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HOUSE OF REPRESENTATIVES

Phil Stephens

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FLOOR AMENDMENT NO. _____

BY: JASON ISAAC

1 Amend C.S.H.B. 21 (house committee report) as follows:

2 (1) On page 20, between lines 16 and 17, insert the
3 following appropriately numbered subdivision in SECTION 24:

4 () Section 39.02301;

5 (2) Renumber subsequent subdivisions of SECTION 24
6 accordingly.

7 (3) Add the following appropriately numbered SECTIONS to
8 the bill:

9 SECTION ____ Section 21.351(a), Education Code, is amended
10 to read as follows:

11 (a) The commissioner shall adopt a recommended appraisal
12 process and criteria on which to appraise the performance of
13 teachers. The criteria must be based on observable, job-related
14 behavior, including:

15 (1) teachers' implementation of discipline management
16 procedures; and

17 (2) the performance of teachers' students, provided
18 that consideration of student performance is not based in any part
19 on student performance on assessment instruments administered
20 under Section 39.023.

21 SECTION ____ Section 39.023(a), Education Code, as
22 effective September 1, 2017, is amended to read as follows:

23 (a) The agency shall adopt or develop appropriate
24 criterion-referenced assessment instruments designed to assess
25 essential knowledge and skills in reading, ~~[writing,~~ mathematics,
26 ~~[social studies,~~ and science. Except as provided by Subsection
27 (a-2), all students, other than students assessed under Subsection
28 (b) or (1) or exempted under Section 39.027, shall be assessed in:

29 (1) mathematics, annually in grades three through

1 seven without the aid of technology and in grade eight with the aid
2 of technology on any assessment instrument that includes algebra;

3 (2) reading, annually in grades three through eight;
4 and

5 (3) [~~writing, including spelling and grammar, in~~
6 ~~grades four and seven,~~

7 [~~4) social studies, in grade eight,~~

8 [~~5)] science, in grades five and eight [~~, and~~~~

9 [~~6) any other subject and grade required by federal~~
10 ~~law].~~

11 SECTION _____. Section 39.023(c), Education Code, is amended
12 to read as follows:

13 (c) The agency shall also adopt end-of-course assessment
14 instruments for secondary-level courses in reading, mathematics,
15 and science only as necessary to comply with the Every Student
16 Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered
17 only as necessary to meet the minimum requirements of that Act
18 [~~Algebra I, biology, English I, English II, and United States~~
19 ~~history. The Algebra I end-of-course assessment instrument must be~~
20 ~~administered with the aid of technology. The English I and English~~
21 ~~II end-of-course assessment instruments must each assess essential~~
22 ~~knowledge and skills in both reading and writing in the same~~
23 ~~assessment instrument and must provide a single score]. A school
24 district shall comply with State Board of Education rules regarding
25 administration of the assessment instruments adopted under [~~listed~~
26 ~~in]~~ this subsection. If a student is in a special education program
27 under Subchapter A, Chapter 29, the student's admission, review,
28 and dismissal committee shall determine whether any allowable
29 modification is necessary in administering to the student an
30 assessment instrument required under this subsection. The State
31 Board of Education shall administer the assessment instruments.~~

1 ~~[The State Board of Education shall adopt a schedule for the~~
2 ~~administration of end-of-course assessment instruments that~~
3 ~~complies with the requirements of Subsection (c-3).]~~

4 SECTION ____ . Section 39.023(c-3), Education Code, as
5 effective September 1, 2017, is amended to read as follows:

6 (c-3) The State Board of Education, with input from school
7 districts, shall adopt ~~[In adopting]~~ a schedule for the
8 administration of assessment instruments under this section that
9 minimizes the disruption of classroom instruction ~~[, the State~~
10 ~~Board of Education shall require.~~

11 ~~[(1) assessment instruments administered under~~
12 ~~Subsection (a) to be administered on a schedule so that the first~~
13 ~~assessment instrument is administered at least two weeks later than~~
14 ~~the date on which the first assessment instrument was administered~~
15 ~~under Subsection (a) during the 2006-2007 school year, and~~

