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H.B. No. 22

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability.

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

SECTION 1. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the domain [achievement] indicators adopted under Section 39.053(c), other than the indicators that are locally evaluated under Sections 39.053(c)(3)(A)(i) and (ii) [Sections 39.053(c)(1)-(4)]. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

1 (2) measurable district performance objectives for
2 all appropriate achievement indicators for all student
3 populations, including students in special education programs
4 under Subchapter A, Chapter 29, and other measures of student
5 performance that may be identified through the comprehensive needs
6 assessment;

7 (3) strategies for improvement of student performance
8 that include:

9 (A) instructional methods for addressing the
10 needs of student groups not achieving their full potential;

11 (B) methods for addressing the needs of students
12 for special programs, including:

13 (i) suicide prevention programs, in
14 accordance with Subchapter O-1, Chapter 161, Health and Safety
15 Code, which includes a parental or guardian notification procedure;

16 (ii) conflict resolution programs;

17 (iii) violence prevention programs; and

18 (iv) dyslexia treatment programs;

19 (C) dropout reduction;

20 (D) integration of technology in instructional
21 and administrative programs;

22 (E) discipline management;

23 (F) staff development for professional staff of
24 the district;

25 (G) career education to assist students in
26 developing the knowledge, skills, and competencies necessary for a
27 broad range of career opportunities; and

1 (H) accelerated education;

2 (4) strategies for providing to middle school, junior
3 high school, and high school students, those students' teachers and
4 school counselors, and those students' parents information about:

5 (A) higher education admissions and financial
6 aid opportunities;

7 (B) the TEXAS grant program and the Teach for
8 Texas grant program established under Chapter 56;

9 (C) the need for students to make informed
10 curriculum choices to be prepared for success beyond high school;
11 and

12 (D) sources of information on higher education
13 admissions and financial aid;

14 (5) resources needed to implement identified
15 strategies;

16 (6) staff responsible for ensuring the accomplishment
17 of each strategy;

18 (7) timelines for ongoing monitoring of the
19 implementation of each improvement strategy;

20 (8) formative evaluation criteria for determining
21 periodically whether strategies are resulting in intended
22 improvement of student performance; and

23 (9) the policy under Section 38.0041 addressing sexual
24 abuse and other maltreatment of children.

25 SECTION 2. Section 11.253(c), Education Code, is amended to
26 read as follows:

27 (c) Each school year, the principal of each school campus,

1 with the assistance of the campus-level committee, shall develop,
2 review, and revise the campus improvement plan for the purpose of
3 improving student performance for all student populations,
4 including students in special education programs under Subchapter
5 A, Chapter 29, with respect to the relevant domain [~~achievement~~]
6 indicators adopted under Section 39.053(c) [~~Sections~~
7 ~~39.053(c)(1)-(4)~~] and any other appropriate performance measures
8 for special needs populations.

9 SECTION 3. Section 12.1013(c), Education Code, is amended
10 to read as follows:

11 (c) The report must include the performance of each public
12 school in each class described by Subsection (b) as measured by the
13 domain [~~achievement~~] indicators adopted under Section 39.053(c)
14 [~~Sections 39.053(c)(1)-(4)~~] and student attrition rates.

15 SECTION 4. Section 12.115(c), Education Code, is amended to
16 read as follows:

17 (c) The commissioner shall revoke the charter of an
18 open-enrollment charter school if:

19 (1) the charter holder has been assigned an
20 unacceptable performance rating for the school progress domain
21 under Section 39.053(c)(2) [~~under Subchapter C, Chapter 39,~~] for
22 the three preceding school years;

23 (2) the charter holder has been assigned a financial
24 accountability performance rating under Subchapter D, Chapter 39,
25 indicating financial performance lower than satisfactory for the
26 three preceding school years; or

27 (3) the charter holder has been assigned any

1 combination of the ratings described by Subdivision (1) or (2) for
2 the three preceding school years.

3 SECTION 5. Sections 12A.008(a) and (c), Education Code, are
4 amended to read as follows:

5 (a) The commissioner may terminate a district's designation
6 as a district of innovation if the district receives for two
7 consecutive school years:

8 (1) an unacceptable [~~academic~~] performance rating for
9 the school progress domain under Section 39.053(c)(2) [~~under~~
10 ~~Section 39.054~~];

11 (2) an unacceptable financial accountability rating
12 under Section 39.082; or

13 (3) an unacceptable [~~academic~~] performance rating for
14 the school progress domain under Section 39.053(c)(2) [~~under~~
15 ~~Section 39.054~~] for one of the school years and an unacceptable
16 financial accountability rating under Section 39.082 for the other
17 school year.

18 (c) The commissioner shall terminate a district's
19 designation as a district of innovation if the district receives
20 for three consecutive school years:

21 (1) an unacceptable [~~academic~~] performance rating for
22 the school progress domain under Section 39.053(c)(2) [~~under~~
23 ~~Section 39.054~~];

24 (2) an unacceptable financial accountability rating
25 under Section 39.082; or

26 (3) any combination of one or more unacceptable
27 ratings under Subdivision (1) and one or more unacceptable ratings

1 under Subdivision (2).

2 SECTION 6. The heading to Section 13.054, Education Code,
3 is amended to read as follows:

4 Sec. 13.054. [~~ACADEMICALLY UNACCEPTABLE~~] SCHOOL DISTRICTS
5 RATED UNACCEPTABLE.

6 SECTION 7. Sections 13.054(a), (b), and (d), Education
7 Code, are amended to read as follows:

8 (a) The commissioner by order may annex to one or more
9 adjoining districts a school district that has been rated as
10 [~~academically~~] unacceptable for the school progress domain under
11 Section 39.053(c)(2) for a period of two years.

12 (b) The governing board of a district to which territory of
13 an [~~academically~~] unacceptable district is annexed under
14 Subsection (a) is the governing board for the new district.

15 (d) Title to the real property of the [~~academically~~]
16 unacceptable district subject to Subsection (a) vests in the
17 district to which the property is annexed. Each district to which
18 territory is annexed assumes and is liable for any portion of the
19 [~~academically~~] unacceptable district's indebtedness that is
20 allocated to the receiving district under Section 13.004.

21 SECTION 8. Section 29.062(a), Education Code, is amended to
22 read as follows:

23 (a) The legislature recognizes that compliance with this
24 subchapter is an imperative public necessity. Therefore, in
25 accordance with the policy of the state, the agency shall evaluate
26 the effectiveness of programs under this subchapter based on the
27 domain [~~achievement~~] indicators adopted under Section 39.053(c)

1 ~~[Sections 39.053(c)(1)-(4)]~~, including the results of assessment
2 instruments. The agency may combine evaluations under this section
3 with federal accountability measures concerning students of
4 limited English proficiency.

5 SECTION 9. Section 29.202(a), Education Code, is amended to
6 read as follows:

7 (a) A student is eligible to receive a public education
8 grant or to attend another public school in the district in which
9 the student resides under this subchapter if the student is
10 assigned to attend a public school campus assigned an unacceptable
11 performance rating that is made publicly available under Section
12 39.054 for:

13 (1) the student achievement domain under Section
14 39.053(c)(1) ~~[at which 50 percent or more of the students did not~~
15 ~~perform satisfactorily on an assessment instrument administered~~
16 ~~under Section 39.023(a) or (c) in any two of the preceding three~~
17 ~~years]; and ~~or~~~~

18 (2) the school progress domain under Section
19 39.053(c)(2) ~~[that, at any time in the preceding three years,~~
20 ~~failed to satisfy any standard under Section 39.054(e)].~~

21 SECTION 10. Section 29.918, Education Code, is amended by
22 adding Subsections (d), (e), and (f) to read as follows:

23 (d) A school district or open-enrollment charter school to
24 which this section applies shall, in its plan submitted under
25 Subsection (a):

26 (1) design a dropout recovery plan that includes
27 career and technology education courses or technology applications

1 courses that lead to industry or career certification;

2 (2) integrate into the dropout recovery plan research
3 based strategies to assist students in becoming able academically
4 to pursue postsecondary education, including:

5 (A) high quality, college readiness instruction
6 with strong academic and social supports;

7 (B) secondary to postsecondary bridging that
8 builds college readiness skills, provides a plan for college
9 completion, and ensures transition counseling; and

10 (C) information concerning appropriate supports
11 available in the first year of postsecondary enrollment to ensure
12 postsecondary persistence and success, to the extent funds are
13 available for the purpose; and

14 (3) plan to offer advanced academic and transition
15 opportunities, including dual credit courses and college
16 preparatory courses, such as advanced placement courses.

