

By: Allison

H.B. No. 4514

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to public school accountability, including the assessment  
3 of academic performance, and district and campus performance  
4 standards and sanctions.

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

6 SECTION 1. Section 39.023(a), Education Code, is amended to  
7 read as follows:

8 (a) The agency shall adopt or develop appropriate  
9 criterion-referenced assessment instruments designed to assess  
10 essential knowledge and skills in reading, mathematics, [~~social~~  
11 ~~studies,~~] and science. Except as provided by Subsection (a-2), all  
12 students, other than students assessed under Subsection (b) or (1)  
13 or exempted under Section 39.027, shall be assessed in:

14 (1) mathematics, annually in grades three through  
15 eight;

16 (2) reading, annually in grades three through eight;

17 (3) [~~social studies, in grade eight,~~

18 [~~(4)~~] science, in grades five and eight; and

19 (4) [~~(5)~~] any other subject and grade required by  
20 federal law.

21 SECTION 2. Section 39.053, Education Code, is amended by  
22 adding Subsection (b-1) and amending Subsection (c) to read as  
23 follows:

24 (b-1) For purposes of assigning a domain performance rating

1 under Subsection (a), the commissioner shall attribute:

2 (1) for the student achievement domain under  
3 Subsection (c)(1), not more than 50 percent of the domain  
4 performance rating to the indicators under Subsections  
5 (c)(1)(A)(i) and (ii); and

6 (2) for the closing the gaps domain under Subsection  
7 (c)(3), not more than 50 percent of the domain performance rating to  
8 the academic achievement component under Subsections (c)(1)(A)(i)  
9 and (ii).

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

13 (1) in the student achievement domain, indicators of  
14 student achievement that must include:

15 (A) for evaluating the performance of districts  
16 and campuses generally:

17 (i) an indicator that accounts for the  
18 results of assessment instruments required under Sections  
19 39.023(a), (c), and (l), as applicable for the district and campus,  
20 including the results of assessment instruments required for  
21 graduation retaken by a student, aggregated across grade levels by  
22 subject area, including:

23 (a) for the performance standard  
24 determined by the commissioner under Section 39.0241(a), the  
25 percentage of students who performed satisfactorily on the  
26 assessment instruments, aggregated across grade levels by subject  
27 area; and

1 (b) for the college readiness  
2 performance standard as determined under Section 39.0241, the  
3 percentage of students who performed satisfactorily on the  
4 assessment instruments, aggregated across grade levels by subject  
5 area; ~~and~~

6 (ii) an indicator that accounts for the  
7 results of assessment instruments required under Section  
8 39.023(b), as applicable for the district and campus, including the  
9 percentage of students who performed satisfactorily on the  
10 assessment instruments, as determined by the performance standard  
11 adopted by the agency, aggregated across grade levels by subject  
12 area; ~~and~~

13 (iii) an indicator that accounts for the  
14 number of students who participate in and successfully complete  
15 courses in the enrichment curriculum under Section 28.002(a)(2);

16 (iv) an indicator that accounts for  
17 students who participate in school-sponsored extracurricular and  
18 cocurricular student activities, taking into consideration the  
19 duration, intensity, and levels of engagement required for the  
20 activities;

21 (v) an indicator that accounts for the  
22 results from the state-developed school and student safety survey  
23 of districts and campuses administered under Section 39.0531;

24 (vi) an indicator that accounts for the  
25 efforts by districts and campuses relating to providing teacher  
26 mentoring programs and professional development opportunities that  
27 meet standards established by the State Board for Educator

1 Certification by rule; and

2 (vii) an indicator that accounts for  
3 students who are not in attendance fewer than 15 days during the  
4 current school year;

5 (A-1) for evaluating the performance of  
6 elementary and middle school campuses, indicators that account for:

7 (i) student participation in full-day  
8 prekindergarten programs, for campuses that serve students  
9 enrolled in prekindergarten;

10 (ii) students in grades six, seven, and  
11 eight who successfully complete and receive credit for a course  
12 designated for a grade higher than the grade in which the student is  
13 enrolled; and