16 ~~[(2) the spring administration of end-of-course~~
17 ~~assessment instruments under Subsection (c) to occur in each school~~
18 ~~district not earlier than the first full week in May, except that~~
19 ~~the spring administration of the end-of-course assessment~~
20 ~~instruments in English I and English II must be permitted to occur~~
21 ~~at an earlier date].~~

22 SECTION ____ . Section 39.023, Education Code, is amended by
23 adding Subsection (q) to read as follows:

24 (q) Notwithstanding any provision of this section or other
25 law, if changes made to the Every Student Succeeds Act (20 U.S.C.
26 Section 6301 et seq.) reduce the number or frequency of assessment
27 instruments required to be administered to students, the State
28 Board of Education shall adopt rules reducing the number or
29 frequency of assessment instruments administered to students under
30 state law, and the commissioner shall ensure that students are not
31 assessed in subject areas or in grades that are no longer required

1 to meet the minimum requirements of that Act.

2 SECTION _____. Subchapter B, Chapter 39, Education Code, is
3 amended by adding Section 39.040 to read as follows:

4 Sec. 39.040. ALTERNATIVE ASSESSMENT INSTRUMENTS. (a) The
5 commissioner by rule shall adopt procedures to identify nationally
6 recognized, norm-referenced assessment instruments as additional
7 alternative assessment instruments that may be used to evaluate
8 student achievement for purposes of complying with accountability
9 requirements under this chapter.

10 (b) Additional alternative assessment instruments
11 identified as provided by Subsection (a) may be used:

12 (1) for grades three through eight, provided that the
13 commissioner obtains any necessary waiver from the application of
14 any conflicting federal law or regulation as provided by Subsection
15 (d); and

16 (2) for secondary-level courses.

17 (c) The procedures adopted to identify all additional
18 alternative assessment instruments under Subsection (a) must be
19 consistent with the federal procedures required by the Every
20 Student Succeeds Act (20 U.S.C. Section 6311) for state approval of
21 nationally recognized high school academic assessment instruments
22 that are available for local selection, including requiring each
23 additional alternative assessment instrument identified to be
24 aligned with the essential knowledge and skills for the appropriate
25 grade level in the subject assessed.

26 (d) For purposes of using additional alternative assessment
27 instruments in grades three through eight, the commissioner shall
28 seek a waiver from the application of any conflicting federal law or
29 regulation as a result of the use of multiple assessment
30 instruments for assessing students in the same grade.

31 SECTION _____. Section 39.053(c), Education Code, is amended

1 to read as follows:

2 (c) School districts and campuses must be evaluated based on
3 five domains of indicators of achievement adopted under this
4 section that include:

5 (1) in the first domain, the results of:

6 (A) assessment instruments required under
7 Sections 39.023(a), (c), and (1), including the results of
8 assessment instruments required for graduation retaken by a
9 student, aggregated across grade levels by subject area, including:

10 (i) for the performance standard determined
11 by the commissioner under Section 39.0241(a), the percentage of
12 students who performed satisfactorily on the assessment
13 instruments, aggregated across grade levels by subject area; and

14 (ii) for the college readiness performance
15 standard as determined under Section 39.0241, the percentage of
16 students who performed satisfactorily on the assessment
17 instruments, aggregated across grade levels by subject area; and

18 (B) assessment instruments required under
19 Section 39.023(b), aggregated across grade levels by subject area,
20 including the percentage of students who performed satisfactorily
21 on the assessment instruments, as determined by the performance
22 standard adopted by the agency, aggregated across grade levels by
23 subject area;

24 (2) in the second domain:

25 (A) for assessment instruments under Subdivision
26 (1)(A):

