

By: Eissler

H.B. No. 1639

A BILL TO BE ENTITLED

AN ACT

1
2 relating to performance standards and accreditation procedures for
3 public schools.

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

5 SECTION 1. Section 39.051(b), Education Code, is amended to
6 read as follows:

7 (b) Performance on the indicators adopted under this
8 section shall be compared to state-established standards. The
9 degree of change from one school year to the next in performance on
10 each indicator adopted under this section shall also be considered.
11 The indicators must be based on information that is disaggregated
12 by race, ethnicity, gender, and socioeconomic status and must
13 include:

14 (1) the results of assessment instruments required
15 under Sections 39.023(a), (c), and (l), aggregated by grade level
16 and subject area;

17 (2) dropout rates, including dropout rates and
18 district completion rates for grade levels 9 through 12, computed
19 in accordance with standards and definitions adopted by the
20 National Center for Education Statistics of the United States
21 Department of Education;

22 (3) high school graduation rates, computed in
23 accordance with standards and definitions adopted in compliance
24 with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110);

- 1 (4) student attendance rates;
- 2 (5) the percentage of graduating students who attain
3 scores on the secondary exit-level assessment instruments required
4 under Subchapter B that are equivalent to a passing score on the
5 assessment instrument required under Section 51.3062;
- 6 (6) the percentage of graduating students who meet the
7 course requirements established for the recommended high school
8 program by State Board of Education rule;
- 9 (7) the results of the Scholastic Assessment Test
10 (SAT), the American College Test (ACT), articulated postsecondary
11 degree programs described by Section 61.852, and certified
12 workforce training programs described by Chapter 311, Labor Code;
- 13 (8) the percentage of students, aggregated by grade
14 level, provided accelerated instruction under Section 28.0211(c),
15 the results of assessments administered under that section, the
16 percentage of students promoted through the grade placement
17 committee process under Section 28.0211, the subject of the
18 assessment instrument on which each student failed to perform
19 satisfactorily, and the performance of those students in the school
20 year following that promotion on the assessment instruments
21 required under Section 39.023;
- 22 (9) for students who have failed to perform
23 satisfactorily on an assessment instrument required under Section
24 39.023(a) or (c), the numerical progress of those students grouped
25 by percentage on subsequent assessment instruments required under
26 those sections, aggregated by grade level and subject area;
- 27 (10) the percentage of students exempted, by exemption

1 category, from the assessment program generally applicable under
2 this chapter;

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

6 (12) the percentage of students in a special education
7 program under Subchapter A, Chapter 29, assessed through assessment
8 instruments developed or adopted under Section 39.023(b);

9 (13) the measure of progress toward preparation for
10 postsecondary success, including the percentage of former students
11 enrolled in:

12 (A) postsecondary educational institutions; and

13 (B) developmental coursework in an institution
14 of higher education under Section 51.3062; and

15 (14) the measure of progress toward dual language
16 proficiency under Section 39.034(b), for students of limited
17 English proficiency, as defined by Section 29.052.

18 SECTION 2. Section 39.052(b), Education Code, is amended to
19 read as follows:

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

22 (1) where applicable, the academic excellence
23 indicators adopted under Sections 39.051(b)(1) through (10) and
24 (13);

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

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

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

5 SECTION 3. Section 39.053(f), Education Code, is amended to
6 read as follows:

7 (f) After consulting with the commissioner, the ~~[The]~~ State
8 Board of Education by rule shall authorize the combination of this
9 report with other reports and financial statements and shall
10 restrict the number and length of reports that school districts,
11 school district employees, and school campuses are required to
12 prepare.

13 SECTION 4. Sections 39.072(a), (b), and (c), Education
14 Code, are amended to read as follows:

15 (a) After consulting with the commissioner, the ~~[The]~~ State
16 Board of Education shall adopt rules to evaluate the performance of
17 school districts and to assign to each district a performance
18 rating as follows:

19 (1) exemplary (meets or exceeds state exemplary
20 standards);

21 (2) recognized (meets or exceeds required improvement
22 and within 10 percent of state exemplary standards);

23 (3) academically acceptable (below the exemplary and
24 recognized standards but exceeds the academically unacceptable
25 standards); or

26 (4) academically unacceptable (below the state
27 clearly unacceptable performance standard and does not meet

1 required improvement).

