

1-1 By: Ratliff, et al. (Senate Sponsor - Paxton) H.B. No. 2824
 1-2 (In the Senate - Received from the House May 10, 2013;
 1-3 May 14, 2013, read first time and referred to Committee on
 1-4 Education; May 17, 2013, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the Texas High Performance Schools Consortium.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 7.0561, Education Code, is amended by
 1-22 amending Subsections (a), (b), (d), (i), and (j) and adding
 1-23 Subsections (j-1), (j-2), (j-3), (j-4), (k), (l), (m), and (m-1) to
 1-24 read as follows:
 1-25 (a) In this section:
 1-26 (1) "Consortium" [~~,"consortium"~~] means the Texas High
 1-27 Performance Schools Consortium established under this section.
 1-28 (2) "Participant campus" means a school district
 1-29 campus or open-enrollment charter school that has been selected for
 1-30 and is participating in the consortium.
 1-31 (3) "Participant district" means a school district
 1-32 that has one or more campuses participating in the consortium.
 1-33 (4) "Readiness standards" means the standards
 1-34 identified by the agency that are essential for success.
 1-35 (b) The Texas High Performance Schools Consortium is
 1-36 established to inform the governor, legislature, State Board of
 1-37 Education, and commissioner concerning methods for transforming
 1-38 public schools in this state by improving student learning through
 1-39 the development of innovative, next-generation learning standards
 1-40 and assessment and accountability systems.
 1-41 (d) The number of students initially enrolled in
 1-42 participant campuses [~~consortium participants~~] may not be greater
 1-43 than a number equal to five percent of the total number of students
 1-44 enrolled in public schools in this state according to the most
 1-45 recent agency data. With approval of the commissioner, a
 1-46 participant district may add one or more district campuses to the
 1-47 consortium.
 1-48 (i) To cover the costs of administering the consortium, the
 1-49 commissioner may charge a fee to a school district or
 1-50 open-enrollment charter school participating in the consortium.
 1-51 The commissioner may also charge a fee to a participating school
 1-52 district or open-enrollment charter school for use of
 1-53 state-provided assessment items or other costs associated with
 1-54 Subsection (l), and the commissioner may collect and use that fee
 1-55 for purposes of administering the consortium.
 1-56 (j) The [~~With the assistance of the~~] school districts and
 1-57 open-enrollment charter schools participating in the consortium[~~7~~
 1-58 ~~the commissioner~~] shall submit reports concerning the performance
 1-59 and progress of the consortium to the governor, [and] the
 1-60 legislature, the State Board of Education, and the commissioner not
 1-61 later than December 1 of [7] 2012, [and not later than December 1,]

2-1 2014, and 2016.

2-2 (j-1) The report submitted under Subsection (j) not later
 2-3 than December 1, 2012, must include any recommendation by the
 2-4 commissioner concerning legislative authorization for the
 2-5 commissioner to waive a prohibition, requirement, or restriction
 2-6 that applies to a [consortium] participant campus or district.
 2-7 That report must also include a plan for an effective and efficient
 2-8 accountability system for participant campuses and districts
 2-9 [consortium participants] that balances academic excellence and
 2-10 local values to inspire learning and, at the state level,
 2-11 contingent on any necessary waiver of federal law, may incorporate
 2-12 use of a stratified random sampling of students or other objective
 2-13 methodology to hold participant campuses and districts [consortium
 2-14 participants] accountable while attempting to reduce the number of
 2-15 state assessment instruments that are required to be administered
 2-16 to students. The commissioner shall seek a federal waiver, to any
 2-17 extent necessary, to prepare for implementation of the plan if
 2-18 enacted by the legislature.

2-19 (j-2) The report submitted under Subsection (j) not later
 2-20 than December 1, 2014, must include an update on the effectiveness
 2-21 with which participant campuses are closing gaps in achievement on
 2-22 readiness standards, an evaluation of teaching fewer high-priority
 2-23 learning standards in depth, and any recommendations for
 2-24 legislation. The report must address the effectiveness of the use
 2-25 of methods, including focus on high-priority standards; digital
 2-26 learning, such as blended learning, personalized learning, flipped
 2-27 classrooms, adaptive learning, and virtual learning; the use of
 2-28 multiple assessments that provide more precise, useful, and timely
 2-29 information; and reliance on local control that enables greater
 2-30 community and parental involvement.

2-31 (j-3) The report submitted under Subsection (j) not later
 2-32 than December 1, 2016, must include an update on the effectiveness
 2-33 with which participant campuses are addressing closing gaps in
 2-34 achievement on readiness standards, an evaluation of teaching fewer
 2-35 high-priority learning standards in depth, and any recommendations
 2-36 for legislation.

2-37 (j-4) Subsections (j), (j-1), (j-2), and (j-3) and this
 2-38 [This] subsection expire [expires] January 1, 2018.

2-39 (k) At least annually, the school board or governing body of
 2-40 each participant district or open-enrollment charter school shall
 2-41 hold a public hearing to discuss the district's or school's goals
 2-42 and work in the consortium and to provide for parental and community
 2-43 input.

2-44 (l) Notwithstanding Chapter 39 or any other law, a
 2-45 participant campus shall be evaluated for accountability purposes
 2-46 and administer assessment instruments only as follows:

2-47 (1) beginning with the 2013-2014 school year:

2-48 (A) for each assessment instrument administered
 2-49 under this subsection, a participant campus shall be evaluated:

2-50 (i) by the independent evaluation under
 2-51 Subsection (m) on disaggregated data by student group, with an
 2-52 emphasis on closing achievement gaps; and

2-53 (ii) by the agency on a report-only basis,
 2-54 with the scores not otherwise used for accountability purposes,
 2-55 including interventions and sanctions under Subchapter E, Chapter
 2-56 39;

2-57 (B) for each assessment instrument administered
 2-58 under Chapter 39, a participant campus shall be evaluated under
 2-59 Subsection (m) on readiness standards to allow teaching with depth
 2-60 and the evaluation of the effects of teaching with depth;

2-61 (C) students in grades three through eight who
 2-62 are not taking secondary-level courses shall be administered and
 2-63 students in grades three through eight who are taking
 2-64 secondary-level courses may, at the option of the district or
 2-65 charter school participating in the consortium, be administered
 2-66 assessment instruments prescribed by Sections 39.023(a)(1), (2),
 2-67 and (5) only, and may be administered an assessment instrument
 2-68 described by Section 39.0261(a)(1) in eighth grade instead of the
 2-69 assessment instruments or may be administered fewer assessment

3-1 instruments if allowed by federal law or a waiver of federal law;
 3-2 and
 3-3 (D) students taking secondary-level courses
 3-4 shall be assessed on end-of-course assessment instruments
 3-5 administered under Section 39.023(c) only for the 10th grade level
 3-6 courses in English, mathematics, and science in which they are
 3-7 currently enrolled or shall be administered an assessment
 3-8 instrument described by Section 39.0261(a)(2) for 10th grade in the
 3-9 same subjects if allowed by federal law or a waiver of federal law,
 3-10 at the option of the district or open-enrollment charter school
 3-11 participating in the consortium;

3-12 (2) beginning with the 2014-2015 school year or as
 3-13 soon as possible following receipt of a waiver from federal law or a
 3-14 change in the federal law that requires annual testing of every
 3-15 student:

3-16 (A) students shall be administered:

3-17 (i) assessment instruments under Section
 3-18 39.023(a) for reading in grade three, mathematics in grade four,
 3-19 science in grade five, reading in grade six, and mathematics in
 3-20 grade seven;

3-21 (ii) in prekindergarten through 12th grade,
 3-22 locally approved or developed assessment instruments that are
 3-23 aligned to readiness standards or high-priority learning standards
 3-24 under Subsection (f), that may include limited numbers of
 3-25 state-provided assessment items, and that may have results that can
 3-26 be accessed by the agency for monitoring and reporting purposes, or
 3-27 other satisfactory secondary-level performance demonstrated under
 3-28 Section 39.025(h); and

3-29 (iii) assessment instruments described by
 3-30 Section 39.0261(a); and

3-31 (B) a participant campus shall be evaluated on
 3-32 community-established measures that include academic achievement
 3-33 and college and career readiness;

3-34 (3) beginning with the 2013-2014 school year, students
 3-35 in a special education program shall be administered appropriate
 3-36 assessments, including assessments developed or adopted under
 3-37 Section 39.023(b) and, if authorized by an Act of the 83rd
 3-38 Legislature, Regular Session, 2013, that becomes law, other
 3-39 assessments developed or adopted for significantly cognitively
 3-40 disabled students; and

3-41 (4) beginning with the 2013-2014 school year, students
 3-42 of limited English proficiency, as defined by Section 29.052:

3-43 (A) shall be administered appropriate
 3-44 assessments including assessments approved by the commissioner
 3-45 that measure linguistic and academic growth as determined by the
 3-46 student's language proficiency assessment committee established by
 3-47 Section 29.063; and

3-48 (B) if a waiver from federal law is obtained,
 3-49 shall participate in appropriate assessments the first five years
 3-50 the students are enrolled in schools in the United States as
 3-51 participation-only unless the student attains an English
 3-52 proficiency rating equivalent to advanced high performance during
 3-53 this period, in which case the student's data will be aggregated
 3-54 into campus and district performance reports.

