

By: West

S.B. No. 2295

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to accelerated instruction provided for public school  
3 students who fail to achieve satisfactory performance on certain  
4 assessment instruments, indicators under the public school  
5 accountability system, and performance standards in public  
6 schools.

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

8 SECTION 1. Section [28.0211](#), Education Code, is amended by  
9 amending Subsections (a), (a-1), (a-2), (a-3), (a-4), (c), (f),  
10 (f-4), and (o) and adding Subsection (a-7) to read as follows:

11 (a) Except as provided by Subsection (a-7), each ~~[A school~~  
12 ~~district shall establish an accelerated learning committee~~  
13 ~~described by Subsection (c) for each student who does not perform~~  
14 ~~satisfactorily on:~~

15 ~~[(1) the third grade mathematics or reading assessment~~  
16 ~~instrument under Section [39.023](#),~~

17 ~~[(2) the fifth grade mathematics or reading assessment~~  
18 ~~instrument under Section [39.023](#), or~~

19 ~~[(3) the eighth grade mathematics or reading~~  
20 ~~assessment instrument under Section [39.023](#).~~

21 ~~[(a-1) Each]~~ time a student fails to perform satisfactorily  
22 on a mathematics or reading ~~[an]~~ assessment instrument administered  
23 under Section [39.023](#)(a) in the third, fourth, fifth, sixth, or  
24 seventh~~[, or eighth]~~ grade, the school district in which the

1 student attends school shall provide to the student, during the  
2 subsequent summer or school year, accelerated instruction in the  
3 applicable subject area that includes instruction in the essential  
4 knowledge and skills the student must master to perform  
5 satisfactorily on the subsequent assessment instrument for the  
6 applicable subject area [~~during the subsequent summer or school~~  
7 ~~year~~] and either:

8 (1) allow the student to be assigned a classroom  
9 teacher who is certified as a master, exemplary, or recognized  
10 teacher under Section 21.3521 for the subsequent school year in the  
11 applicable subject area; or

12 (2) provide the student supplemental instruction  
13 under Subsection (a-4).

14 (a-1) A school district is only required to provide  
15 supplemental instruction under this section if state or federal  
16 funds are provided or made available for the purpose, including by  
17 appropriation, under Section 29.0881, under the Coronavirus  
18 Response and Relief Supplemental Appropriations Act, 2021 (Div. M,  
19 Pub. L. No. 116-260), or under the American Rescue Plan Act of 2021  
20 (Pub. L. No. 117-2).

21 (a-2) Accelerated instruction provided during the following  
22 school year under Subsection (a) [~~(a-1)~~] may:

23 (1) require participation of the student before or  
24 after normal school hours; and

25 (2) be provided during instructional periods in the  
26 school day designated for supplemental instruction in the  
27 foundation curriculum and enrichment curriculum adopted under

1 Section 28.002 for the grade level in which the student is enrolled.

2 (a-3) In providing accelerated instruction under Subsection  
3 (a) [(a-1)], a district may not remove a student, except under  
4 circumstances for which a student enrolled in the same grade level  
5 who is not receiving accelerated instruction would be removed,  
6 from:

7 (1) core instruction in the foundation curriculum and  
8 enrichment curriculum adopted under Section 28.002 for the grade  
9 level in which the student is enrolled; or

10 (2) recess or other physical activity that is  
11 available to other students enrolled in the same grade level.

12 (a-4) If a district receives funding under Section 29.0881,  
13 the Coronavirus Response and Relief Supplemental Appropriations  
14 Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan  
15 Act of 2021 (Pub. L. No. 117-2), then supplemental instruction  
16 provided by a school district under Subsection (a) [(a-1)(2)] must:

17 (1) include targeted instruction in the essential  
18 knowledge and skills for the applicable grade levels and subject  
19 area;

20 (2) be provided in addition to instruction normally  
21 provided to students in the grade level in which the student is  
22 enrolled;

23 (3) be provided according to a schedule the district  
24 determines is most effective for the student [~~for no less than 30~~  
25 ~~total hours during the subsequent summer or school year and, unless~~  
26 ~~the instruction is provided fully during summer, include~~  
27 ~~instruction no less than once per week during the school year~~];