2 (b) The academic excellence indicators adopted under
3 Sections 39.051(b)(1) through (8) and the district's current
4 special education compliance status with the agency shall be the
5 main considerations of the commissioner [~~agency~~] in the rating of
6 the district under this section. Additional criteria in the rules
7 may include consideration of:

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

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

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

15 (C) an item listed in Sections
16 7.056(e)(3)(C)-(I) that applies to the district;

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

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

21 (c) The commissioner [~~agency~~] shall evaluate against state
22 standards and shall, not later than August 1 of each year, report
23 the performance of each campus in a district and each
24 open-enrollment charter school on the basis of the campus's
25 performance on the indicators adopted under Sections 39.051(b)(1)
26 through (8). Consideration of the effectiveness of district
27 programs under Subsection (b)(2) or (3) must be based on data

1 collected through the Public Education Information Management
2 System for purposes of accountability under this chapter and
3 include the results of assessment instruments [~~assessments~~]
4 required under Section 39.023.

5 SECTION 5. Section 39.0721(a), Education Code, is amended
6 to read as follows:

7 (a) In addition to district and campus performance ratings
8 reported under Section 39.072, the commissioner shall develop a
9 gold performance rating program based on enhanced performance.
10 [~~The agency shall administer the program.~~]

11 SECTION 6. Sections 39.073(a) and (e), Education Code, are
12 amended to read as follows:

13 (a) The commissioner [~~agency~~] shall annually review the
14 performance of each district and campus on the indicators adopted
15 under Sections 39.051(b)(1) through (8) and determine if a change
16 in the accreditation status of the district is warranted. The
17 commissioner may determine how all indicators adopted under Section
18 39.051(b) may be used to determine accountability ratings and to
19 select districts and campuses for acknowledgment.

20 (e) In determining a district's accreditation rating, the
21 commissioner [~~agency~~] shall consider:

22 (1) the district's current special education
23 compliance status with the agency; and

24 (2) the progress of students who have failed to
25 perform satisfactorily in the preceding school year on an
26 assessment instrument required under Section 39.023(a), (c), or
27 (1).

1 SECTION 7. Section 39.074(c), Education Code, is amended to
2 read as follows:

3 (c) In making an on-site accreditation investigation, the
4 investigators shall obtain information from administrators,
5 teachers, and parents of students enrolled in the district. The
6 investigation may not be closed until information is obtained from
7 each of those sources. After consulting with the commissioner, the
8 ~~[The]~~ State Board of Education shall adopt rules for:

9 (1) obtaining information from parents and using that
10 information in the investigator's report; and

11 (2) obtaining information from teachers in a manner
12 that prevents a campus or district from screening the information.

13 SECTION 8. Section 39.076(a), Education Code, is amended to
14 read as follows:

15 (a) The commissioner ~~[agency]~~ shall adopt written
16 procedures for conducting on-site investigations under this
17 subchapter. The agency shall make the procedures available to the
18 complainant, the alleged violator, and the public. Agency staff
19 must be trained in the procedures and must follow the procedures in
20 conducting the investigation.

21 SECTION 9. (a) Not later than the 2007-2008 school year,
22 the commissioner of education shall collect information concerning
23 the percentage of former students enrolled in postsecondary
24 educational institutions and developmental coursework in an
25 institution of higher education for purposes of Section
26 39.051(b)(13), Education Code, as amended by this Act.

27 (b) Not later than the 2008-2009 school year, the

1 commissioner of education shall include, in evaluating the
2 performance of school districts, campuses, and open-enrollment
3 charter schools under Subchapter D, Chapter 39, Education Code, the
4 percentage of former students enrolled in postsecondary
5 educational institutions and developmental coursework in an
6 institution of higher education as provided by Section
7 39.051(b)(13), Education Code, as amended by this Act.

8 SECTION 10. This Act applies beginning with the 2007-2008
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, 2007.