

By: West, Royce

S.B. No. 972

A BILL TO BE ENTITLED

AN ACT

relating to providing a method for assessing the academic growth of the performance of public school students on certain assessment instruments.

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

SECTION 1. Section 28.006(j), Education Code, is amended to read as follows:

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.051(b)(10) [~~39.051(b)(7)~~] and may implement sanctions under Subchapter G, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

SECTION 2. Section 39.022, Education Code, is amended to read as follows:

Sec. 39.022. ASSESSMENT PROGRAM. The State Board of Education by rule shall create and implement a statewide assessment program that is knowledge- and skills-based to ensure school accountability for student achievement and academic growth that achieves the goals provided under Section 4.002. After adopting rules under this section, the State Board of Education shall

1 consider the importance of maintaining stability in the statewide
2 assessment program when adopting any subsequent modification of the
3 rules.

4 SECTION 3. Section 39.023, Education Code, is amended by
5 amending Subsections (l) and (n) and adding Subsection (o) to read
6 as follows:

7 (l) The State Board of Education shall adopt rules for the
8 administration of the assessment instruments adopted under
9 Subsections [~~Subsection~~] (a) and (o) in Spanish to students in
10 grades three through six who are of limited English proficiency, as
11 defined by Section 29.052, whose primary language is Spanish, and
12 who are not otherwise exempt from the administration of an
13 assessment instrument under Section 39.027(a)(3) or (4). Each
14 student of limited English proficiency whose primary language is
15 Spanish, other than a student to whom Subsection (b) applies, may be
16 assessed using assessment instruments in Spanish under this
17 subsection for up to three years or assessment instruments in
18 English under Subsection (a). The language proficiency assessment
19 committee established under Section 29.063 shall determine which
20 students are administered assessment instruments in Spanish under
21 this subsection.

22 (n) This subsection applies only to a student who is
23 determined to have dyslexia or a related disorder and who is an
24 individual with a disability under 29 U.S.C. Section 705(20) and
25 its subsequent amendments. The agency shall adopt or develop
26 appropriate criterion-referenced assessment instruments designed
27 to assess the ability of and to be administered to each student to

1 whom this subsection applies for whom the assessment instruments
2 adopted under Subsections [~~Subsection~~] (a) and (o), even with
3 allowable modifications, would not provide an appropriate measure
4 of student achievement, as determined by the committee established
5 by the board of trustees of the district to determine the placement
6 of students with dyslexia or related disorders. The committee
7 shall determine whether any allowable modification is necessary in
8 administering to a student an assessment instrument required under
9 this subsection. The assessment instruments required under this
10 subsection shall be administered on the same schedule as the
11 assessment instruments administered under Subsection (a) and, if
12 applicable, Subsection (o).

13 (o) The agency shall adopt or develop appropriate
14 criterion-referenced assessment instruments, separate from the
15 assessment instruments adopted or developed under Subsection (a),
16 designed to assess reading progress by tracking changes in a
17 student's performance during the school year. A school district or
18 open-enrollment charter school may administer an assessment
19 instrument under this subsection. A campus that administers a
20 reading assessment under this subsection must report the results to
21 the agency.

22 SECTION 4. Subchapter B, Chapter 39, Education Code, is
23 amended by adding Section 39.034 to read as follows:

24 Sec. 39.034. MEASURE OF STUDENT ACADEMIC GROWTH ON
25 ASSESSMENT INSTRUMENTS. (a) The commissioner by rule shall adopt a
26 method by which the agency may measure student academic growth by
27 tracking changes in a student's performance from one school year to

1 the next on an assessment instrument required under Section
2 39.023(a).

3 (b) Each year, for each student who takes an assessment
4 instrument required under Section 39.023(a), the agency shall use
5 the method adopted under Subsection (a) to compare the student's
6 results on the assessment instrument to the student's results on
7 any assessment instrument for that subject the student has taken
8 during the preceding school year.

9 (c) The commissioner shall implement this section not later
10 than September 1, 2006. This subsection expires January 1, 2008.

