

By: VanDeaver

H.B. No. 977

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Texas Commission on Assessment and Accountability.

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

SECTION 1. Chapter 39A, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. TEXAS COMMISSION ON ASSESSMENT AND ACCOUNTABILITY

Sec. 39A.351. DEFINITION. In this subchapter, "commission" means the Texas Commission on Assessment and Accountability.

Sec. 39A.352. TEXAS COMMISSION ON ASSESSMENT AND ACCOUNTABILITY. (a) The commission is established to develop and make recommendations for improvements to the current public school assessment and accountability systems.

(b) The commission is composed of 19 members, consisting of:

(1) four members appointed by the governor;

(2) seven members appointed by the lieutenant governor;

(3) seven members appointed by the speaker of the house of representatives; and

(4) a member of the State Board of Education, as designated by the chair of that board.

(c) The members appointed by the governor must have an interest in public education and include at least:

(1) one person who is a current classroom teacher:

1 (A) in a grade and subject for which an
2 assessment instrument required under Section 39.023 is
3 administered; and

4 (B) with at least 10 years of teaching experience
5 at a school that receives federal funding under Title I, Elementary
6 and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et
7 seq.);

8 (2) one person who is a member of the business
9 community; and

10 (3) one person who is a member of the civic community.

11 (d) The appointments made by the lieutenant governor and the
12 speaker of the house of representatives must each consist of:

13 (1) three members of the applicable legislative
14 chamber;

15 (2) a superintendent in the public school system;

16 (3) an elected member of the board of trustees of a
17 school district;

18 (4) a parent of a student in the public school system;

19 and

20 (5) a public school district staff member who serves
21 on the Accountability Technical Advisory Committee established by
22 rule.

23 (e) In making appointments under Subsections (b)(1), (2),
24 and (3), the governor, lieutenant governor, and speaker of the
25 house of representatives shall coordinate to ensure that the
26 membership of the commission reflects, to the extent possible, the
27 ethnic and geographic diversity of this state.

1 Sec. 39A.353. PRESIDING OFFICER AND MEMBERS. (a) The
2 governor shall designate the presiding officer of the commission.

3 (b) A commission member may not be an employee, contractor,
4 consultant, or vendor of the agency or a regional education service
5 center.

6 Sec. 39A.354. COMPENSATION AND REIMBURSEMENT. A member of
7 the commission is not entitled to compensation for service on the
8 commission but is entitled to reimbursement for actual and
9 necessary expenses incurred in performing commission duties.

10 Sec. 39A.355. ADMINISTRATIVE SUPPORT AND FUNDING. (a) The
11 agency shall provide administrative support for the commission.
12 The agency, with assistance as necessary from the Texas Higher
13 Education Coordinating Board, shall provide data and analysis as
14 requested by the commission, including data available in the
15 education research centers established under Section 1.005.

16 (b) Funding for the administrative and operational expenses
17 of the commission shall be provided by legislative appropriation
18 made to the agency for that purpose.

19 Sec. 39A.356. RECOMMENDATIONS. (a) The commission shall
20 develop recommendations under this subchapter to address issues
21 related to the public school statewide assessment system,
22 including:

23 (1) test construction and administration methods that
24 ensure validity, readability, and fairness for all students;

25 (2) assessment options to inform instruction
26 throughout the school year;

27 (3) any disproportionate impact of assessments on

1 students receiving each tier of the compensatory education
2 allotment and other special populations, and appropriate policy
3 responses;

4 (4) the costs and instructional time devoted to the
5 administration of state-required assessment instruments, and
6 options for minimizing those costs and that time by combining
7 assessments and classroom instruction; and

8 (5) privacy, security, and confidentiality protocols
9 regarding the student information of a student receiving online
10 instruction or assessment.

11 (b) The commission shall develop recommendations under this
12 subchapter to address issues related to the public school academic
13 accountability rating system, including:

14 (1) characteristics and measures of effective schools
15 beyond state-required assessment instruments and ways to
16 incorporate those characteristics and measures into a fairer
17 accountability system;

18 (2) the correlation of accountability results with
19 special student populations, including educationally disadvantaged
20 students and students who are not educationally disadvantaged, for
21 each domain rating and overall rating, and the effect of enrollment
22 in open-enrollment charter schools and magnet or other voluntary
23 programs on the composition of student populations of district
24 campuses and the application of accountability measures; and

25 (3) the appropriateness and effectiveness of current
26 district and campus sanctions and any correlation between sanctions
27 imposed and campuses or districts serving particular student

1 populations.

2 (c) The commission shall include and consider
3 recommendations made by the existing Accountability Technical
4 Advisory Committee and Accountability Policy Advisory Committee
5 established by rule.

6 (d) The commission may establish one or more working groups
7 composed of not more than five members of the commission to study,
8 discuss, and address specific policy issues and recommendations to
9 refer to the commission for consideration.

10 Sec. 39A.357. REPORT. Not later than December 31, 2024, the
11 commission shall prepare and deliver a report to the governor and
12 the legislature that recommends statutory changes to improve the
13 public school assessment and accountability systems.

14 Sec. 39A.358. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a)
15 The commission may hold public meetings as needed to fulfill its
16 duties under this subchapter.

17 (b) The commission is subject to Chapters 551 and 552,
18 Government Code.

19 SECTION 2. Notwithstanding any other law, the commissioner
20 of education may not assign A through F ratings to an independent
21 school district or district campus under Chapter 39A, Education
22 Code, following the 2022-2023 school year. Sanctions in effect
23 under Chapter 39A, Education Code, continue in effect after the
24 effective date of this Act but may not be increased, and additional
25 sanctions may not be imposed.

26 SECTION 3. For purposes of a sanction imposed by the
27 commissioner of education on an independent school district or a

1 district campus under Chapter 39A, Education Code, based on
2 multi-year performance measures, the 2022-2023 school year does not
3 interrupt a series of measures continuing in effect from the
4 2021-2022 school year.

5 SECTION 4. Nothing in this Act prohibits the commissioner
6 of education from reducing or suspending an existing sanction based
7 on meeting performance standards adopted by rule or under Section
8 11.174, Education Code.

9 SECTION 5. (a) The commissioner of education shall apply to
10 the federal government for appropriate waivers or amendments to the
11 application of federal law as necessary to allow implementation of
12 this Act.

13 (b) The commissioner of education may take appropriate
14 measures to assess students and evaluate academic performance
15 following the 2022-2023 school year only to the extent required by
16 federal law.

17 (c) For purposes of district or campus sanction based on
18 multi-year performance measures, the 2022-2023 school year may not
19 be considered but will not interrupt a series of measures
20 continuing from the 2021-2022 school year.

21 SECTION 6. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2023.