

AN ACT

relating to the Texas High Performance Schools Consortium.

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

SECTION 1. Section 7.0561, Education Code, is amended by amending Subsections (a), (b), (d), (i), and (j) and adding Subsections (j-1), (j-2), (j-3), (j-4), (k), (l), (m), and (m-1) to read as follows:

(a) In this section:

(1) "Consortium" [~~,"consortium"~~] means the Texas High Performance Schools Consortium established under this section.

(2) "Participant campus" means a school district campus or open-enrollment charter school that has been selected for and is participating in the consortium.

(3) "Participant district" means a school district that has one or more campuses participating in the consortium.

(4) "Readiness standards" means the standards identified by the agency that are essential for success.

(b) The Texas High Performance Schools Consortium is established to inform the governor, legislature, State Board of Education, and commissioner concerning methods for transforming public schools in this state by improving student learning through the development of innovative, next-generation learning standards and assessment and accountability systems.

(d) The number of students initially enrolled in

1 participant campuses [~~consortium participants~~] may not be greater
2 than a number equal to five percent of the total number of students
3 enrolled in public schools in this state according to the most
4 recent agency data. With approval of the commissioner, a
5 participant district may add one or more district campuses to the
6 consortium.

7 (i) To cover the costs of administering the consortium, the
8 commissioner may charge a fee to a school district or
9 open-enrollment charter school participating in the consortium.
10 The commissioner may also charge a fee to a participating school
11 district or open-enrollment charter school for use of
12 state-provided assessment items or other costs associated with
13 Subsection (l), and the commissioner may collect and use that fee
14 for purposes of administering the consortium.

15 (j) The [~~With the assistance of the~~] school districts and
16 open-enrollment charter schools participating in the consortium[~~7~~
17 ~~the commissioner~~] shall submit reports concerning the performance
18 and progress of the consortium to the governor, [and] the
19 legislature, the State Board of Education, and the commissioner not
20 later than December 1 of [~~7~~] 2012, [~~and not later than December 1,~~]
21 2014, and 2016.

22 (j-1) The report submitted under Subsection (j) not later
23 than December 1, 2012, must include any recommendation by the
24 commissioner concerning legislative authorization for the
25 commissioner to waive a prohibition, requirement, or restriction
26 that applies to a [~~consortium~~] participant campus or district.
27 That report must also include a plan for an effective and efficient

1 accountability system for participant campuses and districts
2 [~~consortium participants~~] that balances academic excellence and
3 local values to inspire learning and, at the state level,
4 contingent on any necessary waiver of federal law, may incorporate
5 use of a stratified random sampling of students or other objective
6 methodology to hold participant campuses and districts [~~consortium~~
7 ~~participants~~] accountable while attempting to reduce the number of
8 state assessment instruments that are required to be administered
9 to students. The commissioner shall seek a federal waiver, to any
10 extent necessary, to prepare for implementation of the plan if
11 enacted by the legislature.

12 (j-2) The report submitted under Subsection (j) not later
13 than December 1, 2014, must include an update on the effectiveness
14 with which participant campuses are closing gaps in achievement on
15 readiness standards, an evaluation of teaching fewer high-priority
16 learning standards in depth, and any recommendations for
17 legislation. The report must address the effectiveness of the use
18 of methods, including focus on high-priority standards; digital
19 learning, such as blended learning, personalized learning, flipped
20 classrooms, adaptive learning, and virtual learning; the use of
21 multiple assessments that provide more precise, useful, and timely
22 information; and reliance on local control that enables greater
23 community and parental involvement.

24 (j-3) The report submitted under Subsection (j) not later
25 than December 1, 2016, must include an update on the effectiveness
26 with which participant campuses are addressing closing gaps in
27 achievement on readiness standards, an evaluation of teaching fewer

1 high-priority learning standards in depth, and any recommendations
2 for legislation.

3 (j-4) Subsections (j), (j-1), (j-2), and (j-3) and this
4 [This] subsection expire [expires] January 1, 2018.

5 (k) At least annually, the school board or governing body of
6 each participant district or open-enrollment charter school shall
7 hold a public hearing to discuss the district's or school's goals
8 and work in the consortium and to provide for parental and community
9 input.

10 (l) Notwithstanding Chapter 39 or any other law, a
11 participant campus shall be evaluated for accountability purposes
12 and administer assessment instruments only as follows:

13 (1) beginning with the 2013-2014 school year:

14 (A) for each assessment instrument administered
15 under this subsection, a participant campus shall be evaluated:

16 (i) by the independent evaluation under
17 Subsection (m) on disaggregated data by student group, with an
18 emphasis on closing achievement gaps; and

19 (ii) by the agency on a report-only basis,
20 with the scores not otherwise used for accountability purposes,
21 including interventions and sanctions under Subchapter E, Chapter
22 39;

23 (B) for each assessment instrument administered
24 under Chapter 39, a participant campus shall be evaluated under
25 Subsection (m) on readiness standards to allow teaching with depth
26 and the evaluation of the effects of teaching with depth;

27 (C) students in grades three through eight who

1 are not taking secondary-level courses shall be administered and
2 students in grades three through eight who are taking
3 secondary-level courses may, at the option of the district or
4 charter school participating in the consortium, be administered
5 assessment instruments prescribed by Sections 39.023(a)(1), (2),
6 and (5) only, and may be administered an assessment instrument
7 described by Section 39.0261(a)(1) in eighth grade instead of the
8 assessment instruments or may be administered fewer assessment
9 instruments if allowed by federal law or a waiver of federal law;
10 and