17 (e) A school district to which this section applies may
18 enter into a partnership with a public junior college in accordance
19 with Section 29.402 in order to fulfill a plan submitted under
20 Subsection (a).

21 (f) Any program designed to fulfill a plan submitted under
22 Subsection (a) must comply with the requirements of Sections
23 29.081(e) and (f).

24 SECTION 11. Subchapter B, Chapter 39, Education Code, is
25 amended by adding Section 39.0211 to read as follows:

26 Sec. 39.0211. RULES. (a) The commissioner may adopt rules
27 as necessary to administer this chapter.

1 (b) In adopting a rule under this chapter, the commissioner
2 shall solicit input statewide from persons who would likely be
3 affected by the proposed rule, including school district boards of
4 trustees, administrators and teachers employed by school
5 districts, parents of students enrolled in school districts, and
6 other interested stakeholders.

7 SECTION 12. Subchapter B, Chapter 39, Education Code, is
8 amended by adding Section 39.040 to read as follows:

9 Sec. 39.040. APPLICABILITY OF LAWS TO ADVISORY COMMITTEES.
10 Chapter 2110, Government Code, does not apply to an advisory
11 committee created under this chapter.

12 SECTION 13. Section 39.052(b), Education Code, is amended
13 to read as follows:

14 (b) In determining the accreditation status of a school
15 district, the commissioner:

16 (1) shall evaluate and consider:

17 (A) performance on the domain [~~achievement~~]
18 indicators adopted under [~~described by~~] Section 39.053(c); and

19 (B) performance under the financial
20 accountability rating system developed under Subchapter D; and

21 (2) may evaluate and consider:

22 (A) the district's compliance with statutory
23 requirements and requirements imposed by rule of the commissioner
24 or State Board of Education under specific statutory authority that
25 relate to:

26 (i) reporting data through the Public
27 Education Information Management System (PEIMS) or other reports

1 required by state or federal law or court order;

2 (ii) the high school graduation
3 requirements under Section 28.025; or

4 (iii) an item listed under Sections
5 7.056(e)(3)(C)-(I) that applies to the district;

6 (B) the effectiveness of the district's programs
7 for special populations; and

8 (C) the effectiveness of the district's career
9 and technology program.

10 SECTION 14. Section 39.053, Education Code, is amended by
11 amending Subsections (a), (a-1), (b), (c), (c-1), (d-1), (f), (g),
12 (g-1), (g-2), and (i) and adding Subsections (c-3), (c-4), and
13 (g-4) to read as follows:

14 (a) The commissioner shall adopt a set of indicators of the
15 quality of learning and achievement, including the indicators in
16 each domain under Subsection (c). The commissioner periodically
17 ~~[biennially]~~ shall review the indicators for the consideration of
18 appropriate revisions.

19 (a-1) The indicators adopted by the commissioner under
20 Subsection (a) [~~including the indicators identified under~~
21 ~~Subsection (c)~~], must measure and evaluate school districts and
22 campuses with respect to:

23 (1) improving student preparedness for success in:

24 (A) subsequent grade levels; and

25 (B) entering the workforce, the military, or
26 postsecondary education;

27 (2) reducing, with the goal of eliminating, student

1 academic achievement differentials among students from different
2 racial and ethnic groups and socioeconomic backgrounds; and

3 (3) informing parents and the community regarding
4 campus and district performance [~~in the domains described by~~
5 ~~Subsection (c) and, for the domain described by Subsection (c)(5),~~
6 ~~in accordance with local priorities and preferences~~].

7 (b) Except for the indicators that are locally evaluated
8 under Subsection (c)(3)(A), performance [~~Performance~~] on the
9 [~~achievement~~] indicators in each domain adopted under Subsection
10 (c) [~~Subsections (c)(1)-(4)~~] shall be compared to
11 state-established standards. To the extent feasible, the [~~The~~]
12 indicators must be based on information that is disaggregated by
13 race, ethnicity, and socioeconomic status.

14 (c) School districts and campuses must be evaluated based on
15 three [~~five~~] domains of indicators of achievement adopted under
16 this section that include:

17 (1) in the student achievement [~~first~~] domain,
18 indicators of student achievement that must include [~~the results~~
19 ~~of~~]:

20 (A) for evaluating the performance of districts
21 and campuses generally, indicators that account for:

22 (i) the results of assessment instruments
23 required under Sections 39.023(a), (c), and (l), as applicable for
24 the district and campus, including the results of assessment
25 instruments required for graduation retaken by a student,
26 aggregated across grade levels by subject area, including:

27 (a) [~~(i)~~] for the performance

1 standard determined by the commissioner under Section 39.0241(a),
2 the percentage of students who performed satisfactorily on the
3 assessment instruments, aggregated across grade levels by subject
4 area; and

5 (b) [(i)] for the college readiness
6 performance standard as determined under Section 39.0241, the
7 percentage of students who performed satisfactorily on the
8 assessment instruments, aggregated across grade levels by subject
9 area; ~~and~~

10 (ii) [(B)] the results of assessment
11 instruments required under Section 39.023(b), as applicable for the
12 district and campus, ~~[aggregated across grade levels by subject~~
13 ~~area]~~ including the percentage of students who performed
14 satisfactorily on the assessment instruments, as determined by the
15 performance standard adopted by the agency, aggregated across grade
16 levels by subject area;

17 (iii) the results of locally selected
18 assessment instruments, including the percentage of students who
19 performed satisfactorily on the assessment instruments, as
20 determined by the performance standard adopted by the commissioner,
21 to the extent that alternative assessments are available under
22 rules adopted by the commissioner;

23 (iv) students who successfully complete
24 courses in fine arts, physical education, or a language other than
25 English or other courses included in the enrichment curriculum
26 under Section 28.002(a)(2); and

27 (v) students who participate in

1 extracurricular activities, including University Interscholastic
2 League activities such as academic, fine arts, and athletic events
3 and foreign language, chess, and robotics clubs;

4 (B) for evaluating the performance of high school
5 campuses and districts that include high school campuses,
6 indicators that account for:

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

13 (ii) students who satisfy performance
14 standards as determined by the commissioner on advanced placement
15 tests, international baccalaureate examinations, college entrance
16 examinations, or similar assessment instruments;

17 (iii) students who successfully complete a
18 dual credit course that satisfies a requirement under the
19 foundation high school program;

20 (iv) students who enlist in the armed
21 forces of the United States;

22 (v) students who successfully complete a
23 coherent sequence of courses that lead to a qualifying industry
24 certification as determined by the commissioner;

25 (vi) students admitted into a postsecondary
26 industry certification program that requires as a prerequisite for
27 entrance successful performance at the secondary level;

1 (vii) students whose successful completion
2 of a course or courses under Section 28.014 indicates the student's
3 preparation to enroll and succeed, without remediation, in an
4 entry-level general education course for a baccalaureate degree or
5 associate degree;

6 (viii) students who successfully met
7 standards on a composite of indicators that through research
8 indicates the student's preparation to enroll and succeed, without
9 remediation, in an entry-level general education course for a
10 baccalaureate degree or associate degree;

11 (ix) high school graduation rates,
12 including completion rates, computed in accordance with standards
13 and definitions adopted in compliance with the Every Student
14 Succeeds Act (20 U.S.C. Section 6301 et seq.) subject to the
15 exclusions provided by Subsections (g), (g-1), (g-2), and (g-3);

16 (x) students who successfully complete the
17 distinguished level of achievement under Section 28.025(b-7);

18 (xi) students who complete an associate
19 degree while enrolled in high school if the district or campus
20 offers a program in which a student may complete an associate
21 degree;

22 (xii) students who successfully completed
23 an OnRamps dual enrollment course;