27 (i) for the performance standard determined
28 by the commissioner under Section 39.0241(a), the percentage of
29 students who met the standard for annual improvement on the
30 assessment instruments, as determined by the commissioner by rule
31 or by the method for measuring annual improvement under Section

1 39.034, aggregated across grade levels by subject area; and
2 (ii) for the college readiness performance
3 standard as determined under Section 39.0241, the percentage of
4 students who met the standard for annual improvement on the
5 assessment instruments, as determined by the commissioner by rule
6 or by the method for measuring annual improvement under Section
7 39.034, aggregated across grade levels by subject area; and

8 (B) for assessment instruments under Subdivision
9 (1)(B), the percentage of students who met the standard for annual
10 improvement on the assessment instruments, as determined by the
11 commissioner by rule or by the method for measuring annual
12 improvement under Section 39.034, aggregated across grade levels by
13 subject area;

14 (3) in the third domain, the student academic
15 achievement differentials among students from different racial and
16 ethnic groups and socioeconomic backgrounds;

17 (4) in the fourth domain:

18 (A) for evaluating the performance of high school
19 campuses and districts that include high school campuses:

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

25 (ii) high school graduation rates, computed
26 in accordance with standards and definitions adopted in compliance
27 with the Every Student Succeeds Act [~~No Child Left Behind Act of~~
28 ~~2001~~] (20 U.S.C. Section 6301 et seq.);

29 (iii) the percentage of students who
30 successfully completed the curriculum requirements for the
31 distinguished level of achievement under the foundation high school

1 program;

2 (iv) the percentage of students who
3 successfully completed the curriculum requirements for an
4 endorsement under Section 28.025(c-1);

5 (v) the percentage of students who
6 completed a coherent sequence of career and technical courses;

7 (vi) the percentage of students who satisfy
8 the Texas Success Initiative (TSI) college readiness benchmarks
9 prescribed by the Texas Higher Education Coordinating Board under
10 Section 51.3062(f) on an assessment instrument in reading, writing,
11 or mathematics designated by the Texas Higher Education
12 Coordinating Board under Section 51.3062(c);

13 (vii) the percentage of students who earn
14 at least 12 hours of postsecondary credit required for the
15 foundation high school program under Section 28.025 or to earn an
16 endorsement under Section 28.025(c-1);

17 (viii) the percentage of students who have
18 completed an advanced placement course;

19 (ix) the percentage of students who enlist
20 in the armed forces of the United States; and

21 (x) the percentage of students who earn an
22 industry certification;

23 (B) for evaluating the performance of middle and
24 junior high school and elementary school campuses and districts
25 that include those campuses:

26 (i) student attendance; and

27 (ii) for middle and junior high school
28 campuses:

29 (a) dropout rates, computed in the
30 manner described by Paragraph (A)(i); and

31 (b) the percentage of students in

1 grades seven and eight who receive instruction in preparing for
2 high school, college, and a career that includes information
3 regarding the creation of a high school personal graduation plan
4 under Section 28.02121, the distinguished level of achievement
5 described by Section 28.025(b-15), each endorsement described by
6 Section 28.025(c-1), college readiness standards, and potential
7 career choices and the education needed to enter those careers; and

8 (C) any additional indicators of student
9 achievement not associated with performance on standardized
10 assessment instruments determined appropriate for consideration by
11 the commissioner in consultation with educators, parents, business
12 and industry representatives, and employers; and

13 (5) in the fifth domain, the following ~~[three]~~
14 programs or specific categories of performance related to community
15 and student engagement under Section 39.0545(b)(1) locally
16 ~~[selected and]~~ evaluated as provided by Section 39.0546:

17 (A) wellness and physical education; and

18 (B) community and parental involvement.

