissioner of Education may take certain actions to deal with low-performing schools. The actions include:
- ! issuing a notice to the board of trustees of the school;
 - ! ordering a hearing to notify the public;
 - ! ordering the preparation of a student achievement plan;
 - ! ordering a hearing before the commissioner;
 - ! appointing a special campus intervention team;
 - ! appointing a board of managers, if the campus has been low-performing for over one year; or
 - ! closing the campus or program, if it has been low-performing for two or more years.
- DIGEST:** SB 876 would allow the education commissioner, as an alternative to closing a school or program that has been low-performing for two or more years, to reassign staff to other schools or positions in a district. This would apply to some or all of the educators employed on the campus for at least two years.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house and would apply with the 1999-2000 school year.

**SUPPORTERS
SAY:**

The 1999 Texas Performance Review, *Challenging the Status Quo*, recommended authorizing the commissioner of education to transfer personnel away from low-performing schools. The commissioner has used the authority to restructure a school very rarely, but when it has been done, it has resulted in significant improvement in the academic achievement of the students. Allowing the commissioner to reconfigure the actual staffing of the school or program would give the commissioner additional flexibility in determining the best course for the school in a situation that would otherwise require closing the facility or the program.

The authority granted under SB 876 would have an impact on local control. However, such an action would only be taken in extreme cases. It actually would be less severe than some options already afforded the commissioner when a school has been low-performing over a period of time. The commissioner would not have the authority to fire an educator, but only to mandate that certain educators transfer when it was in the best interest of improving student performance at the school or program. This authority already is available at the local level without any hearing or due process.

**OPPONENTS
SAY:**

SB 876 would be a direct intrusion of state authority on local control and would directly affect the contract made between an educator and a local district. This bill would allow the commissioner, sitting in Austin, to mandate the removal of a teacher from a classroom in a local district.