24 (xiii) students who have received credit by
25 examination;

26 (xiv) students who have been promoted to
27 higher grade levels than the grade levels to which the students

1 would ordinarily be assigned; and

2 (xv) students who have earned a diploma
3 after not more than three years of high school attendance; and

4 (C) for evaluating the performance of middle and
5 junior high school campuses and districts that serve students
6 through the eighth grade, indicators that account for:

7 (i) students who satisfy performance
8 standards as determined by the commissioner, on advanced placement
9 tests, pre-international baccalaureate examinations, college
10 entrance examinations, or similar assessment instruments;

11 (ii) students who drop out of school the
12 preceding school year and do not return by a date determined by the
13 commissioner, during the current school year; and

14 (iii) students who participate in a
15 University Interscholastic League A+ academic event;

16 (2) in the school progress ~~[second]~~ domain, indicators
17 for effectiveness in promoting student learning, which must
18 include:

19 (A) for evaluating the performance of districts
20 and campuses generally, indicators that account for ~~[assessment~~
21 ~~instruments under Subdivision (1)(A)]~~ :

22 (i) ~~[for the performance standard~~
23 ~~determined by the commissioner under Section 39.0241(a), the~~
24 ~~percentage of]~~ students who met the standard for annual
25 improvement, as determined by the commissioner, on ~~[the]~~ assessment
26 instruments designated ~~[, as determined]~~ by the commissioner,
27 including assessment instruments under Subdivisions (1)(A)(i) and

1 (ii) and, to the extent available, Subdivision (1)(A)(iii) and
2 English language proficiency assessments under Section
3 29.056(a)(2) [~~by rule or by the method for measuring annual~~
4 improvement under Section 39.034, aggregated across grade levels by
5 subject area]; [and]

6 (ii) students identified as a student of
7 limited English proficiency, as defined by Section 29.052, who
8 successfully exit a bilingual education or special language program
9 by meeting criteria as provided by Section 29.056(g) and complying
10 with any rule adopted by the commissioner regarding the development
11 of proficiency in more than one language [~~for the college readiness~~
12 performance standard as determined under Section 39.0241, the
13 percentage of students who met the standard for annual improvement
14 on the assessment instruments, as determined by the commissioner by
15 rule or by the method for measuring annual improvement under
16 Section 39.034, aggregated across grade levels by subject area];

17 (iii) students enrolled in grades one
18 through eight who successfully complete curriculum requirements
19 during the school year for promotion to the next grade level;

20 (iv) students enrolled in grade nine for
21 the first time who earn the credits required during that school year
22 for promotion to the next grade level; and

23 (v) students who complete varied, rigorous,
24 and relevant curricular options that lead to postsecondary success,
25 including completion of advanced placement courses or similar
26 courses;

27 (B) for middle, junior high, and high school

1 campuses and districts that serve students in grades 6 through 12,
2 an indicator that accounts for students who were administered an
3 advanced placement test, international baccalaureate examination,
4 college entrance examination, or preliminary college entrance
5 examination; and

6 (C) for evaluating relative performance, an
7 indicator that accounts for the performance of each district and
8 campus in the categories described by Paragraphs (A) and (B)
9 compared to districts or campuses with similar characteristics,
10 including:

11 (i) student socioeconomic status;

12 (ii) enrollment size;

13 (iii) surrounding community attributes;

14 (iv) district property wealth per student
15 in weighted average daily attendance; and

16 (v) access to programs and other
17 opportunities that promote career and college readiness [~~for~~
18 ~~assessment instruments under Subdivision (1)(B), the percentage of~~
19 ~~students who met the standard for annual improvement on the~~
20 ~~assessment instruments, as determined by the commissioner by rule~~
21 ~~or by the method for measuring annual improvement under Section~~
22 ~~39.034, aggregated across grade levels by subject area,~~

23 ~~[(3) in the third domain, the student academic~~
24 ~~achievement differentials among students from different racial and~~
25 ~~ethnic groups and socioeconomic backgrounds,~~

26 ~~[(4) in the fourth domain:~~

27 ~~[(A) for evaluating the performance of high~~

1 ~~school campuses and districts that include high school campuses:~~

2 ~~[(i) dropout rates, including dropout rates~~
3 ~~and district completion rates for grade levels 9 through 12,~~
4 ~~computed in accordance with standards and definitions adopted by~~
5 ~~the National Center for Education Statistics of the United States~~
6 ~~Department of Education];~~

7 ~~[(ii) high school graduation rates,~~
8 ~~computed in accordance with standards and definitions adopted in~~
9 ~~compliance with the No Child Left Behind Act of 2001 (20 U.S.C.~~
10 ~~Section 6301 et seq.);~~

11 ~~[(iii) the percentage of students who~~
12 ~~successfully completed the curriculum requirements for the~~
13 ~~distinguished level of achievement under the foundation high school~~
14 ~~program];~~

15 ~~[(iv) the percentage of students who~~
16 ~~successfully completed the curriculum requirements for an~~
17 ~~endorsement under Section 28.025(c-1)];~~

18 ~~[(v) the percentage of students who~~
19 ~~completed a coherent sequence of career and technical courses];~~

20 ~~[(vi) the percentage of students who~~
21 ~~satisfy the Texas Success Initiative (TSI) college readiness~~
22 ~~benchmarks prescribed by the Texas Higher Education Coordinating~~
23 ~~Board under Section 51.3062(f) on an assessment instrument in~~
24 ~~reading, writing, or mathematics designated by the Texas Higher~~
25 ~~Education Coordinating Board under Section 51.3062(c)];~~

26 ~~[(vii) the percentage of students who earn~~
27 ~~at least 12 hours of postsecondary credit required for the~~

1 ~~foundation high school program under Section 28.025 or to earn an~~
2 ~~endorsement under Section 28.025(c-1),~~
3 ~~[(viii) the percentage of students who have~~
4 ~~completed an advanced placement course,~~
5 ~~[(ix) the percentage of students who enlist~~
6 ~~in the armed forces of the United States, and~~
7 ~~[(x) the percentage of students who earn an~~
8 ~~industry certification,~~
9 ~~[(B) for evaluating the performance of middle and~~
10 ~~junior high school and elementary school campuses and districts~~
11 ~~that include those campuses:~~
12 ~~[(i) student attendance, and~~
13 ~~[(ii) for middle and junior high school~~
14 ~~campuses:~~
15 ~~[(a) dropout rates, computed in the~~
16 ~~manner described by Paragraph (A)(i), and~~
17 ~~[(b) the percentage of students in~~
18 ~~grades seven and eight who receive instruction in preparing for~~
19 ~~high school, college, and a career that includes information~~
20 ~~regarding the creation of a high school personal graduation plan~~
21 ~~under Section 28.02121, the distinguished level of achievement~~
22 ~~described by Section 28.025(b-15), each endorsement described by~~
23 ~~Section 28.025(c-1), college readiness standards, and potential~~
24 ~~career choices and the education needed to enter those careers, and~~
25 ~~[(C) any additional indicators of student~~
26 ~~achievement not associated with performance on standardized~~
27 ~~assessment instruments determined appropriate for consideration by~~

1 ~~the commissioner in consultation with educators, parents, business~~
2 ~~and industry representatives, and employers]; and~~

3 (3) [(5)] in the school climate [fifth] domain,
4 indicators of school climate, which must include:

5 (A) for evaluating the performance of districts
6 and campuses generally, indicators that account for:

7 (i) three programs or specific categories
8 of performance related to community and student engagement locally
9 selected and evaluated as provided by Section 39.0546;

10 (ii) the results from the school climate
11 survey of districts and campuses administered under Section
12 39.0531;

13 (iii) students who successfully complete at
14 least one endorsement under Section 28.025(c-1);

15 (iv) students who successfully complete a
16 coherent sequence of career and technical courses or a coherent
17 sequence of fine arts courses;

18 (v) students who successfully complete a
19 character education program or course provided under Section
20 29.906;

21 (vi) educationally disadvantaged students
22 who successfully complete a postsecondary readiness course;

23 (vii) teacher quality as determined by the
24 commissioner, provided that any teacher quality indicator that
25 considers the performance of a teacher's students may not, in
26 considering student performance, attribute more than 25 percent of
27 student performance to student performance on assessment

1 instruments administered under Section 39.023;

2 (viii) efforts by districts and campuses
3 relating to increasing teacher retention, including providing
4 mentoring programs and professional development opportunities; and

5 (ix) student participation in health and
6 wellness programs;

7 (B) for campuses that serve students enrolled in
8 prekindergarten, an indicator that accounts for student
9 participation in full-day prekindergarten programs; and

10 (C) for campuses that serve students enrolled in
11 kindergarten through fifth grade, an indicator that accounts for
12 student participation in literacy and mathematics academies.