14 (iii) students in grades six, seven, and  
15 eight, who successfully complete a career and technology course  
16 approved for purposes of the career and technology allotment under  
17 Section 48.106; and

18 (B) for evaluating the performance of high school  
19 campuses and districts that include high school campuses,  
20 indicators that account for:

21 (i) students who satisfy the Texas Success  
22 Initiative (TSI) college readiness benchmarks prescribed by the  
23 Texas Higher Education Coordinating Board under Section 51.334 on  
24 an assessment instrument in reading or mathematics designated by  
25 the coordinating board under that section;

26 (ii) students who satisfy relevant  
27 performance standards on advanced placement tests or similar

1 assessments;

2 (iii) students who earn dual course credits  
3 in the dual credit courses;

4 (iv) students who enlist in the armed  
5 forces of the United States or the Texas National Guard;

6 (v) students who earn industry  
7 certifications;

8 (vi) students admitted into postsecondary  
9 industry certification programs that require as a prerequisite for  
10 entrance successful performance at the secondary level;

11 (vii) students whose successful completion  
12 of a course or courses under Section 28.014 indicates the student's  
13 preparation to enroll and succeed, without remediation, in an  
14 entry-level general education course for a baccalaureate degree or  
15 associate degree;

16 (viii) students who successfully met  
17 standards on a composite of indicators that through research  
18 indicates the student's preparation to enroll and succeed, without  
19 remediation, in an entry-level general education course for a  
20 baccalaureate degree or associate degree;

21 (ix) high school graduation rates, computed  
22 in accordance with standards and definitions adopted in compliance  
23 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)  
24 subject to the exclusions provided by Subsections (g), (g-1),  
25 (g-2), (g-3), and (g-4);

26 (x) students who successfully completed an  
27 OnRamps dual enrollment course;

1 (xi) students who successfully completed a  
2 practicum or internship approved by the State Board of Education;

3 (xii) students who are awarded an associate  
4 degree; and

5 (xiii) students who successfully completed  
6 a program of study in career and technical education;

7 (2) in the school progress domain, indicators for  
8 effectiveness in promoting student learning, which must include:

9 (A) for assessment instruments, including  
10 assessment instruments under Subdivisions (1)(A)(i) and (ii), the  
11 percentage of students who met the standard for improvement, as  
12 determined by the commissioner; and

13 (B) for evaluating relative performance, the  
14 performance of districts and campuses compared to similar districts  
15 or campuses; and

16 (3) in the closing the gaps domain:

17 (A) ~~[7]~~ the use of disaggregated data to  
18 demonstrate the differentials among students from different racial  
19 and ethnic groups, socioeconomic backgrounds, and other factors,  
20 including:

21 (i) ~~[(A)]~~ students formerly receiving  
22 special education services;

23 (ii) ~~[(B)]~~ students continuously enrolled;

24 and

25 (iii) ~~[(C)]~~ students who are mobile; and

26 (B) for evaluating the performance of elementary  
27 and middle school campuses, the indicators described by Subsections

1 (c)(1)(A)(iii), (iv), (v), and (vi) and (c)(1)(A-1) for the school  
2 quality component.

3 SECTION 3. Subchapter C, Chapter 39, Education Code, is  
4 amended by adding Section 39.0531 to read as follows:

5 Sec. 39.0531. SCHOOL AND STUDENT SAFETY AND CLIMATE SURVEY.

6 (a) The commissioner shall incorporate a school and student safety  
7 and climate survey as an indicator for the student achievement  
8 domain under Section 39.053(c)(1) and the closing the gaps domain  
9 under Section 39.053(c)(3). A school and student safety and  
10 climate survey shall be administered to administrators and teachers  
11 employed by school districts, students enrolled in school  
12 districts, and parents of those students.