3-55 (m) The consortium shall receive independent evaluation
 3-56 from one or more external evaluation teams, including an
 3-57 institution of higher education in this state.

3-58 (m-1) An evaluation conducted under Subsection (m) must be
 3-59 included in the reports required under Subsection (j). This
 3-60 subsection expires January 1, 2018.

3-61 SECTION 2. Section 29.0822(a), Education Code, is amended
 3-62 to read as follows:

3-63 (a) Notwithstanding Section 25.081 or 25.082, a school
 3-64 district may apply to the commissioner to provide a flexible school
 3-65 day program for students who:

3-66 (1) have dropped out of school or are at risk of
 3-67 dropping out of school as defined by Section 29.081;

3-68 (2) attend a campus that is implementing an innovative
 3-69 redesign of the campus, including a campus in the high performance

4-1 schools consortium under Section 7.0561, or an early college high
 4-2 school under a plan approved by the commissioner; or

4-3 (3) as a result of attendance requirements under
 4-4 Section 25.092, will be denied credit for one or more classes in
 4-5 which the students have been enrolled.

4-6 SECTION 3. Section 39.025, Education Code, is amended by
 4-7 amending Subsection (d) and adding Subsection (h) to read as
 4-8 follows:

4-9 (d) Notwithstanding Subsection (a), the commissioner by
 4-10 rule shall adopt one or more alternative nationally recognized norm
 4-11 referenced assessment instruments under this section to administer
 4-12 to a student to qualify for a high school diploma if the student
 4-13 enrolls after January 1 of the school year in which the student is
 4-14 otherwise eligible to graduate:

4-15 (1) for the first time in a public school in this
 4-16 state; ~~[or]~~

4-17 (2) after an absence of at least four years from any
 4-18 public school in this state; or

4-19 (3) in a public school in this state that does not
 4-20 participate in the high performance schools consortium under
 4-21 Section 7.0561 after the student has been enrolled in a public
 4-22 school participating in the consortium during high school.

4-23 (h) This subsection applies only if legislation is not
 4-24 enacted by the 83rd Legislature, Regular Session, 2013, that allows
 4-25 substitute demonstrations of satisfactory secondary-level
 4-26 performance for students or if such legislation is enacted but does
 4-27 not become law. A school district or open-enrollment charter
 4-28 school participating in the high performance schools consortium
 4-29 established under Section 7.0561 by policy may allow a student who
 4-30 is enrolled in a participant campus who demonstrates satisfactory
 4-31 secondary-level performance in a subject under this subsection to
 4-32 be exempt from the requirement that the student take an
 4-33 end-of-course assessment instrument in that subject and may allow a
 4-34 student who is enrolled in a participant campus to demonstrate
 4-35 satisfactory secondary-level performance in the manner described
 4-36 by this subsection in lieu of retaking an end-of-course assessment
 4-37 instrument. The district may allow the demonstration to substitute
 4-38 for a score required by this section or by any other law. The
 4-39 commissioner shall allow the demonstration to substitute as an
 4-40 indicator of student achievement under Section 39.053. A student's
 4-41 satisfactory secondary-level performance and student achievement
 4-42 level may be demonstrated by:

4-43 (1) satisfactory performance, at levels determined by
 4-44 the commissioner, on:

4-45 (A) an advanced placement test;

4-46 (B) an international baccalaureate examination;

4-47 (C) an SAT Subject Test;

4-48 (D) a Preliminary Scholastic Assessment Test
 4-49 (PSAT) assessment;

4-50 (E) a preliminary American College Test (ACT)
 4-51 assessment; or

4-52 (F) another assessment instrument determined by
 4-53 the commissioner to be at least as rigorous as an end-of-course
 4-54 assessment instrument adopted under Section 39.023(c); or

4-55 (2) successful completion of:

4-56 (A) a dual credit course;

4-57 (B) an international baccalaureate course; or

4-58 (C) an advanced placement course.

4-59 SECTION 4. This Act takes effect immediately if it receives
 4-60 a vote of two-thirds of all the members elected to each house, as
 4-61 provided by Section 39, Article III, Texas Constitution. If this
 4-62 Act does not receive the vote necessary for immediate effect, this
 4-63 Act takes effect September 1, 2013.

4-64 * * * * *