19 SECTION ____ . Section 39.054(a-1), Education Code, is
20 amended to read as follows:

21 (a-1) For purposes of assigning an overall performance
22 rating under Subsection (a), the commissioner shall attribute:

23 (1) 25 ~~[55]~~ percent of the performance evaluation to
24 the achievement indicators for the first, second, and third domains
25 under Sections 39.053(c)(1)-(3);

26 (2) for middle and junior high school and elementary
27 campuses and districts that include only those campuses:

28 (A) 10 percent of the performance evaluation to
29 the dropout rate indicator described by Section
30 39.053(c)(4)(B)(ii)(a); and

31 (B) [7] 35 percent to the remaining ~~[of the~~

1 ~~performance evaluation to the~~] applicable achievement indicators
2 for the fourth domain under Section 39.053(c)(4);

3 (3) for high school campuses and districts that
4 include those campuses:

5 (A) 10 percent of the performance evaluation to
6 the dropout [~~high school graduation~~] rate [~~achievement~~] indicator
7 described by Section 39.053(c)(4)(A)(i) [~~39.053(c)(4)(A)(ii)~~]; and

8 (B) 35 [~~25~~] percent to the remaining applicable
9 achievement indicators for the fourth domain under Section
10 39.053(c)(4); and

11 (4) for [~~10 percent of the performance evaluation to~~]
12 the locally [~~selected and~~] evaluated achievement indicators
13 provided for under the fifth domain under Section 39.053(c)(5):

14 (A) 15 percent of the performance evaluation to
15 the wellness and physical education indicator under Section
16 39.053(c)(5)(A); and

17 (B) 15 percent of the performance evaluation to
18 the community and parental involvement indicator under Section
19 39.053(c)(5)(B).

20 SECTION ____ . Section 39.0546(a), Education Code, is amended
21 to read as follows:

22 (a) For purposes of including the local evaluation of
23 districts and campuses under Section 39.053(c)(5) and assigning an
24 overall rating under Section 39.054, before the beginning of each
25 school year:

26 (1) each school district shall:

27 (A) [~~select and~~] report to the agency the
28 following [~~three~~] programs or categories under Section
29 39.0545(b)(1) [~~, as added by Chapter 211 (H.B. 5), Acts of the 83rd~~
30 ~~Legislature, Regular Session, 2013,~~] under which the district will
31 evaluate district performance:

1 (i) wellness and physical education under
2 Section 39.0545(b)(1)(B); and

3 (ii) community and parental involvement
4 under Section 39.0545(b)(1)(C);

5 (B) submit to the agency the criteria the
6 district will use to evaluate district performance and assign the
7 district a performance rating; and

8 (C) make the information described by Paragraphs
9 (A) and (B) available on the district's Internet website; and

10 (2) each campus shall:

11 (A) [~~select and~~] report to the agency the [three]
12 programs or categories described by Subdivision (1)(A) [under
13 Section 39.0545(b)(1), as added by Chapter 211 (H.B. 5), Acts of the
14 83rd Legislature, Regular Session, 2013,] under which the campus
15 will evaluate campus performance;

16 (B) submit to the agency the criteria the campus
17 will use to evaluate campus performance and assign the campus a
18 performance rating; and

19 (C) make the information described by Paragraphs
20 (A) and (B) available on the Internet website of the campus.

21 SECTION ____ . Section 39.203(c), Education Code, is amended
22 to read as follows:

23 (c) In addition to the distinction designations described
24 by Subsections (a) and (b), a campus that satisfies the criteria
25 developed under Section 39.204 shall be awarded a distinction
26 designation by the commissioner for outstanding performance in
27 academic achievement in reading [~~English language arts~~],
28 mathematics, or science [~~or social studies~~].

29 SECTION ____ . Not later than September 1, 2018, the
30 commissioner of education shall:

31 (1) adopt rules regarding alternative assessment

1 instruments as required by Section 39.040, Education Code, as added
2 by this Act; and

3 (2) request from the United States Department of
4 Education a waiver from the application of any conflicting federal
5 law or regulation as required by Section 39.040(d), Education Code,
6 as added by this Act, or a written notification that a waiver is not
7 required.

8 (4) Renumber subsequent SECTIONS of the bill accordingly.