11 SECTION 5. Section 39.051(b), Education Code, as amended by
12 Chapters 433 and 805, Acts of the 78th Legislature, Regular
13 Session, 2003, is reenacted and amended to read as follows:

14 (b) Performance on the indicators adopted under this
15 section shall be compared to state-established standards. The
16 degree of change from one school year to the next in performance on
17 each indicator adopted under this section shall also be considered.
18 The indicators must be based on information that is disaggregated
19 by race, ethnicity, gender, and socioeconomic status and must
20 include:

21 (1) the results of assessment instruments required
22 under Sections 39.023(a), (c), and (1), aggregated by grade level
23 and subject area;

24 (2) average student academic growth, as measured under
25 Section 39.034, aggregated by grade level and subject;

26 (3) dropout rates, including dropout rates and
27 district completion rates for grade levels 9 through 12, computed

1 in accordance with standards and definitions adopted by the
2 National Center for Education Statistics of the United States
3 Department of Education;

4 (4) [~~(3)~~] high school graduation rates, computed in
5 accordance with standards and definitions adopted in compliance
6 with the [~~federal~~] No Child Left Behind Act of 2001 (Pub. L. No.
7 107-110);

8 (5) [~~(4)~~] student attendance rates;

9 (6) [~~(5)~~] the percentage of graduating students who
10 attain scores on the secondary exit-level assessment instruments
11 required under Subchapter B that are equivalent to a passing score
12 on the assessment [~~test~~] instrument required under Section 51.3062
13 [~~51.306~~];

14 (7) [~~(6)~~] the percentage of graduating students who
15 meet the course requirements established for the recommended high
16 school program by State Board of Education rule;

17 (8) if applicable, the results of assessment
18 instruments administered under Section 39.023(o), aggregated by
19 grade level;

20 (9) [~~(7)~~] the results of the Scholastic Assessment
21 Test (SAT), the American College Test (ACT), articulated
22 postsecondary degree programs described by Section 61.852, and
23 certified workforce training programs described by Chapter 311,
24 Labor Code;

25 (10) [~~(8)~~] the percentage of students, aggregated by
26 grade level, provided accelerated instruction under Section
27 28.0211(c), the results of assessments administered under that

section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023;

(11) ~~[(9)]~~ for students who have failed to perform satisfactorily on an assessment instrument required under Section 39.023(a) or (c), the numerical progress of those students on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(12) ~~[(10)]~~ the percentage of students exempted, by exemption category, from the assessment program generally applicable under this chapter; ~~[and]~~

(13) ~~[(11)]~~ the percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Sections 39.027(a)(3) and (4); and

(14) the percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Section 39.023(b).

SECTION 6. Sections 39.051(c) and (d), Education Code, are amended to read as follows:

(c) Performance on the indicators ~~[indicator]~~ under Subsections ~~[Subsection]~~ (b)(1) and (2) shall be compared to state standards, required improvement, and comparable improvement. The state standard shall be established by the commissioner. Required improvement is defined as the progress necessary for the campus or

1 district to meet state standards and for its students to meet exit
2 requirements as defined by the commissioner. Comparable
3 improvement is derived by measuring campuses and districts against
4 a profile developed from a total state student performance database
5 which exhibits substantial equivalence to the characteristics of
6 students served by the campus or district, including past academic
7 performance, socioeconomic status, ethnicity, and limited English
8 proficiency.

9 (d) Annually, the commissioner shall define exemplary,
10 recognized, and unacceptable performance for each academic
11 excellence indicator included under Subsections (b)(1) through (9)
12 [~~(6)~~] and shall project the standards for each of those levels of
13 performance for succeeding years. For the indicator under
14 Subsection (b)(10) [~~(b)(7)~~], the commissioner shall define
15 exemplary, recognized, and unacceptable performance based on
16 student performance for the period covering both the current and
17 preceding academic years. In defining exemplary, recognized, and
18 unacceptable performance for the indicators under Subsections
19 (b)(3) and (4) [~~(b)(2) and (3)~~], the commissioner may not consider
20 as a dropout or as a student who has failed to attend school a
21 student whose failure to attend school results from:

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

23 (2) as applicable:

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

27 (B) conviction of and sentencing for an offense

under the Penal Code.

SECTION 7. Section 39.052(b), Education Code, is amended to read as follows:

(b) The report card shall include the following information:

(1) where applicable, the academic excellence indicators adopted under Sections 39.051(b)(1) through (12) [~~(9)~~];

(2) average class size by grade level and subject;

(3) the administrative and instructional costs per student, computed in a manner consistent with Section 44.0071; and

(4) the district's instructional expenditures ratio and instructional employees ratio computed under Section 44.0071, and the statewide average of those ratios, as determined by the commissioner.

