

SUBJECT: Interventions and sanctions for academically unsuccessful schools

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Aycock, Allen, Bohac, Deshotel, Dutton, Farney, Galindo, González, Huberty, K. King, VanDeaver

0 nays

WITNESSES: For — David Anthony, Raise Your Hand Texas; Monty Exter, The Association of Texas Professional Educators; (*Registered, but did not testify*: Sandy Ward and Angela Smith, Fredericksburg Tea Party; Drew Scheberle, Greater Austin Chamber of Commerce; Barbara Frandsen, League of Women Voters of Texas; Ted Melina Raab, Texas American Federation of Teachers; Lindsay Gustafson, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Yannis Banks, Texas NAACP; Matt Long)

Against — None

On — Mark Baxter, Texas Education Agency; Julie Linn, Texans for Education Reform; Grover Campbell, Texas Association of School Boards; (*Registered, but did not testify*: Von Byer and Ronald Rowell, Texas Education Agency; Steve Swanson)

BACKGROUND: Education Code, sec. 39.106 establishes a campus intervention team to work with certain low-performing schools. Local education agencies recommend team members, according to procedures established by the Texas Education Agency (TEA). The team assigned to a campus consists of the district coordinator of school improvement and a professional service provider, such as a former principal, superintendent, or other experienced educator.

Sec. 39.107 contains procedures for campuses identified as unacceptable for two consecutive school years. The procedures include reconstitutions, repurposing, alternative management, and closure.

DIGEST: CSHB 1842 would adopt new procedures for intervening in and sanctioning certain low-performing schools, including requirements for a campus turnaround plan.

Campus turnaround plan. After a campus has been identified as unacceptable for two consecutive years, the commissioner of education would order the campus to submit a campus turnaround plan. The district board of trustees would consult with the campus intervention team to provide notice and request assistance from parents, the community, and stakeholders. The plan would have to include details on the method for restructuring, reforming, or reconstituting the campus. The plan could involve granting a district charter.

The bill would remove requirements that a campus intervention team decide which educators at the underperforming school should be retained and the prohibition on retaining the principal unless certain conditions were met.

The turnaround plan would have to include:

- a detailed description of academic programs, including instructional methods, length of school day and year, credit and promotion criteria, and programs to serve special student populations;
- the term of a district charter, if applicable, which could not exceed five years;
- written comments from stakeholders, including parents and teachers; and
- a detailed description of the budget, staffing, and financial resources required to implement the plan.

Open-enrollment charter schools. The bill would require an open-enrollment charter school to revise the school's charter in a campus turnaround plan.

The education commissioner must approve a campus turnaround plan after determining that it would satisfy all student performance standards not later than the second year following its implementation.

A turnaround plan would be implemented following the third consecutive school year that the campus has been rated academically unacceptable. A district could modify or withdraw the plan if the campus is rated academically acceptable for two years.

Alternative management. If a campus turnaround plan is not approved, the commissioner would be required to order appointment of a board of managers to govern the district, alternative management of the campus, or closure.

If the commissioner orders alternative management, the district would be required to execute a contract with a managing entity for up to five years. The contract would have to be approved by the commissioner and would be canceled if a campus continued to be rated academically unacceptable for two consecutive years. When a contract was ended, the school board would resume management of the campus.

Board of managers. If a campus were rated unacceptable for three consecutive years after being ordered to submit a turnaround plan, the commissioner would either appoint a board of managers to govern the district or close the school.

A board of managers would be required to take appropriate actions to resolve the conditions that caused a campus to be low performing, including amending the district's budget, reassigning staff, or relocating academic programs. The commissioner could authorize payment to a board of managers from TEA funds. A board of managers could be removed only after the campus received an academically acceptable rating for two consecutive years. After removal of a board of managers, the commissioner could appoint a conservator to ensure district-level support for low-performing campuses.

Closure. Under an order of closure, a campus could be repurposed only if the commissioner found a repurposed campus would offer a distinctly different academic program and would serve a majority of grade levels at the repurposed campus not served at the original campus.

Any student assigned to a campus that had been closed would have to be allowed to transfer to any other campus in the district and be provided transportation to the other campus on request.

The Legislative Budget Board would be required to publish by December 1, 2018, a report evaluating the new procedures.

The commissioner would be required to adopt a transition plan to allow a campus that received an academically unacceptable rating for three or more consecutive years before the bill went into effect to continue with existing interventions and sanctions. If such a campus continued to receive the low ratings for two more school years it would be closed or a board of managers would be appointed for the district.

The bill would apply beginning with the 2016-17 school year. For a campus that receives an academically unacceptable rating for a consecutive year following the 2015-16 school year, the act would apply beginning with the 2016-17 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, 2015.

SUPPORTERS
SAY:

CSHB 1842 would address chronically low performing schools by streamlining the sanctions and intervention process and providing finality for the community. Districts and local school boards no longer could allow low-performing campuses to persist for years. The knowledge that the state would intervene could force a school board to either fix the campus or give students a better option.

Campus turnaround plan. The bill would direct a school rated

academically unacceptable for two consecutive years to develop a campus turnaround plan to be implemented if the campus received a third academically unacceptable rating. Districts would have flexibility to craft a plan that met local needs and included input from parents and teachers.

The bill would remove requirements that could lead to wholesale replacements of teachers at failing schools. Instead of punishing teachers for working in a troubled school, the bill would allow them to play a crucial role in turning the campus around.

Alternative management. The requirement for alternative management contracts to be revoked after two years if a school did not improve would prevent a campus from being allowed to remain unacceptable for longer than that just because there was an alternative management contract in effect. Some have suggested the bill should give the commissioner authority to establish a statewide “opportunity” or “achievement” school district. The bill would give the commissioner sufficient authority to alternatively manage schools without the need to establish an opportunity school district.

After five consecutive years of academically unacceptable performance, the bill would require closure or a board of managers. These are drastic, but appropriate options for schools with a long record of consistently low performance.

OPPONENTS
SAY:

CSHB 1842 would spend \$1.7 million on state-level staff to address failing schools instead of funding programs to directly help students in those schools succeed. Money for tutoring, technology, and counseling could do more to improve student performance than yet another series of bureaucratic interventions and sanctions.

The bill would not give sufficient time for alternate management arrangements to work. Some entities that specialize in school interventions have said they would need a minimum of five years to turn around a failing school. A statewide “opportunity” school district should be included among the alternative management options because other

states have used them effectively to boost student achievement.

The bill should address the situation where a campus moves from unacceptable to acceptable and back again. Those districts that fall back below acceptable standards should not be allowed to reset the timeline for intervention and sanctions.

NOTES: The Legislative Budget Board estimates that CSHB 1842 would result in a negative impact of \$1.7 million on general revenue related funds through fiscal 2016-17.