13 (c-1) An indicator adopted under Subsection (c)(2) for the
14 school progress domain [~~(c)~~] that would measure improvements in
15 student, school district, or campus progress [~~achievement~~] cannot
16 negatively affect the commissioner's review of a school district or
17 campus if a student or the [~~that~~] district or campus is already
18 achieving at the highest level for that indicator.

19 (c-3) For purposes of Subsection (c), the commissioner by
20 rule shall determine a method by which the performance of a student
21 newly enrolled in a school district or at a campus is excluded in
22 determining the performance rating of the district or campus under
23 Section 39.054(a). In this subsection, "student newly enrolled"
24 means a student who transfers to a school district or campus in this
25 state from another state or country and who has not been previously
26 enrolled in a school district or at a campus in this state.

27 (c-4) An indicator adopted under Subsection (c)(1)(B)(xi)

1 cannot negatively affect the commissioner's review of a school
2 district or campus if that district or campus does not offer a
3 program in which a student may complete an associate degree.

4 (d-1) In aggregating results of assessment instruments
5 across grade levels by subject in accordance with Subsection
6 (c)(1)(A)(i), the performance of a student enrolled below the high
7 school level on an assessment instrument required under Section
8 39.023(c) is included with results relating to other students
9 enrolled at the same grade level.

10 (f) Not later than September 30 of each year or as soon
11 thereafter as possible [~~Annually~~], the commissioner shall define
12 the state standard for the current school year for each domain under
13 Subsection (c). In consultation with educators, parents, and
14 business and industry representatives, as necessary, the
15 commissioner shall establish and modify standards to continuously
16 improve student performance to achieve the goals of eliminating
17 achievement gaps based on race, ethnicity, and socioeconomic status
18 and to ensure this state is a national leader in preparing students
19 for postsecondary success [~~achievement indicator described by~~
20 ~~Subsections (c)(1)-(4) and shall project the state standards for~~
21 ~~each indicator for the following two school years. The~~
22 ~~commissioner shall periodically raise the state standards for the~~
23 ~~college readiness achievement indicator described by Subsection~~
24 ~~(c)(1)(A)(ii) for accreditation as necessary to reach the goals of~~
25 ~~achieving, by not later than the 2019-2020 school year:~~

26 [~~(1) student performance in this state, disaggregated~~
27 ~~by race, ethnicity, and socioeconomic status, that ranks nationally~~

1 ~~in the top 10 states in terms of college readiness; and~~

2 ~~[(2) student performance with no significant~~
3 ~~achievement gaps by race, ethnicity, and socioeconomic status].~~

4 (g) In computing graduation or completion rates such as a
5 high school graduation rate under Subsection (c)(1)(B)(ix)
6 ~~[defining the required state standard for the dropout rate~~
7 ~~indicator described by Subsections (c)(4)(A)(i) and (B)(ii)(a)],~~
8 the commissioner may not consider as a dropout a student whose
9 failure to attend school results from:

10 (1) the student's expulsion under Section 37.007; and

11 (2) as applicable:

12 (A) adjudication as having engaged in delinquent
13 conduct or conduct indicating a need for supervision, as defined by
14 Section 51.03, Family Code; or

15 (B) conviction of and sentencing for an offense
16 under the Penal Code.

17 (g-1) In computing dropout and completion rates such as a
18 high school graduation rate under Subsection (c)(1)(B)(ix)
19 ~~[Subsections (c)(4)(A)(i) and (B)(ii)(a)],~~ the commissioner shall
20 exclude:

21 (1) students who are ordered by a court to attend a
22 high school equivalency certificate program but who have not yet
23 earned a high school equivalency certificate;

24 (2) students who were previously reported to the state
25 as dropouts, including a student who is reported as a dropout,
26 reenrolls, and drops out again, regardless of the number of times of
27 reenrollment and dropping out, unless the student graduates;

1 (3) students in attendance who are not in membership
2 for purposes of average daily attendance;

3 (4) students whose initial enrollment in a school in
4 the United States in grades 7 through 12 was as an unschooled asylee
5 [~~refugees~~] or refugee [~~asylees~~] as defined by Section 39.027(a-1);

6 (5) students whose initial enrollment in a public
7 school in this state occurred in grade 11 or 12;

8 (6) students who are in the district exclusively as a
9 function of having been detained at a county detention facility but
10 are otherwise not students of the district in which the facility is
11 located; and

12 (7) [~~(6)~~] students who are incarcerated in state jails
13 and federal penitentiaries as adults and as persons certified to
14 stand trial as adults.

15 (g-2) In computing completion rates such as a high school
16 graduation rate under Subsection (c)(1)(B)(ix) [~~(c)(2)~~], the
17 commissioner shall exclude students who:

18 (1) are at least 18 years of age as of September 1 of
19 the school year as reported for the fall semester Public Education
20 Information Management System (PEIMS) submission and have
21 satisfied the credit requirements for high school graduation;

22 (2) have not completed their individualized education
23 program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals
24 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);
25 and

26 (3) are enrolled and receiving individualized
27 education program services.

1 (g-4) The commissioner shall adopt rules for identifying
2 students participating in a University Interscholastic League A+
3 academic event for purposes of Subsection (c)(1)(C)(iii).

4 (i) Each school district shall submit the data required for
5 the indicators adopted under this section to the [The] commissioner
6 to the extent necessary for assigning performance ratings under
7 Section 39.054 [by rule shall adopt accountability measures to be
8 used in assessing the progress of students who have failed to
9 perform satisfactorily as determined by the commissioner under
10 Section 39.0241(a) or under the college readiness standard as
11 determined under Section 39.0241 in the preceding school year on an
12 assessment instrument required under Section 39.023(a), (c), or
13 (1)].

14 SECTION 15. Subchapter C, Chapter 39, Education Code, is
15 amended by adding Section 39.0531 to read as follows:

16 Sec. 39.0531. SCHOOL CLIMATE SURVEY. (a) The commissioner
17 may incorporate a school climate survey as an indicator for the
18 school climate domain under Section 39.053(c)(3). A school climate
19 survey shall be administered to administrators employed by school
20 districts, students enrolled in school districts, and parents of
21 those students.

22 (b) The commissioner may adopt rules to implement this
23 section, including rules to:

- 24 (1) determine the format of the school climate survey;
25 (2) determine the questions that the survey must
26 include;
27 (3) establish a period during a school year in which

1 the survey must be conducted;

2 (4) establish requirements for administering and
3 reporting the results of the survey; and

4 (5) authorize the manner in which the survey may be
5 administered, including the local administration of the survey.

6 (c) Notwithstanding any other provision of this code,
7 including Section 21.355, school climate survey information must be
8 reported to the agency in accordance with rules adopted by the
9 commissioner.

10 (d) The commissioner may contract with a third party to
11 provide any service necessary under this section.

12 (e) Not later than the 2022-2023 school year, the
13 commissioner shall determine the feasibility of incorporating
14 school climate survey information for use as an indicator for the
15 school climate domain under Section 39.053(c)(3). In order to
16 determine the feasibility, the commissioner shall implement the use
17 of school climate survey information in the 2019-2020 school year
18 and shall require the reporting of the survey information in the
19 2020-2021 and 2021-2022 school years. This subsection expires
20 September 1, 2023.

21 (f) As part of the school climate survey, a joint committee
22 consisting of members of the house of representatives and senate
23 appointed by the speaker and the lieutenant governor shall contract
24 with a private third party to administer a teachers' engagement
25 survey to teachers as an:

26 (1) indicator of teacher satisfaction;

27 (2) estimation of the programs available to and being

1 used by students at school; and

2 (3) assessment of the use of school resources,
3 including time and personnel, to the best knowledge of the
4 responding teachers.

