

By: Ratliff

H.B. No. 2824

A BILL TO BE ENTITLED

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), and (j) and adding Subsections (k), (l), and (m) to read as follows:

(a) In this section:

(1) "College readiness standards" mean the college readiness standards established under Section 28.008 as part of the essential knowledge and skills of the foundation curriculum and assessed under Section 39.023.

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

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

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

(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.

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

8 (j) With the assistance of the school districts and
9 open-enrollment charter schools participating in the consortium,
10 the commissioner shall submit reports concerning the performance
11 and progress of the consortium to the governor, ~~and~~ the
12 legislature, and the State Board of Education not later than
13 December 1, 2012, not later than December 1, 2014, and not later
14 than December 1, 2016 [~~2014~~].

15 (1) The report submitted not later than December 1,
16 2012, must include any recommendation by the commissioner
17 concerning legislative authorization for the commissioner to waive
18 a prohibition, requirement, or restriction that applies to a
19 [~~consortium~~] participant. That report must also include a plan for
20 an effective and efficient accountability system for participant
21 campuses and districts [~~consortium participants~~] that balances
22 academic excellence and local values to inspire learning and, at
23 the state level, contingent on any necessary waiver of federal law,
24 may incorporate use of a stratified random sampling of students or
25 other objective methodology to hold participant campuses and
26 districts [~~consortium participants~~] accountable while attempting
27 to reduce the number of state assessment instruments that are

1 required to be administered to students. The commissioner shall
2 seek a federal waiver, to any extent necessary, to prepare for
3 implementation of the plan if enacted by the legislature.

4 (2) The report submitted not later than December 1,
5 2014, must include an update on the effectiveness with which
6 participant campuses are closing gaps in achievement on college
7 readiness standards, an evaluation of teaching fewer,
8 high-priority learning standards in depth, and any recommendations
9 for legislation. The report must address the effectiveness of the
10 use of methods, including focus on high-priority standards; digital
11 learning, such as blended learning, personalized learning, flipped
12 classrooms, adaptive learning, and virtual learning; the use of
13 multiple assessments that provide more precise, useful, and timely
14 information; and reliance on local control that enables greater
15 community and parental involvement.

16 (3) The report submitted not later than December 1,
17 2016, must include an update on the effectiveness with which
18 participant campuses are addressing closing gaps in achievement on
19 college readiness standards, an evaluation of teaching fewer,
20 high-priority learning standards in depth, and any recommendations
21 for legislation.

22 (4) This subsection expires January 1, 2018.

23 (k) At least annually, the school board or governing body of
24 each participant district or open-enrollment charter school shall
25 hold a public hearing to discuss its goals and work in the
26 consortium and to provide for parental and community input.

27 (l) Notwithstanding Chapter 39 and any other law,

1 participant campuses shall be evaluated for accountability
2 purposes and shall administer assessments only as follows:

3 (1) beginning in the 2013-14 school year:

4 (A) for all assessment instruments administered
5 under this Subsection, participant campuses:

6 (i) shall be evaluated on disaggregated
7 data by student group, with an emphasis on closing achievement
8 gaps; and

9 (ii) shall be evaluated on a report-only
10 basis and the scores shall not be otherwise used for accountability
11 purposes, including interventions and sanctions under Subchapter
12 E, Chapter 39;

13 (B) for assessment instruments administered
14 under Chapter 39, participant campuses shall be evaluated on
15 college readiness standards only, to allow the schools to teach
16 with depth and to evaluate the effects of teaching with depth;

17 (C) students in grades three through eight who
18 are not taking secondary-level courses shall be administered and
19 students in grades three through eight who are taking
20 secondary-level courses may, at the option of the district or
21 charter school participating in the consortium, be administered
22 assessment instruments prescribed by Section 39.023(a)(1), (2),
23 and (5) only and may be administered ACT EXPLORE in eighth grade in
24 lieu of the assessment instruments or may be administered fewer
25 assessment instruments if allowed by federal law or a waiver of
26 federal law; and

27 (D) students taking secondary-level courses

1 shall be assessed on end-of-course assessment instruments
2 administered under Section 39.023(c) only for the tenth grade
3 courses in English, math, and science in which they are currently
4 enrolled or shall be assessed ACT PLAN for tenth grade in the same
5 subjects if allowed under federal law, at the option of the district
6 or open-enrollment charter school participating in the consortium;

