

By: Rosenthal

H.B. No. 2661

A BILL TO BE ENTITLED

AN ACT

1
2 relating to eliminating the requirement to use public school
3 assessment instruments as indicators of achievement under the
4 public school accountability system.

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

6 SECTION 1. Section 28.0258(j), Education Code, is amended
7 to read as follows:

8 (j) Notwithstanding any action taken by an individual
9 graduation committee under this section, a school district shall
10 administer an end-of-course assessment instrument to any student
11 who fails to perform satisfactorily on an end-of-course assessment
12 instrument as provided by Section 39.025(b). [~~For purposes of~~
13 ~~Section 39.053(c)(1), an assessment instrument administered as~~
14 ~~provided by this subsection is considered an assessment instrument~~
15 ~~required for graduation retaken by a student.~~]

16 SECTION 2. Section 29.062(a), Education Code, is amended to
17 read as follows:

18 (a) The legislature recognizes that compliance with this
19 subchapter is an imperative public necessity. Therefore, in
20 accordance with the policy of the state, the agency shall evaluate
21 the effectiveness of programs under this subchapter based on the
22 achievement indicators adopted under Section 39.053(c) [~~including~~
23 ~~the results of assessment instruments~~]. The agency may combine
24 evaluations under this section with federal accountability

1 measures concerning emergent bilingual students.

2 SECTION 3. Section 29.190(a), Education Code, is amended to
3 read as follows:

4 (a) A student is entitled to a subsidy under this section
5 if:

6 (1) the student:

7 (A) successfully completes the career and
8 technology program of a school district in which the student
9 receives training and instruction for employment; or

10 (B) is enrolled in a special education program
11 under Subchapter A; and

12 (2) the student passes a certification examination to
13 qualify for a license or certificate that is an industry
14 certification for purposes of Section 39.053(c)(1)(C)
15 [~~39.053(c)(1)(B)(v)~~], administered while the student is enrolled
16 in a school district.

17 SECTION 4. Section 39.033(b), Education Code, is amended to
18 read as follows:

19 (b) An agreement under this section must require the private
20 school to:

21 (1) as determined appropriate by the commissioner,
22 provide to the commissioner the information described by Section
23 [~~Sections 39.053(c) and~~ 39.301(c)]; and

24 (2) maintain confidentiality in compliance with
25 Section 39.030.

26 SECTION 5. Sections 39.053(c), (g), (g-1), (g-2), (g-3),
27 and (g-4), Education Code, are amended to read as follows:

1 (c) School districts and campuses must be evaluated based on
2 three domains of indicators of achievement adopted under this
3 section that include:

4 (1) in the student achievement domain, indicators of
5 student achievement that must include [+

6 ~~[(A) for evaluating the performance of districts
7 and campuses generally;~~

8 ~~[(i) an indicator that accounts for the
9 results of assessment instruments required under Sections
10 39.023(a), (c), and (1), as applicable for the district and campus,
11 including the results of assessment instruments required for
12 graduation retaken by a student, aggregated across grade levels by
13 subject area, including;~~

14 ~~[(a) for the performance standard
15 determined by the commissioner under Section 39.0241(a), the
16 percentage of students who performed satisfactorily on the
17 assessment instruments, aggregated across grade levels by subject
18 area; and~~

19 ~~[(b) for the college readiness
20 performance standard as determined under Section 39.0241, the
21 percentage of students who performed satisfactorily on the
22 assessment instruments, aggregated across grade levels by subject
23 area; and~~

24 ~~[(ii) an indicator that accounts for the
25 results of assessment instruments required under Section
26 39.023(b), as applicable for the district and campus, including the
27 percentage of students who performed satisfactorily on the~~

1 ~~assessment instruments, as determined by the performance standard~~
2 ~~adopted by the agency, aggregated across grade levels by subject~~
3 ~~area; and~~

4 ~~[(B) for]~~ evaluating the performance of high
5 school campuses and districts that include high school campuses,
6 indicators that account for:

7 (A) ~~[(i) students who satisfy the Texas Success~~
8 ~~Initiative (TSI) college readiness benchmarks prescribed by the~~
9 ~~Texas Higher Education Coordinating Board under Section 51.334 on~~
10 ~~an assessment instrument in reading or mathematics designated by~~
11 ~~the coordinating board under that section;~~

12 ~~[(ii) students who satisfy relevant~~
13 ~~performance standards on advanced placement tests or similar~~
14 ~~assessments;]~~