5 (g) The joint committee shall consult with the contracting
6 private third party to determine the:

7 (1) questions to be included in the teachers'
8 engagement survey to achieve the purposes listed in Subsection (f);

9 (2) format of the teachers' engagement survey; and

10 (3) best methods to be used in administering the
11 teachers' engagement survey to ensure anonymity of the responding
12 teachers.

13 (h) The joint committee, in coordination with the
14 contracting private third party, may take all necessary action to
15 create a focus group of teachers to ensure that the questions
16 included in the teachers' engagement survey are clear and
17 sufficient to gather information relating to the purposes listed in
18 Subsection (f).

19 (i) The contracting private third party shall report the
20 results of the teachers' engagement survey directly to the joint
21 committee, and may not provide the results to the agency or any
22 other entity.

23 (j) A school administrator, person employed by the agency,
24 or person employed by any other governmental agency or organization
25 may not request information from a teacher regarding the teacher's
26 responses to the teachers' engagement survey.

27 (k) The joint committee, with assistance from the

1 contracting private third party, shall analyze the information
2 obtained through the teachers' engagement survey and publish the
3 results for use by public or private entities.

4 (1) The commissioner shall consider teacher participation
5 in the teachers' engagement survey in determining campus
6 achievement and performance ratings.

7 SECTION 16. Subchapter C, Chapter 39, Education Code, is
8 amended by adding Section 39.0532 to read as follows:

9 Sec. 39.0532. SPECIAL EDUCATION PROGRESS INDICATOR. (a)
10 The commissioner shall determine the feasibility of adopting an
11 indicator that assesses the progress of students enrolled in a
12 school district's special education program. The commissioner may
13 establish an advisory committee to advise the commissioner
14 regarding the determination required under this subsection.

15 (b) In determining the feasibility of adopting an indicator
16 under this section, the commissioner may require a school district,
17 open-enrollment charter school, or school campus to report relevant
18 information to the commissioner.

19 (c) If the commissioner does not adopt an indicator
20 described by Subsection (a), the commissioner shall provide a
21 report to the legislature not later than December 1, 2022,
22 regarding the feasibility of adopting the indicator.

23 (d) This section expires September 1, 2023.

24 SECTION 17. Subchapter C, Chapter 39, Education Code, is
25 amended by adding Section 39.0536 to read as follows:

26 Sec. 39.0536. TEMPORARY PROVISION: ASSIGNMENT OF
27 PERFORMANCE RATINGS. (a) Notwithstanding any other law and

1 subject to Subsection (b), for the 2017-2018 and 2018-2019 school
2 years, the commissioner shall evaluate school district and campus
3 performance and assign each district and campus a performance
4 rating in accordance with the indicators, standards, procedures,
5 criteria, and calculations prescribed by the 2016 Accountability
6 Manual, adopted under 19 T.A.C. Section 97.1001, as that rule
7 existed March 31, 2017.

8 (b) The commissioner by rule may adopt revisions to the 2016
9 Accountability Manual described by Subsection (a) for the 2017-2018
10 school year and 2018-2019 school year, provided that the
11 commissioner may revise:

- 12 (1) dates and deadlines only as necessary; and
13 (2) indicators, standards, procedures, criteria, and
14 calculations only to the extent required by federal law.

15 SECTION 18. Sections 39.054(a), (a-1), (a-2), (a-3), (c),
16 and (e), Education Code, as effective September 1, 2017, are
17 amended to read as follows:

18 (a) The commissioner shall adopt rules to evaluate school
19 district and campus performance and assign each district and campus
20 ~~[an overall performance rating of A, B, C, D, or F. In addition to~~
21 ~~the overall performance rating, the commissioner shall assign each~~
22 ~~district and campus]~~ a separate domain performance rating of A, B,
23 C, D, or F for each domain under Section 39.053(c) ~~[Sections~~
24 ~~39.053(c)(1)-(4)]~~. A ~~[An overall or]~~ domain performance rating of
25 A reflects exemplary performance. A ~~[An overall or]~~ domain
26 performance rating of B reflects recognized performance. A ~~[An~~
27 ~~overall or]~~ domain performance rating of C reflects acceptable

1 performance. A [~~An overall or~~] domain performance rating of D
 2 reflects performance in need of improvement. A domain performance
 3 rating of [~~or~~] F reflects unacceptable performance. A district may
 4 not receive a a [~~an overall or~~] domain performance rating of A if the
 5 district includes any campus with a corresponding [~~overall or~~]
 6 domain performance rating of [~~D or~~] F. A reference in law to an
 7 acceptable rating or acceptable performance includes a [~~an overall~~
 8 ~~or~~] domain performance rating of A, B, [~~or~~] C, or D or exemplary,
 9 recognized, or acceptable performance or performance in need of
 10 improvement.

11 (a-1) For purposes of assigning a domain [~~an overall~~]
 12 performance rating under Subsection (a) [~~, the commissioner shall~~
 13 ~~attribute~~]:

14 (1) the commissioner:

15 (A) in assigning a domain performance rating for
 16 the student achievement domain under Section 39.053(c)(1) or the
 17 school progress domain under Section 39.053(c)(2), shall consider
 18 student performance disaggregated by race, ethnicity,
 19 socioeconomic status, students of limited English proficiency as
 20 defined by Section 29.052, and students enrolled in a special
 21 education program under Subchapter A, Chapter 29; and

22 (B) may adjust a domain performance rating for a
 23 domain disaggregated by race, ethnicity, socioeconomic status, or
 24 another factor by increasing the rating one level [~~55 percent of the~~
 25 ~~performance evaluation to the achievement indicators for the first,~~
 26 ~~second, and third domains under Sections 39.053(c)(1)-(3)];~~

27 (2) for the student achievement domain under Section

1 39.053(c)(1), not more than 50 percent of the domain performance
2 rating may be attributed to the indicators under Sections
3 39.053(c)(1)(A)(i) and (ii) [~~for middle and junior high school and~~
4 elementary campuses and districts that include only those campuses,
5 35 percent of the performance evaluation to the applicable
6 achievement indicators for the fourth domain under Section
7 39.053(c)(4)];

8 (3) for the school progress domain under Section
9 39.053(c)(2), not more than 50 percent of the domain performance
10 rating may be attributed to the indicator under Section
11 39.053(c)(2)(A)(i) [~~for high school campuses and districts that~~
12 include those campuses:

13 [~~(A) 10 percent of the performance evaluation to~~
14 the high school graduation rate achievement indicator described by
15 Section 39.053(c)(4)(A)(ii), and

16 [~~(B) 25 percent to the remaining applicable~~
17 achievement indicators for the fourth domain under Section
18 39.053(c)(4)]; and

19 (4) for the school climate domain under Section
20 39.053(c)(3), at least 50 percent of the domain performance rating
21 must be attributed to the indicator under Section
22 39.053(c)(3)(A)(i) [~~10 percent of the performance evaluation to the~~
23 locally selected and evaluated achievement indicators provided for
24 under the fifth domain under Section 39.053(c)(5)].

25 (a-2) If the [The] commissioner determines a domain
26 performance rating increase adjustment is appropriate for a school
27 district or campus, the commissioner may increase the rating,

1 provided that the commissioner may not increase a rating more than
 2 once and may not increase the rating more than one level [~~by rule~~
 3 ~~shall adopt procedures to ensure that a repeated performance rating~~
 4 ~~of D or F or unacceptable in one domain, particularly performance~~
 5 ~~that is not significantly improving, is reflected in the overall~~
 6 ~~performance rating of a district or campus and is not compensated~~
 7 ~~for by a performance rating of A, B, or C in another domain].~~

8 (a-3) Not later than August 15 of each year, the performance
 9 ratings of each district and campus shall be made publicly
 10 available as provided by rules adopted under this section. If a
 11 district or campus received a a [~~an overall or~~] domain performance
 12 rating of D or F for the preceding school year, the commissioner
 13 shall notify the district of a subsequent such designation on or
 14 before June 15.

15 (c) In evaluating school district and campus performance on
 16 the [~~achievement~~] indicators for the student achievement domain
 17 [~~performance on assessment instruments adopted~~] under Sections
 18 39.053(c)(1)(A)(i) and (ii) and (c)(1)(B)(x) [~~39.053(c)(1) and~~
 19 ~~(2)] and the school progress domain [~~dropout rate indicator~~
 20 ~~adopted~~] under Section 39.053(c)(2)(A)(i) [~~Sections~~
 21 ~~39.053(c)(4)(A)(i) and (B)(ii)(a)], the commissioner shall
 22 evaluate [~~define acceptable~~] performance [~~as meeting the state~~
 23 ~~standard determined by the commissioner under Section 39.053(f)]
 24 for the current school year based on:~~~~~~

- 25 (1) student performance in the current school year; or
- 26 (2) if necessary to address limited data available to
 27 use in the calculations, student performance as averaged over the

1 current school year and the preceding two school years.

2 (e) Each annual performance review under this section shall
3 include an analysis of the domain [~~achievement~~] indicators adopted
4 under Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~] to determine
5 school district and campus performance in relation to standards
6 established for each domain [~~indicator~~].

7 SECTION 19. Section 39.054, Education Code, is amended by
8 adding Subsection (a-4) to read as follows:

9 (a-4) In addition to the requirements under Subsection (a),
10 the commissioner, in collaboration with interested stakeholders,
11 shall develop standardized language for each domain that does not
12 exceed 250 words and that clearly describes the annual status of a
13 district and campus relating to district and campus performance on
14 the indicators used for that domain to determine the letter
15 performance rating assigned to a district and campus.

16 SECTION 20. Section 39.054, Education Code, is amended by
17 adding Subsection (b) to read as follows:

18 (b) For purposes of assigning school districts and campuses
19 a performance rating under Subsection (a), the commissioner shall
20 ensure that the method used to evaluate performance is implemented
21 in a manner that provides the mathematical possibility that all
22 districts and campuses receive an A rating.

23 SECTION 21. Section 39.054(f), Education Code, as effective
24 September 1, 2017, is transferred to Section 39.053, Education
25 Code, redesignated as Section 39.053(g-3), Education Code, and
26 amended to read as follows:

27 (g-3) [~~f~~] In the computation of dropout rates and

1 completion rates such as a high school graduation rate under
2 Subsection (c)(1)(B)(ix) [~~Sections 39.053(c)(4)(A)(i) and~~
3 ~~(B)(ii)(a)~~], a student who is released from a juvenile
4 pre-adjudication secure detention facility or juvenile
5 post-adjudication secure correctional facility and fails to enroll
6 in school or a student who leaves a residential treatment center
7 after receiving treatment for fewer than 85 days and fails to enroll
8 in school may not be considered to have dropped out from the school
9 district or campus serving the facility or center unless that
10 district or campus is the one to which the student is regularly
11 assigned. The agency may not limit an appeal relating to dropout
12 computations under this subsection.

13 SECTION 22. Subchapter C, Chapter 39, Education Code, is
14 amended by adding Sections 39.0541 and 39.0542 to read as follows:

15 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. Before
16 September 30 of each school year, the commissioner shall adopt any
17 indicators and standards under this subchapter the commissioner
18 will use to evaluate school districts and campuses for that school
19 year.

20 Sec. 39.0542. EXPLANATORY MATERIALS FOR ACCOUNTABILITY
21 RATING SYSTEM. (a) Each school year, the commissioner shall
22 provide each school district a document in a simple, accessible
23 format that explains the accountability performance measures,
24 methods, and procedures that will be applied for that school year in
25 assigning each school district and campus a performance rating
26 under Section 39.054.

27 (b) The document provided under Subsection (a) must be

1 provided in a format that a school district is able to easily
2 distribute to parents of students enrolled in the district and
3 other interested members of the public.

4 SECTION 23. Section 39.0546, Education Code, is amended to
5 read as follows:

6 Sec. 39.0546. PERFORMANCE IN COMMUNITY AND STUDENT
7 ENGAGEMENT AS COMPONENT OF [~~OVERALL~~] DISTRICT AND CAMPUS RATING.

8 (a) For purposes of including the local evaluation of districts and
9 campuses under Section 39.053(c)(3)(A)(i) [~~39.053(c)(5)~~] and
10 assigning a domain performance [~~an overall~~] rating under Section
11 39.054, before the beginning of each school year:

12 (1) each school district shall:

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

18 (B) submit to the agency the criteria the
19 district will use to evaluate district performance and assign the
20 district a performance rating; and

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

23 (2) each campus shall:

24 (A) select and report to the agency three
25 programs or categories under Section 39.0545(b)(1) [~~, as added by~~
26 ~~Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular~~
27 ~~Session, 2013,~~] under which the campus will evaluate campus

1 performance;

2 (B) submit to the agency the criteria the campus
3 will use to evaluate campus performance and assign the campus a
4 performance rating; and

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

7 (b) Based on the evaluation under this section, each school
8 district shall assign the district and each campus shall assign the
9 campus a performance rating of A, B, C, D, or F, for both overall
10 performance and for each program or category evaluated. An overall
11 or a program or category performance rating of A reflects exemplary
12 performance. An overall or a program or category performance
13 rating of B reflects recognized performance. An overall or a
14 program or category performance rating of C reflects acceptable
15 performance. An overall or a program or category performance
16 rating of D reflects performance in need of improvement. A program
17 or category performance rating of ~~or~~ F reflects unacceptable
18 performance.

19 (c) On or before the date determined by the commissioner by
20 rule, each school district and campus shall report each performance
21 rating to the agency for the purpose of including the rating in
22 evaluating school districts and campuses under the school climate
23 domain under Section 39.053(c)(3) [~~district and campus~~
24 ~~performance~~] and assigning a domain performance [~~an overall~~] rating
25 under Section 39.054.

26 SECTION 24. Sections 39.0548(a), (b), and (c), Education
27 Code, are amended to read as follows:

1 (a) For purposes of evaluating performance under Section
2 [39.053\(c\)](#), the commissioner shall designate as a dropout recovery
3 school a school district or an open-enrollment charter school or a
4 campus of a district or of an open-enrollment charter school:

5 (1) that serves students in grades 9 through 12 and has
6 an enrollment of which at least 50 percent of the students are 15
7 [~~17~~] years of age or older as of September 1 of the school year as
8 reported for the fall semester Public Education Information
9 Management System (PEIMS) submission; and

10 (2) that meets the eligibility requirements for and is
11 registered under alternative education accountability procedures
12 adopted by the commissioner.

13 (b) Notwithstanding Section [39.053\(c\)\(1\)\(B\)\(ix\)](#)
14 [~~[39.053\(c\)\(4\)\(A\)\(i\)](#)~~], the commissioner shall use the alternative
15 completion rate under this subsection to determine the graduation
16 [~~dropout~~] rate indicator under Section [39.053\(c\)\(1\)\(B\)\(ix\)](#)
17 [~~[39.053\(c\)\(4\)\(A\)\(i\)](#)~~] for a dropout recovery school. The
18 alternative completion rate shall be the ratio of the total number
19 of students who graduate [~~, continue attending school into the next~~
20 ~~academic year,~~] or receive a high school equivalency certificate to
21 the total number of students in the longitudinal cohort of
22 students.

23 (c) Notwithstanding Section [39.053\(c\)\(1\)\(B\)\(ix\)](#)
24 [~~[39.053\(c\)\(4\)\(A\)\(i\)](#)~~], in determining the performance rating under
25 Section [39.054](#) of a dropout recovery school, the commissioner shall
26 include any student described by Section [39.053\(g-1\)](#) who graduates
27 or receives a high school equivalency certificate.

1 SECTION 25. Section 39.055, Education Code, is amended to
2 read as follows:

3 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT
4 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY
5 PURPOSES. Notwithstanding any other provision of this code except
6 to the extent otherwise provided under Section 39.053(g-3)
7 [~~39.054(f)~~], for purposes of determining the performance of a
8 school district, campus, or open-enrollment charter school under
9 this chapter, a student ordered by a juvenile court into a
10 residential program or facility operated by or under contract with
11 the Texas Juvenile Justice Department, a juvenile board, or any
12 other governmental entity or any student who is receiving treatment
13 in a residential facility is not considered to be a student of the
14 school district in which the program or facility is physically
15 located or of an open-enrollment charter school, as
16 applicable. The performance of such a student on an assessment
17 instrument or other achievement indicator adopted under Section
18 39.053 or reporting indicator adopted under Section 39.301 shall be
19 determined, reported, and considered separately from the
20 performance of students attending a school of the district in which
21 the program or facility is physically located or an open-enrollment
22 charter school, as applicable.

23 SECTION 26. Section 39.102(a), Education Code, is amended
24 to read as follows:

25 (a) If a school district does not satisfy the accreditation
26 criteria under Section 39.052, has been assigned an unacceptable
27 [~~the academic~~] performance rating [~~standards~~] under Section

1 ~~[39.053 or]~~ 39.054 for the school progress domain under Section
2 39.053(c)(2), or does not satisfy any financial accountability
3 standard as determined by commissioner rule, or if considered
4 appropriate by the commissioner on the basis of a special
5 accreditation investigation under Section 39.057, the commissioner
6 shall take any of the following actions to the extent the
7 commissioner determines necessary:

8 (1) issue public notice of the deficiency to the board
9 of trustees;

10 (2) order a hearing conducted by the board of trustees
11 of the district for the purpose of notifying the public of the
12 insufficient performance, the improvements in performance expected
13 by the agency, and the interventions and sanctions that may be
14 imposed under this section if the performance does not improve;

15 (3) order the preparation of an ~~[a student~~
16 ~~achievement]~~ improvement plan that addresses the indicators for the
17 school progress domain ~~[each academic achievement indicator]~~ under
18 Section 39.053(c)(2) ~~[39.053(c) for which the district's~~
19 ~~performance is insufficient]~~, the submission of the plan to the
20 commissioner for approval, and implementation of the plan;

21 (4) order a hearing to be held before the commissioner
22 or the commissioner's designee at which the president of the board
23 of trustees of the district and the superintendent shall appear and
24 explain the district's low performance, lack of improvement, and
25 plans for improvement;

26 (5) arrange a monitoring review of the district;

27 (6) appoint an agency monitor to participate in and

1 report to the agency on the activities of the board of trustees or
2 the superintendent;

3 (7) appoint a conservator to oversee the operations of
4 the district;

5 (8) appoint a management team to direct the operations
6 of the district in areas of insufficient performance or require the
7 district to obtain certain services under a contract with another
8 person;

9 (9) if a district has a current accreditation status
10 of accredited-warned or accredited-probation, has been assigned an
11 unacceptable performance rating [~~fails to satisfy any standard~~]
12 under Section 39.054 for the school progress domain under Section
13 39.053(c)(2) [~~39.054(e)~~], or fails to satisfy financial
14 accountability standards as determined by commissioner rule,
15 appoint a board of managers to exercise the powers and duties of the
16 board of trustees; or

17 (10) if for two consecutive school years, including
18 the current school year, a district has received an accreditation
19 status of accredited-warned or accredited-probation, has been
20 assigned an unacceptable performance rating [~~failed to satisfy any~~
21 ~~standard~~] under Section 39.054 for the school progress domain under
22 Section 39.053(c)(2) [~~39.054(e)~~], or has failed to satisfy
23 financial accountability standards as determined by commissioner
24 rule, revoke the district's accreditation and:

25 (A) order closure of the district and annex the
26 district to one or more adjoining districts under Section 13.054;
27 or

1 (B) in the case of a home-rule school district or
2 open-enrollment charter school, order closure of all programs
3 operated under the district's or school's charter~~;~~ ~~or~~

4 ~~[(11) if a district has failed to satisfy any standard~~
5 ~~under Section 39.054(e) due to the district's dropout rates, impose~~
6 ~~sanctions designed to improve high school completion rates,~~
7 ~~including:~~

8 ~~[(A) ordering the development of a dropout~~
9 ~~prevention plan for approval by the commissioner;~~

10 ~~[(B) restructuring the district or appropriate~~
11 ~~school campuses to improve identification of and service to~~
12 ~~students who are at risk of dropping out of school, as defined by~~
13 ~~Section 29.081;~~

14 ~~[(C) ordering lower student-to-counselor ratios~~
15 ~~on school campuses with high dropout rates; and~~

16 ~~[(D) ordering the use of any other intervention~~
17 ~~strategy effective in reducing dropout rates, including mentor~~
18 ~~programs and flexible class scheduling].~~

19 SECTION 27. Section 39.103(a), Education Code, is amended
20 to read as follows:

21 (a) If a campus is assigned an unacceptable performance
22 rating ~~[is below any standard]~~ under Section 39.054 for the school
23 progress domain under Section 39.053(c)(2) ~~[39.054(e)]~~, the
24 commissioner shall take actions, to the extent the commissioner
25 determines necessary, as provided by this subchapter.

26 SECTION 28. Section 39.105(a), Education Code, is amended
27 to read as follows:

1 (a) This section applies if a campus performance satisfies
2 performance standards under Section 39.054(e) for the indicators
3 for the school progress domain under Section 39.053(c)(2) for the
4 current school year but would not satisfy performance standards
5 under Section 39.054(e) for those indicators if the standards to be
6 used for the following school year were applied to the current
7 school year. On request of the commissioner, the campus-level
8 committee established under Section 11.251 shall revise and submit
9 to the commissioner in an electronic format the portions of the
10 campus improvement plan developed under Section 11.253 that are
11 relevant to those areas for which the campus would not satisfy
12 performance standards.

13 SECTION 29. Sections 39.106(a) and (e), Education Code, are
14 amended to read as follows:

15 (a) If a campus [~~performance~~] is assigned an unacceptable
16 performance rating [~~below any standard~~] under Section 39.054 for
17 the school progress domain under Section 39.053(c)(2) [~~39.054(e)~~],
18 the commissioner shall assign a campus intervention team. A campus
19 intervention team shall:

20 (1) conduct, with the involvement and advice of the
21 school community partnership team, if applicable:

22 (A) a targeted on-site needs assessment relevant
23 to an area of insufficient performance of the campus as provided by
24 Subsection (b); or

25 (B) if the commissioner determines necessary, a
26 comprehensive on-site needs assessment, using the procedures
27 provided by Subsection (b);

1 (2) recommend appropriate actions as provided by
2 Subsection (c);

3 (3) assist in the development of a targeted
4 improvement plan;

5 (4) conduct a public meeting at the campus with the
6 campus principal, the members of the campus-level planning and
7 decision-making committee established under Section 11.251,
8 parents of students attending the campus, and community members
9 residing in the district to review the campus performance rating
10 and solicit input for the development of the targeted improvement
11 plan;

12 (5) assist the campus in submitting the targeted
13 improvement plan to the board of trustees for approval and
14 presenting the plan in a public hearing as provided by Subsection
15 (e-1); and

16 (6) assist the commissioner in monitoring the progress
17 of the campus in implementing the targeted improvement plan.

18 (e) For each year a campus is assigned an unacceptable
19 performance rating under the school progress domain under Section
20 39.053(c)(2), a campus intervention team shall:

21 (1) continue to work with a campus until:

22 (A) the campus is assigned a ~~[satisfies all]~~
23 performance rating of at least acceptable ~~[standards]~~ under Section
24 39.054 for the school progress domain under Section 39.053(c)(2)
25 ~~[39.054(e)]~~ for a two-year period; or

26 (B) the campus is assigned a ~~[satisfies all]~~
27 performance rating of at least acceptable ~~[standards]~~ under Section

1 39.054 for the school progress domain under Section 39.053(c)(2)
2 [~~39.054(e)~~] for a one-year period and the commissioner determines
3 that the campus is operating and will continue to operate in a
4 manner that improves student performance [~~achievement~~];

5 (2) assist in updating the targeted improvement plan
6 to identify and analyze areas of growth and areas that require
7 improvement; and

8 (3) submit each updated plan described by Subdivision
9 (2) to the board of trustees of the school district.