11 (D) students taking secondary-level courses
12 shall be assessed on end-of-course assessment instruments
13 administered under Section 39.023(c) only for the 10th grade level
14 courses in English, mathematics, and science in which they are
15 currently enrolled or shall be administered an assessment
16 instrument described by Section 39.0261(a)(2) for 10th grade in the
17 same subjects if allowed by federal law or a waiver of federal law,
18 at the option of the district or open-enrollment charter school
19 participating in the consortium;

20 (2) beginning with the 2014-2015 school year or as
21 soon as possible following receipt of a waiver from federal law or a
22 change in the federal law that requires annual testing of every
23 student:

24 (A) students shall be administered:

25 (i) assessment instruments under Section
26 39.023(a) for reading in grade three, mathematics in grade four,
27 science in grade five, reading in grade six, and mathematics in

1 grade seven;

2 (ii) in prekindergarten through 12th grade,
3 locally approved or developed assessment instruments that are
4 aligned to readiness standards or high-priority learning standards
5 under Subsection (f), that may include limited numbers of
6 state-provided assessment items, and that may have results that can
7 be accessed by the agency for monitoring and reporting purposes, or
8 other satisfactory secondary-level performance demonstrated under
9 Section 39.025(h); and

10 (iii) assessment instruments described by
11 Section 39.0261(a); and

12 (B) a participant campus shall be evaluated on
13 community-established measures that include academic achievement
14 and college and career readiness;

15 (3) beginning with the 2013-2014 school year, students
16 in a special education program shall be administered appropriate
17 assessments, including assessments developed or adopted under
18 Section 39.023(b) and, if authorized by an Act of the 83rd
19 Legislature, Regular Session, 2013, that becomes law, other
20 assessments developed or adopted for significantly cognitively
21 disabled students; and

22 (4) beginning with the 2013-2014 school year, students
23 of limited English proficiency, as defined by Section 29.052:

24 (A) shall be administered appropriate
25 assessments including assessments approved by the commissioner
26 that measure linguistic and academic growth as determined by the
27 student's language proficiency assessment committee established by

1 Section 29.063; and

2 (B) if a waiver from federal law is obtained,
3 shall participate in appropriate assessments the first five years
4 the students are enrolled in schools in the United States as
5 participation-only unless the student attains an English
6 proficiency rating equivalent to advanced high performance during
7 this period, in which case the student's data will be aggregated
8 into campus and district performance reports.

9 (m) The consortium shall receive independent evaluation
10 from one or more external evaluation teams, including an
11 institution of higher education in this state.

12 (m-1) An evaluation conducted under Subsection (m) must be
13 included in the reports required under Subsection (j). This
14 subsection expires January 1, 2018.

15 SECTION 2. Section 29.0822(a), Education Code, is amended
16 to read as follows:

17 (a) Notwithstanding Section 25.081 or 25.082, a school
18 district may apply to the commissioner to provide a flexible school
19 day program for students who:

20 (1) have dropped out of school or are at risk of
21 dropping out of school as defined by Section 29.081;

22 (2) attend a campus that is implementing an innovative
23 redesign of the campus, including a campus in the high performance
24 schools consortium under Section 7.0561, or an early college high
25 school under a plan approved by the commissioner; or

26 (3) as a result of attendance requirements under
27 Section 25.092, will be denied credit for one or more classes in

1 which the students have been enrolled.

2 SECTION 3. Section 39.025, Education Code, is amended by
3 amending Subsection (d) and adding Subsection (h) to read as
4 follows:

5 (d) Notwithstanding Subsection (a), the commissioner by
6 rule shall adopt one or more alternative nationally recognized norm
7 referenced assessment instruments under this section to administer
8 to a student to qualify for a high school diploma if the student
9 enrolls after January 1 of the school year in which the student is
10 otherwise eligible to graduate:

11 (1) for the first time in a public school in this
12 state; ~~[or]~~

13 (2) after an absence of at least four years from any
14 public school in this state; or

15 (3) in a public school in this state that does not
16 participate in the high performance schools consortium under
17 Section 7.0561 after the student has been enrolled in a public
18 school participating in the consortium during high school.

19 (h) This subsection applies only if legislation is not
20 enacted by the 83rd Legislature, Regular Session, 2013, that allows
21 substitute demonstrations of satisfactory secondary-level
22 performance for students or if such legislation is enacted but does
23 not become law. A school district or open-enrollment charter
24 school participating in the high performance schools consortium
25 established under Section 7.0561 by policy may allow a student who
26 is enrolled in a participant campus who demonstrates satisfactory
27 secondary-level performance in a subject under this subsection to

1 be exempt from the requirement that the student take an
2 end-of-course assessment instrument in that subject and may allow a
3 student who is enrolled in a participant campus to demonstrate
4 satisfactory secondary-level performance in the manner described
5 by this subsection in lieu of retaking an end-of-course assessment
6 instrument. The district may allow the demonstration to substitute
7 for a score required by this section or by any other law. The
8 commissioner shall allow the demonstration to substitute as an
9 indicator of student achievement under Section 39.053. A student's
10 satisfactory secondary-level performance and student achievement
11 level may be demonstrated by:

12 (1) satisfactory performance, at levels determined by
13 the commissioner, on:

14 (A) an advanced placement test;

15 (B) an international baccalaureate examination;

16 (C) an SAT Subject Test;

17 (D) a Preliminary Scholastic Assessment Test
18 (PSAT) assessment;

19 (E) a preliminary American College Test (ACT)
20 assessment; or

21 (F) another assessment instrument determined by
22 the commissioner to be at least as rigorous as an end-of-course
23 assessment instrument adopted under Section 39.023(c); or

24 (2) successful completion of:

25 (A) a dual credit course;

26 (B) an international baccalaureate course; or

27 (C) an advanced placement course.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 2824 was passed by the House on May 9, 2013, by the following vote: Yeas 129, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2824 was passed by the Senate on May 21, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor