

By: Seliger

S.B. No. 1798

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), (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

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

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

(j) The [~~With the assistance of the~~] school districts and open-enrollment charter schools participating in the consortium[~~the commissioner~~] shall submit reports concerning the performance and progress of the consortium to the governor, [and] the legislature, the State Board of Education, and the commissioner not later than December 1 of [~~7~~] 2012, [~~and not later than December 1,~~] 2014, 2016, and 2018.

(j-1) The report submitted under Subsection (j) not later than December 1, 2012, must include any recommendation by the commissioner concerning legislative authorization for the commissioner to waive a prohibition, requirement, or restriction that applies to a [~~consortium~~] participant campus or district. 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, 2016, 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, 2018, 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

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

(j-4) Subsections (j), (j-1), (j-2), and (j-3) and this [This] subsection expire [expires] January 1, 2020 [2018].

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

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

(1) beginning with the 2015-2016 school year:

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

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

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

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

(C) students in grades three through eight who

are not taking secondary-level courses shall be administered and students in grades three through eight who are taking secondary-level courses may, at the option of the district or charter school participating in the consortium, be administered only the assessment instruments under Section 39.023 in mathematics annually in grades three through seven without the aid of technology, mathematics in grade eight with the aid of technology on any assessment instrument that includes algebra, reading annually, and science in grades five and eight, and may be administered an assessment instrument described by Section 39.0261(a)(1) in eighth grade instead of the assessment instruments or may be administered fewer assessment instruments if allowed by federal law or a waiver of federal law; and

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

(2) beginning with the 2016-2017 school year or as soon as possible following receipt of a waiver from federal law or a change in the federal law that requires annual testing of every student:

(A) students shall be administered:

1 (i) assessment instruments under Section
2 39.023(a) for reading in grade three, mathematics in grade four,
3 science in grade five, reading in grade six, and mathematics in
4 grade seven;

5 (ii) in prekindergarten through 12th grade,
6 locally approved or developed assessment instruments that are
7 aligned to readiness standards or high-priority learning standards
8 under Subsection (f), that may include limited numbers of
9 state-provided assessment items, and that may have results that can
10 be accessed by the agency for monitoring and reporting purposes, or
11 other satisfactory secondary-level performance demonstrated under
12 Section 39.025(a-1); and

13 (iii) assessment instruments described by
14 Section 39.0261(a); and

15 (B) a participant campus shall be evaluated on
16 community-established measures that include academic achievement
17 and college and career readiness;

18 (3) beginning not later than the 2015-2016 school
19 year, students in a special education program shall be administered
20 appropriate assessments, including assessments developed or
21 adopted under Section 39.023(b) and other assessments developed or
22 adopted for significantly cognitively disabled students; and

23 (4) beginning with the 2015-2016 school year, students
24 of limited English proficiency, as defined by Section 29.052:

25 (A) shall be administered appropriate
26 assessments, including assessments approved by the commissioner
27 that measure linguistic and academic growth as determined by the

student's language proficiency assessment committee established by
Section 29.063; and

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

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

(m-1) An evaluation conducted under Subsection (m) must be
included in the reports required under Subsection (j). This
subsection expires January 1, 2020.

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

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

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

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

(3) as a result of attendance requirements under

1 Section 25.092, will be denied credit or a final grade for one or
2 more classes in which the students have been enrolled.

3 SECTION 3. Section 39.025(d), Education Code, is amended to
4 read as 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 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2015.