13 (b) The commissioner shall adopt rules to implement this  
14 section, including rules to:

15 (1) determine the format of the survey;

16 (2) determine the questions that the survey must  
17 include;

18 (3) establish a period during a school year in which  
19 the survey must be conducted;

20 (4) establish requirements for administering and  
21 reporting the results of the survey; and

22 (5) authorize the manner in which the survey may be  
23 administered, including the local administration of the survey.

24 (c) Notwithstanding any other provision of this code,  
25 including Section 21.355, school and student safety and climate  
26 survey information must be reported to the agency in accordance  
27 with rules adopted by the commissioner.

1        (d) The commissioner may contract with a third party to  
2 provide any service necessary under this section.

3        SECTION 4. Section 39.054, Education Code, is amended by  
4 amending Subsections (a), (a-4), (a-5), and (b) and adding  
5 Subsection (f) to read as follows:

6        (a) Except as provided by Subsection (a-4), the  
7 commissioner shall adopt rules to evaluate school district and  
8 campus performance and assign each district and campus [~~an overall~~  
9 ~~performance rating of A, B, C, D, or F. In addition to the overall~~  
10 ~~performance rating, the commissioner shall assign each district and~~  
11 ~~campus]~~ a separate domain performance rating of A, B, C, D, or F for  
12 each domain under Section 39.053(c). A [~~An overall or~~] domain  
13 performance rating of A reflects exemplary performance. A [~~An~~  
14 ~~overall or~~] domain performance rating of B reflects recognized  
15 performance. A [~~An overall or~~] domain performance rating of C  
16 reflects acceptable performance. A [~~An overall or~~] domain  
17 performance rating of D reflects performance that needs  
18 improvement. A [~~An overall or~~] domain performance rating of F  
19 reflects unacceptable performance. A district may not receive a  
20 [~~an overall or~~] domain performance rating of A if the district  
21 includes any campus with a corresponding [~~overall or~~] domain  
22 performance rating of D or F. If a school district has been  
23 approved under Section 39.0544 to assign campus performance ratings  
24 and the commissioner has not assigned a campus a domain [~~an overall~~]  
25 performance rating of D or F, the commissioner shall assign the  
26 campus a domain [~~an overall~~] performance rating based on the school  
27 district assigned performance rating under Section 39.0544.



1           (a-4) Notwithstanding any other law, the commissioner may  
2 assign a school district or campus a domain [~~an overall~~]  
3 performance rating of "Not Rated" if the commissioner determines  
4 that the assignment of a performance rating of A, B, C, D, or F would  
5 be inappropriate because:

6           (1) the district or campus is located in an area that  
7 is subject to a declaration of a state of disaster under Chapter  
8 418, Government Code, and due to the disaster, performance  
9 indicators for the district or campus are difficult to measure or  
10 evaluate and would not accurately reflect quality of learning and  
11 achievement for the district or campus;

12           (2) the district or campus has experienced breaches or  
13 other failures in data integrity to the extent that accurate  
14 analysis of data regarding performance indicators is not possible;

15           (3) the number of students enrolled in the district or  
16 campus is insufficient to accurately evaluate the performance of  
17 the district or campus; or

18           (4) for other reasons outside the control of the  
19 district or campus, the performance indicators would not accurately  
20 reflect quality of learning and achievement for the district or  
21 campus.

22           (a-5) Notwithstanding any other law, a domain [~~an overall~~]  
23 performance rating of "Not Rated" is not included in calculating  
24 consecutive school years of unacceptable performance ratings and is  
25 not considered a break in consecutive school years of unacceptable  
26 performance ratings for purposes of any provision of this code.

27           (b) For purposes of assigning school districts and campuses

1 ~~[an overall and]~~ a domain performance rating under Subsection (a),  
2 the commissioner shall ensure that the method used to evaluate  
3 performance is implemented in a manner that provides the  
4 mathematical possibility that all districts and campuses receive an  
5 A rating.

6 (f) For purposes of a provision of this title, a reference  
7 to the overall performance rating of a district or campus means:

8 (1) for a school year before the 2023-2024 school  
9 year, the overall performance rating assigned for the district or  
10 campus for that year under this section as it existed before  
11 amendment by Chapter \_\_\_\_\_ (.B. No. \_\_\_\_\_), Acts of the 88th  
12 Legislature, Regular Session, 2023; and

13 (2) for the 2023-2024 school year and each subsequent  
14 school year, the highest of the three domain performance ratings  
15 assigned to the district or campus under Section 39.054 for that  
16 school year.

17 SECTION 5. Section 39.0543(a), Education Code, is amended  
18 to read as follows:

19 (a) A reference in law to an acceptable performance rating  
20 or acceptable performance includes a a ~~[an overall or]~~ domain  
21 performance rating of A, B, or C or performance that is exemplary,  
22 recognized, or acceptable. A reference in law to an unacceptable  
23 performance rating or unacceptable performance includes a closing  
24 the gaps ~~[an overall or]~~ domain performance rating of F. For the  
25 purposes of public reporting requirements, a ~~[an overall or]~~ domain  
26 performance rating of D shall be referred to as performance that  
27 needs improvement.

1 SECTION 6. Section 39.0544, Education Code, is amended by  
2 amending Subsections (a) and (e) to read as follows:

3 (a) The commissioner shall adopt rules regarding the  
4 assignment of campus performance ratings by school districts and  
5 open-enrollment charter schools. The rules:

6 (1) must require a district or school [~~in assigning~~  
7 ~~an overall performance rating for a campus,~~] to incorporate:

8 (A) domain performance ratings assigned by the  
9 commissioner under Section 39.054; and

10 (B) performance ratings based on locally  
11 developed domains or sets of accountability measures;

12 (2) may permit a district or school to assign weights  
13 to each domain or set of accountability measures described in  
14 Subdivision (1), as determined by the district or school, provided  
15 that the domains specified in Subdivision (1)(A) must in the  
16 aggregate account for at least 50 percent of the overall  
17 performance rating;

18 (3) must require that each locally developed domain or  
19 set of accountability measures:

20 (A) contains levels of performance that allow for  
21 differentiation, with assigned standards for achieving the  
22 differentiated levels;

23 (B) provides for the assignment of a letter grade  
24 of A, B, C, D, or F; and

25 (C) meets standards for reliability and  
26 validity;

27 (4) must require that calculations for [~~overall~~

1 ~~performance ratings and~~] each locally developed domain or set of  
2 accountability measures be capable of being audited by a third  
3 party;

4 (5) must require that a district or school produce a  
5 campus score card that may be displayed on the agency's website; and

6 (6) must require that a district or school develop and  
7 make available to the public an explanation of the methodology used  
8 to assign performance ratings under this section.

9 (e) A school district or open-enrollment charter school  
10 authorized under this section to assign campus performance ratings  
11 shall evaluate the performance of each campus as provided by this  
12 section and assign each campus a performance rating of A, B, C, D,  
13 or F [~~for overall performance and~~] for each locally developed  
14 domain or set of accountability measures. Not later than a date  
15 established by the commissioner, the district or school shall:

16 (1) report the performance ratings to the agency; and

17 (2) make the performance ratings available to the  
18 public as provided by commissioner rule.

19 SECTION 7. The following provisions of the Education Code  
20 are repealed:

21 (1) Sections 39.054(a-1) and (a-2); and

22 (2) Sections 39.0543(b), (b-1), (b-2), (b-3), (c), and  
23 (d).

24 SECTION 8. Before the first administration of the  
25 assessment instruments adopted under Section 39.023(a), Education  
26 Code, as amended by this Act, the Texas Education Agency shall  
27 develop evidence, through a peer review process, to demonstrate

1 that the assessment instruments are aligned with the essential  
2 knowledge and skills for each subject assessed.

3 SECTION 9. The Texas Education Agency shall, to the  
4 greatest extent practicable, apply cost savings that result from  
5 implementing the changes made by this Act to support any program  
6 eligible under Title I, Elementary and Secondary Education Act of  
7 1965 (20 U.S.C. Section 6301 et seq.).

8 SECTION 10. This Act applies beginning with the 2023-2024  
9 school year.

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