15 ~~[(iii)]~~ students who earn dual course
16 credits in the dual credit courses;

17 (B) ~~[(iv)]~~ students who enlist in the armed
18 forces of the United States or the Texas National Guard;

19 (C) ~~[(v)]~~ students who earn industry
20 certifications;

21 (D) ~~[(vi)]~~ students admitted into postsecondary
22 industry certification programs that require as a prerequisite for
23 entrance successful performance at the secondary level;

24 (E) ~~[(vii)]~~ students whose successful completion
25 of a course or courses under Section 28.014 indicates the student's
26 preparation to enroll and succeed, without remediation, in an
27 entry-level general education course for a baccalaureate degree or

1 associate degree;

2 (F) [~~(viii)~~] students who successfully met
3 standards on a composite of indicators that through research
4 indicates the student's preparation to enroll and succeed, without
5 remediation, in an entry-level general education course for a
6 baccalaureate degree or associate degree;

7 (G) [~~(ix)~~] high school graduation rates,
8 computed in accordance with standards and definitions adopted in
9 compliance with the Every Student Succeeds Act (20 U.S.C. Section
10 6301 et seq.) subject to the exclusions provided by Subsections
11 (g), (g-1), (g-2), (g-3), and (g-4);

12 (H) [~~(x)~~] students who successfully completed an
13 OnRamps dual enrollment course;

14 (I) [~~(xi)~~] students who successfully completed a
15 practicum or internship approved by the State Board of Education;

16 (J) [~~(xii)~~] students who are awarded an
17 associate degree; and

18 (K) [~~(xiii)~~] students who successfully completed
19 a program of study in career and technical education;

20 (2) in the school progress domain, indicators for
21 effectiveness in promoting student learning, which must include[+]

22 [~~(A) for assessment instruments, including~~
23 ~~assessment instruments under Subdivisions (1)(A)(i) and (ii), the~~
24 ~~percentage of students who met the standard for improvement, as~~
25 ~~determined by the commissioner, and~~

26 [~~(B) for~~] evaluating relative performance, by
27 comparing the performance of districts and campuses [~~compared~~] to

1 similar districts or campuses; and

2 (3) in the closing the gaps domain, the use of
3 disaggregated data to demonstrate the differentials among students
4 from different racial and ethnic groups, socioeconomic
5 backgrounds, and other factors, including:

6 (A) students formerly receiving special
7 education services;

8 (B) students continuously enrolled; and

9 (C) students who are mobile.

10 (g) In computing dropout and completion rates such as high
11 school graduation rates under Subsection (c)(1)(G)
12 [~~(c)(1)(B)(ix)~~], the commissioner may not consider as a dropout a
13 student whose failure to attend school results from:

14 (1) the student's expulsion under Section 37.007; and

15 (2) as applicable:

16 (A) adjudication as having engaged in delinquent
17 conduct or conduct indicating a need for supervision, as defined by
18 Section 51.03, Family Code; or

19 (B) conviction of and sentencing for an offense
20 under the Penal Code.

21 (g-1) In computing dropout and completion rates such as high
22 school graduation rates under Subsection (c)(1)(G)
23 [~~(c)(1)(B)(ix)~~], the commissioner shall exclude:

24 (1) students who are ordered by a court to attend a
25 high school equivalency certificate program but who have not yet
26 earned a high school equivalency certificate;

27 (2) students who were previously reported to the state

1 as dropouts, including a student who is reported as a dropout,
2 reenrolls, and drops out again, regardless of the number of times of
3 reenrollment and dropping out;

4 (3) students in attendance who are not in membership
5 for purposes of average daily attendance;

6 (4) students whose initial enrollment in a school in
7 the United States in grades 7 through 12 was as an unschooled asylee
8 or refugee as defined by Section 39.027(a-1);

9 (5) students who are detained at a county
10 pre-adjudication or post-adjudication juvenile detention facility
11 and:

12 (A) in the district exclusively as a function of
13 having been detained at the facility but are otherwise not students
14 of the district in which the facility is located; or

15 (B) provided services by an open-enrollment
16 charter school exclusively as the result of having been detained at
17 the facility;

18 (6) students who are incarcerated in state jails and
19 federal penitentiaries as adults and as persons certified to stand
20 trial as adults; and

21 (7) students who have suffered a condition, injury, or
22 illness that requires substantial medical care and leaves the
23 student:

24 (A) unable to attend school; and

25 (B) assigned to a medical or residential
26 treatment facility.