10 SECTION 30. Section 39.107, Education Code, is amended by
11 amending Subsections (a), (a-2), (b), (b-4), (d), (e), (f), and
12 (g-1) and adding Subsections (b-10), (b-11), and (b-12) to read as
13 follows:

14 (a) After a campus has been assigned an [~~been identified as~~]
15 unacceptable performance rating for the school progress domain
16 under Section 39.053(c)(2) for two consecutive school years, the
17 commissioner shall order the campus to prepare and submit a campus
18 turnaround plan. The commissioner shall by rule establish
19 procedures governing the time and manner in which the campus must
20 submit the campus turnaround plan.

21 (a-2) Before a campus turnaround plan is prepared and
22 submitted for approval to the board of trustees of the school
23 district, the district, in consultation with the campus
24 intervention team, shall:

25 (1) provide notice to parents, the community, and
26 stakeholders that the campus has received an [~~academically~~]
27 unacceptable performance rating for the school progress domain

1 under Section 39.053(c)(2) for two consecutive years and will be
2 required to submit a campus turnaround plan; and

3 (2) request assistance from parents, the community,
4 and stakeholders in developing the campus turnaround plan.

5 (b) The school district, in consultation with the campus
6 intervention team, shall prepare the campus turnaround plan and
7 allow parents, the community, and stakeholders an opportunity to
8 review the plan before it is submitted for approval to the board of
9 trustees of the school district. The plan must include details on
10 the method for restructuring, reforming, or reconstituting the
11 campus. If the district determines that granting a district
12 charter under Section 12.0522 is appropriate for the campus, the
13 campus turnaround plan must provide information on the
14 implementation of the district charter. The plan must assist the
15 campus in implementing procedures to satisfy the [all] performance
16 standards required under Section 39.054(e) for the school progress
17 domain under Section 39.053(c)(2).

18 (b-4) A campus turnaround plan developed under this section
19 must take effect not later than the school year following the third
20 consecutive school year that the campus has received an
21 [academically] unacceptable performance rating for the school
22 progress domain under Section 39.053(c)(2).

23 (b-10) Not later than June 15 of each year, the commissioner
24 shall approve or reject in writing any campus turnaround plan
25 prepared and submitted to the commissioner by a school district. If
26 the commissioner rejects a campus turnaround plan, the commissioner
27 must include in the written rejection to the district a list of the

1 specific concerns regarding the plan that resulted in the
2 rejection.

3 (b-11) If the commissioner rejects a campus turnaround
4 plan, the district must create a modified plan and request
5 assistance from agency staff. The district must submit the
6 modified plan to the commissioner for approval not later than
7 August 15. The commissioner shall notify the district in writing of
8 the commissioner's decision regarding the modified plan not later
9 than September 1.

10 (b-12) If the agency assists or offers assistance to a
11 district in modifying a campus turnaround plan following a
12 rejection under Subsection (b-10), the agency may not recommend or
13 require participation by the district or the district board of
14 trustees in any initiative that does not directly relate to a
15 concern identified by the commissioner in the written rejection
16 under Subsection (b-10).

17 (d) The commissioner may approve a campus turnaround plan,
18 including a campus turnaround plan modified under Subsection
19 (b-11), only if the commissioner determines that the campus will be
20 assigned at least an acceptable [~~satisfy all student~~] performance
21 rating [~~standards required~~] under Section 39.054 for the school
22 progress domain under Section 39.053(c)(2) [~~39.054(e)~~] not later
23 than the second year [~~the campus receives a performance rating~~]
24 following the implementation of the campus turnaround plan. If the
25 commissioner does not make this determination after reviewing the
26 school district's modified campus turnaround plan submitted under
27 Subsection (b-11), the commissioner shall order:

1 (1) appointment of a board of managers to govern the
2 district as provided by Section 39.112(b);

3 (2) alternative management of the campus under this
4 section; or

5 (3) closure of the campus.

6 (e) If a campus is assigned [~~considered to have~~] an
7 unacceptable performance rating under the school progress domain
8 under Section 39.053(c)(2) for three consecutive school years after
9 the campus is ordered to submit a campus turnaround plan under
10 Subsection (a), the commissioner, subject to Subsection (e-2),
11 shall order:

12 (1) appointment of a board of managers to govern the
13 district as provided by Section 39.112(b); or

14 (2) closure of the campus.

15 (f) Notwithstanding Section 39.112(e), the commissioner may
16 remove a board of managers appointed to govern a district under this
17 section only if the campus that was the basis for the appointment of
18 the board of managers receives at least an [~~academically~~]
19 acceptable performance rating under the school progress domain
20 under Section 39.053(c)(2) for two consecutive school years. If a
21 campus that was the basis for the appointment of a board of managers
22 receives an [~~academically~~] unacceptable performance rating under
23 the school progress domain under Section 39.053(c)(2) for two
24 additional consecutive years following the appointment of the board
25 of managers, the commissioner may remove the board of managers and,
26 in consultation with the local community, may appoint a new board of
27 managers to govern the district.

1 (g-1) If the commissioner orders alternative management of
2 a campus under Subsection (d)(2), the school district shall execute
3 a contract with a managing entity for a term not to exceed five
4 years. The commissioner may require a district to extend the term
5 of the contract if the commissioner determines that extending the
6 contract on expiration of the initial term is in the best interest
7 of the students attending the campus. The terms of the contract
8 must be approved by the commissioner. If a campus receives an
9 ~~academically~~ unacceptable performance rating under the school
10 progress domain under Section 39.053(c)(2) for two consecutive
11 school years after the managing entity assumes management of the
12 campus, the commissioner shall cancel the contract with the
13 managing entity.

14 SECTION 31. Section 39.301(b), Education Code, is amended
15 to read as follows:

16 (b) Performance on the indicators adopted under this
17 section shall be evaluated in the same manner provided for
18 evaluation of the domain ~~[achievement]~~ indicators under Section
19 39.053(c) ~~[Sections 39.053(c)(1)-(4)]~~.

20 SECTION 32. (a) Using available data from the 2017-2018
21 school year, the commissioner of education shall prepare a report
22 that, to the greatest extent possible, describes and lists the
23 domain performance ratings that would be assigned to each school
24 district and campus under Section 39.054, Education Code, as
25 amended by this Act, if the domain indicators described in Section
26 39.053(c), Education Code, as amended by this Act, were effective
27 during the 2017-2018 school year.

1 (b) Using available data from the 2018-2019 school year, the
2 commissioner of education shall prepare a report that, to the
3 greatest extent possible, describes and lists the domain
4 performance ratings that would be assigned to each school district
5 and campus under Section 39.054, Education Code, as amended by this
6 Act, if the domain indicators described in Section 39.053(c),
7 Education Code, as amended by this Act, were effective during the
8 2018-2019 school year.

9 (c) Each report required under this section must include
10 information concerning the extent to which those domain performance
11 ratings correlate with student demographic characteristics,
12 including:

- 13 (1) economic status;
- 14 (2) continuously enrolled status;
- 15 (3) status as a student of limited English
16 proficiency, as defined by Section 29.052, Education Code; and
- 17 (4) status as a student eligible to participate in a
18 special education program under Section 29.003(b), Education Code.

19 (d) The commissioner of education shall submit a report
20 prepared as required by this section to the governor, lieutenant
21 governor, speaker of the house, and presiding officer of each
22 standing committee of the senate and house of representatives with
23 primary jurisdiction over primary and secondary education not later
24 than:

- 25 (1) December 1, 2018, for a report prepared under
26 Subsection (a) of this section; and
- 27 (2) December 1, 2019, for a report prepared under

1 Subsection (b) of this section.

2 (e) This section expires December 31, 2019.

3 SECTION 33. (a) Except as provided by Subsection (b) of
4 this section, this Act applies beginning with the 2019-2020 school
5 year.

6 (b) The section of this Act that requires the commissioner
7 of education to prepare a report not later than December 1, 2018,
8 and not later than December 1, 2019, regarding the assignment of
9 school district and campus performance ratings applies beginning
10 with the 2017-2018 school year.

11 SECTION 34. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2017.