1           (4) be designed to assist the student in achieving  
2 satisfactory performance in the applicable grade level and subject  
3 area;

4           (5) include effective instructional materials  
5 designed for supplemental instruction;

6           (6) be provided to a student individually or in a group  
7 of no more than five [~~three~~] students, unless the parent or guardian  
8 of each student in the group authorizes a larger group;

9           (7) be provided by a person with training in the  
10 applicable instructional materials for the supplemental  
11 instruction and under the oversight of the school district; and

12           (8) to the extent possible, be provided by one person  
13 for the entirety of the student's supplemental instruction period.

14           (a-7) A school district may not provide accelerated  
15 instruction under this section to a student if the student's parent  
16 or guardian submits a written request to exempt the student from the  
17 instruction.

18           (c) An accelerated learning committee shall be established  
19 after [~~After~~] a student fails to perform satisfactorily on an  
20 assessment instrument specified under Subsection (a) in two  
21 consecutive school years, an accelerated learning committee shall  
22 be established. The accelerated learning committee shall be  
23 composed of the principal or the principal's designee, the  
24 student's parent or guardian, and the teacher of the subject of an  
25 assessment instrument on which the student failed to perform  
26 satisfactorily. The district shall notify the parent or guardian  
27 of the time and place for convening the accelerated learning

1 committee and the purpose of the committee.

2 (f) An accelerated learning committee described by  
3 Subsection (c) shall, not later than the 30th day after the first  
4 day of the [~~start of the subsequent~~] school year in which the  
5 committee is required to be established, develop an educational  
6 plan for the student that provides the necessary accelerated  
7 instruction to enable the student to perform at the appropriate  
8 grade level by the conclusion of the school year.

9 (f-4) If a student for whom an accelerated learning  
10 committee has been established under Subsection (c) [~~who~~] fails to  
11 perform satisfactorily on an assessment instrument [~~specified~~  
12 ~~under Subsection (a) fails~~] in the subsequent school year [~~to~~  
13 ~~perform satisfactorily on an assessment instrument~~] in the same  
14 subject, the superintendent of the district, or the  
15 superintendent's designee, shall meet with the student's  
16 accelerated learning committee to:

17 (1) identify the reason the student did not perform  
18 satisfactorily; and

19 (2) determine, in order to ensure the student performs  
20 satisfactorily on the assessment instrument at the next  
21 administration of the assessment instrument, whether:

22 (A) the educational plan developed for the  
23 student under Subsection (f) must be modified to provide the  
24 necessary accelerated instruction for that student; and

25 (B) any additional resources are required for  
26 that student.

27 (o) This section does not require the administration of a

1 fifth [~~or eighth~~] grade assessment instrument in mathematics or  
2 reading [~~a subject~~] under Section 39.023(a) to a student enrolled  
3 in the fifth [~~or eighth~~] grade [~~, as applicable,~~] if the student [~~+~~  
4 [~~(1)~~] is enrolled in a course in the subject intended  
5 for students above the student's grade level and will be  
6 administered an assessment instrument adopted or developed under  
7 Section 39.023(a) that aligns with the curriculum for the course in  
8 which the student is enrolled [~~+~~ or  
9 [~~(2)~~ is enrolled in a course in the subject for which  
10 the student will receive high school academic credit and will be  
11 administered an end-of-course assessment instrument adopted under  
12 Section 39.023(c) for the course].

13 SECTION 2. Section 29.0881(e), Education Code, is amended  
14 to read as follows:

15 (e) A school district or open-enrollment charter school  
16 that receives grant funds under this section may use the funds to:

17 (1) financially support or train or otherwise prepare  
18 educators and other staff;

19 (2) pay for agreements with other entities to provide  
20 prekindergarten services; or

21 (3) pay for accelerated instruction provided under  
22 Section 28.0211 [~~or 28.0217~~].