7 (2) beginning in the 2014-15 school year or as soon as
8 possible following receipt of a waiver from federal law or a change
9 from the federal law that requires annual testing of every student:

10 (A) students shall be administered:

11 (i) assessment instruments under Section
12 39.023(a) for reading in grade three, math in grade four, science in
13 grade five, reading in grade six, and math in grade seven;

14 (ii) in prekindergarten through twelfth
15 grade, locally approved or developed assessments that are aligned
16 to college readiness standards or high-priority learning standards
17 identified in Subsection (f), that include limited numbers of state
18 provided assessment items, and that have results that can be
19 accessed by the agency for monitoring and reporting purposes, or
20 other satisfactory secondary-level performance demonstrated under
21 Section 39.025(h); and

22 (iii) ACT EXPLORE at grade eight, ACT PLAN
23 at grade ten, and ACT at grade eleven; and

24 (B) participant campuses shall be evaluated on
25 community established measures that include academic achievement
26 and college and career readiness;

27 (3) beginning in the 2013-14 school year, students

1 with disabilities shall be administered appropriate assessments
2 including assessments, approved by the commissioner, that measure
3 growth as determined by the student's individualized education
4 program; and

5 (4) beginning in the 2013-14 school year, students of
6 limited English proficiency:

7 (A) shall be administered appropriate
8 assessments including assessments, approved by the commissioner,
9 that measure linguistic and academic growth as determined by the
10 student's language proficiency assessment committee established by
11 Section 29.063; and

12 (B) if a waiver from federal law is obtained,
13 shall participate in appropriate assessments the first five years
14 in schools in the United States as participation only unless the
15 student attains an English proficiency rating equivalent to
16 advanced high performance during this time period, in which case
17 the student's data will be aggregated into campus and district
18 performance reports.

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

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

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

27 (1) have dropped out of school or are at risk of

1 dropping out of school as defined by Section 29.081;

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

6 (3) as a result of attendance requirements under
7 Section 25.092, will be denied credit for one or more classes in
8 which the students have been enrolled.

9 SECTION 3. Section 39.025(d), Education Code, is amended to
10 read as follows:

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

17 (1) for the first time in a public school in this
18 state; ~~or~~

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

21 (3) in a public school in this state that does not
22 participate in the consortium under Section 7.0561 after the
23 student has been enrolled in a school participating in the
24 consortium during high school.

25 SECTION 4. If legislation does not pass in the 83rd Regular
26 Session, Texas Legislature, in 2013, that allows substitute
27 demonstrations of satisfactory secondary-level performance for

1 students, Section 39.025, Education Code, is amended to add
2 Subsection (h) as follows:

3 (h) A school district or open-enrollment charter school
4 participating in the consortium established under Section 7.0561 by
5 policy may allow a student who is enrolled in a participant campus
6 and who demonstrates satisfactory secondary-level performance in a
7 subject under this subsection to be exempt from the requirements
8 that the student take an end-of-course assessment instrument in
9 that subject and may allow a student who is enrolled in a
10 participant campus to demonstrate satisfactory secondary-level
11 performance in the manner described by this subsection in lieu of
12 retaking an end-of-course assessment instrument. The district may
13 allow the demonstration to substitute for a score required by this
14 section or by any other law. The commissioner shall allow the
15 demonstration to substitute as an indicator of student achievement
16 under Section 39.053. A student's satisfactory secondary-level
17 performance and student achievement level may be demonstrated by:

18 (1) satisfactory performance, at levels determined by
19 the commissioner, on:

20 (A) an advanced placement test;

21 (B) an international baccalaureate examination;

22 (C) an SAT Subject Test;

23 (D) a Preliminary Scholastic Assessment Test
24 (PSAT) assessment;

25 (E) a preliminary American College Test (ACT)
26 assessment; or

27 (F) another assessment instrument determined by

1 the commissioner to be at least as rigorous as an end-of-course
2 assessment instrument adopted under Section 39.023(c); or

3 (2) successful completion of:

4 (A) a dual-credit course;

5 (B) an international baccalaureate course; or

6 (C) an advanced placement course.

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