27 (g-2) In computing completion rates such as high school

1 graduation rates under Subsection (c)(1)(G) [~~(c)(1)(B)(ix)~~], the
2 commissioner shall exclude students who:

3 (1) are at least 18 years of age as of September 1 of
4 the school year as reported for the fall semester Public Education
5 Information Management System (PEIMS) submission and have
6 satisfied the credit requirements for high school graduation;

7 (2) have not completed their individualized education
8 program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals
9 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);
10 and

11 (3) are enrolled and receiving individualized
12 education program services.

13 (g-3) In the computation of dropout and completion rates
14 such as high school graduation rates under Subsection (c)(1)(G)
15 [~~(c)(1)(B)(ix)~~], a student who is released from a juvenile
16 pre-adjudication secure detention facility or juvenile
17 post-adjudication secure correctional facility and fails to enroll
18 in school or a student who leaves a residential treatment center
19 after receiving treatment for fewer than 85 days and fails to enroll
20 in school may not be considered to have dropped out from the school
21 district or campus serving the facility or center unless that
22 district or campus is the one to which the student is regularly
23 assigned. The agency may not limit an appeal relating to dropout
24 computations under this subsection.

25 (g-4) For purposes of the computation of dropout and
26 completion rates such as high school graduation rates under
27 Subsection (c)(1)(G) [~~(c)(1)(B)(ix)~~], the commissioner shall

1 exclude a student who was reported as having dropped out of school
2 under Section 48.009(b-4), and the student may not be considered to
3 have dropped out from the school district or campus in which the
4 student was last enrolled.

5 SECTION 6. Sections 39.0548(b) and (c), Education Code, are
6 amended to read as follows:

7 (b) Notwithstanding Section 39.053(c)(1)(G)
8 [~~39.053(c)(1)(B)(ix)~~], the commissioner shall use the alternative
9 completion rate under this subsection to determine the graduation
10 rate indicator under Section 39.053(c)(1)(G) [~~39.053(c)(1)(B)(ix)~~]
11 for a dropout recovery school. The alternative completion rate
12 shall be the ratio of the total number of students who graduate,
13 continue attending school into the next academic year, or receive a
14 high school equivalency certificate to the total number of students
15 in the longitudinal cohort of students.

16 (c) Notwithstanding Section 39.053(c)(1)(G)
17 [~~39.053(c)(1)(B)(ix)~~], in determining the performance rating under
18 Section 39.054 of a dropout recovery school, the commissioner shall
19 include any student described by Section 39.053(g-1) who graduates
20 or receives a high school equivalency certificate.

21 SECTION 7. Section 39.055, Education Code, is amended to
22 read as follows:

23 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT
24 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY
25 PURPOSES. Notwithstanding any other provision of this code except
26 to the extent otherwise provided under Section 39.053(g-3), for
27 purposes of determining the performance of a school district,

1 campus, or open-enrollment charter school under this chapter, a
2 student ordered by a juvenile court into a residential program or
3 facility operated by or under contract with the Texas Juvenile
4 Justice Department, a juvenile board, or any other governmental
5 entity or any student who is receiving treatment in a residential
6 facility is not considered to be a student of the school district in
7 which the program or facility is physically located or of an
8 open-enrollment charter school, as applicable. The performance of
9 such a student on an [~~assessment instrument or other~~] achievement
10 indicator adopted under Section 39.053 or reporting indicator
11 adopted under Section 39.301 shall be determined, reported, and
12 considered separately from the performance of students attending a
13 school of the district in which the program or facility is
14 physically located or an open-enrollment charter school, as
15 applicable.

16 SECTION 8. Section 39.0552, Education Code, is amended to
17 read as follows:

18 Sec. 39.0552. MEMORANDUM OF UNDERSTANDING BETWEEN SCHOOL
19 DISTRICT AND STATE HOSPITAL FOR ACCOUNTABILITY PURPOSES. A
20 memorandum of understanding between a school district and a state
21 hospital under which the district provides educational services to
22 a student who resides in the state hospital must provide that the
23 school district include the performance of the student on an
24 [~~assessment instrument or other~~] achievement indicator adopted
25 under Section 39.053 or a reporting indicator adopted under Section
26 39.301 in determining the performance of that school district.

27 SECTION 9. The following provisions of the Education Code

1 are repealed:

2 (1) Sections 39.053(c-2), (c-3), (d), and (d-1); and

3 (2) Section 39.0548(d).

4 SECTION 10. This Act applies beginning with the 2024-2025
5 school year.

6 SECTION 11. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2023.