23 SECTION 3. Section 39.053, Education Code, is amended by  
24 adding Subsection (a-2) to read as follows:

25 (a-2) The indicators adopted by the commissioner under  
26 Subsection (a) must:

27 (1) for kindergarten through grade eight, include

1 indicators that:

2 (A) are not based on the results of an assessment  
3 instrument; and

4 (B) comprehensively account for factors  
5 affecting the quality of learning and achievement in those grades;

6 (2) for grades 9 through 12, include indicators that  
7 are designed to encourage alignment of education to career  
8 readiness; and

9 (3) include indicators for evaluating schools  
10 according to a school's success in equitably educating students  
11 across all campuses and achieving similar student outcomes for all  
12 students.

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

16 (a) Except as provided by Subsection (a-4), the  
17 commissioner shall adopt rules to evaluate school district and  
18 campus performance and assign each district and campus ~~[an overall~~  
19 ~~performance rating of A, B, C, D, or F. In addition to the overall~~  
20 ~~performance rating, the commissioner shall assign each district and~~  
21 ~~campus]~~ a separate domain performance rating of A, B, C, D, or F for  
22 each domain under Section 39.053(c). A ~~[An overall or]~~ domain  
23 performance rating of A reflects exemplary performance. A ~~[An~~  
24 ~~overall or]~~ domain performance rating of B reflects recognized  
25 performance. A ~~[An overall or]~~ domain performance rating of C  
26 reflects acceptable performance. A ~~[An overall or]~~ domain  
27 performance rating of D reflects performance that needs

1 improvement. A [~~An overall or~~] domain performance rating of F  
2 reflects unacceptable performance. A district may not receive a  
3 [~~an overall or~~] domain performance rating of A if the district  
4 includes any campus with a corresponding [~~overall or~~] domain  
5 performance rating of D or F. If a school district has been  
6 approved under Section 39.0544 to assign campus performance ratings  
7 and the commissioner has not assigned a campus a domain [~~an overall~~]  
8 performance rating of D or F, the commissioner shall assign the  
9 campus a domain [~~an overall~~] performance rating based on the school  
10 district assigned performance rating under Section 39.0544.

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

16 (1) the district or campus is located in an area that  
17 is subject to a declaration of a state of disaster under Chapter  
18 418, Government Code, and due to the disaster, performance  
19 indicators for the district or campus are difficult to measure or  
20 evaluate and would not accurately reflect quality of learning and  
21 achievement for the district or campus;

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

25 (3) the number of students enrolled in the district or  
26 campus is insufficient to accurately evaluate the performance of  
27 the district or campus; or



1           (4) for other reasons outside the control of the  
2 district or campus, the performance indicators would not accurately  
3 reflect quality of learning and achievement for the district or  
4 campus.

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

10          (b) For purposes of assigning school districts and campuses  
11 [~~an overall and~~] a domain performance rating under Subsection (a),  
12 the commissioner shall ensure that the method used to evaluate  
13 performance is implemented in a manner that provides the  
14 mathematical possibility that all districts and campuses receive an  
15 A rating.

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

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

23                 (2) for the 2023-2024 school year and each subsequent  
24 school year, the highest of the three domain performance ratings  
25 assigned to the district or campus under this section for that  
26 school year.

27          SECTION 5. Sections [39.0544](#)(a) and (e), Education Code, are

1 amended to read as follows:

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

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

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

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

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

17 [~~(3)~~] must require that each locally developed domain  
18 or set of accountability measures:

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

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

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

26 (3) [~~(4)~~] must require that calculations for [~~overall~~  
27 ~~performance ratings and]~~ each locally developed domain or set of

1 accountability measures be capable of being audited by a third  
2 party;

3           (4) [~~(5)~~] must require that a district or school  
4 produce a campus score card that may be displayed on the agency's  
5 website; and

6           (5) [~~(6)~~] must require that a district or school  
7 develop and make available to the public an explanation of the  
8 methodology used 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 6. The following provisions of the Education Code  
20 are repealed:

- 21           (1) Section [28.0217](#);  
22           (2) Section [39.025\(b-1\)](#); and  
23           (3) Sections [39.054\(a-1\)](#) and (a-2).

24           SECTION 7. This Act applies beginning with the 2023-2024  
25 school year.

26           SECTION 8. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2023.