SECTION 8. Sections 39.072(b) and (c), Education Code, are amended to read as follows:

(b) The academic excellence indicators adopted under Sections 39.051(b)(1) through (10) [~~(7)~~] and the district's current special education compliance status with the agency shall be the main considerations of the agency in the rating of the district under this section. Additional criteria in the rules may include consideration of:

(1) compliance with statutory requirements and requirements imposed by rule of the State Board of Education under specific statutory authority that relate to:

(A) reporting data through the Public Education Information Management System (PEIMS);

(B) the high school graduation requirements under Section 28.025; or

(C) an item listed in Sections 7.056(e)(3)(C)-(I) that applies to the district;

(2) the effectiveness of the district's programs for special populations; and

(3) the effectiveness of the district's career and technology programs.

(c) The agency shall evaluate against state standards and shall, not later than August 1 of each year, report the performance of each campus in a district and each open-enrollment charter school on the basis of the campus's performance on the indicators adopted under Sections 39.051(b)(1) through (10) [~~(7)~~]. Consideration of the effectiveness of district programs under Subsection (b)(2) or (3) must be based on data collected through the Public Education Information Management System for purposes of accountability under this chapter and include the results of assessments required under Section 39.023.

SECTION 9. Section 39.0721(c), Education Code, is amended to read as follows:

(c) The performance standards on which a gold performance rating is based should include:

(1) student proficiency on:

(A) assessment instruments administered under Sections 39.023(a), (c), and (1); and

(B) other measures of proficiency determined by the commissioner;

1 (2) student performance on one or more nationally
2 recognized norm-referenced assessment instruments;

3 (3) improvement in student performance, including
4 academic growth of student performance on assessment instruments
5 administered under Section 39.023(a), as measured under Section
6 39.034;

7 (4) in the case of middle or junior high school
8 campuses, student proficiency in mathematics, including algebra;
9 and

10 (5) in the case of high school campuses:

11 (A) the extent to which graduating students are
12 academically prepared to attend institutions of higher education;

13 (B) the percentage of students who take advanced
14 placement tests and student performance on those tests; and

15 (C) the percentage of students who take and
16 successfully complete advanced academic courses or college-level
17 course work offered through dual credit programs provided under
18 agreements between high schools and institutions of higher
19 education.

20 SECTION 10. Sections 39.073(a), (b), and (f), Education
21 Code, are amended to read as follows:

22 (a) The agency shall annually review the performance of each
23 district and campus on the indicators adopted under Sections
24 39.051(b)(1) through (10) [~~(7)~~] and determine if a change in the
25 accreditation status of the district is warranted. The
26 commissioner may determine how all indicators adopted under Section
27 39.051(b) may be used to determine accountability ratings and to

1 select districts and campuses for acknowledgment.

2 (b) Each annual review shall include an analysis of the
3 indicators under Sections 39.051(b)(1) through (10) [~~(6)~~] to
4 determine district and campus performance in relation to:

5 (1) standards established for each indicator;

6 (2) required improvement as defined under Section
7 39.051(c); and

8 (3) comparable improvement as defined by Section
9 39.051(c).

10 (f) In the computation of dropout rates under Section
11 39.051(b)(3) [~~39.051(b)(2)~~], a student who is released from a
12 juvenile pre-adjudication secure detention facility or juvenile
13 post-adjudication secure correctional facility and fails to enroll
14 in school or a student who leaves a residential treatment center
15 after receiving treatment for fewer than 85 days and fails to enroll
16 in school may not be considered to have dropped out from the campus
17 or school district serving the facility or center unless that
18 campus or district is the one to which the student is regularly
19 assigned.

20 SECTION 11. Section 39.074(e), Education Code, is amended
21 to read as follows:

22 (e) If an annual review indicates low performance on one or
23 more of the indicators under Sections 39.051(b)(1) through (10)
24 [~~(7)~~] of one or more campuses in a district, the agency may conduct
25 an on-site evaluation of those campuses only.

26 SECTION 12. (a) Not later than the 2006-2007 school year,
27 the Texas Education Agency shall collect information concerning

1 student academic growth for purposes of Section 39.051(b)(2),
2 Education Code, as amended by this Act.

3 (b) Not later than the 2007-2008 school year, the Texas
4 Education Agency shall include, in evaluating the performance of
5 school districts, campuses, and open-enrollment charter schools
6 under Subchapter D, Chapter 39, Education Code, student academic
7 growth under Section 39.051(b)(2), Education Code, as amended by
8 this Act.

9 SECTION 13. This Act applies beginning with the 2006-2007
10 school year.

11 SECTION 14. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2005.