

By: Huberty

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 29.202, Education Code, is amended as follows:

Sec. 29.202. ELIGIBILITY. (a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus that has been issued an unacceptable performance rating, in both the student achievement domain under Section 39.053(c)(1) and the school progress domain under Section 39.053(c)(2), that is made publicly available under Section 39.054

~~(1) at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (c) in any two of the preceding three years (a-3), or~~

~~(2) that, at any time in the preceding three years, failed to satisfy any standard under Section 39.054(e).~~

(b) After a student has used a public education grant to attend a school in a district other than the district in which the student resides:

(1) the student does not become ineligible for the grant if the school on which the student's initial eligibility is

1 based no longer meets the criteria under Subsection (a); and

2 (2) the student becomes ineligible for the grant if
3 the student is assigned to attend a school that does not meet the
4 criteria under Subsection (a).

5 SECTION 2. Section 39.052(b)(1), Education Code, is amended
6 as follows:

7 Sec. 39.052. DETERMINATION OF ACCREDITATION STATUS OR
8 PERFORMANCE RATING. (a) Each year, the commissioner shall
9 determine the accreditation status of each school district.

10 (b) In determining the accreditation status of a school
11 district, the commissioner:

12 (1) shall evaluate and consider:

13 (A) performance in the domains ~~on achievement~~
14 ~~indicators~~ described by Section 39.053(c); and

15 (B) performance under the financial
16 accountability rating system developed under Subchapter D; and

17 (2) may evaluate and consider:

18 (A) the district's compliance with statutory
19 requirements and requirements imposed by rule of the commissioner
20 or State Board of Education under specific statutory authority that
21 relate to:

22 (i) reporting data through the Public
23 Education Information Management System (PEIMS) or other reports
24 required by state or federal law or court order;

25 (ii) the high school graduation
26 requirements under Section 28.025; or

27 (iii) an item listed under Sections

1 7.056(e)(3)(C)-(I) that applies to the district;

2 (B) the effectiveness of the district's programs
3 for special populations; and

4 (C) the effectiveness of the district's career
5 and technology program.

6 SECTION 3. Section 39.053, Education Code, is amended as
7 follows:

8 Sec. 39.053. PERFORMANCE INDICATORS: ACHIEVEMENT. (a) The
9 commissioner shall adopt a set of indicators, including the
10 indicators within the domains specified under Subsection (c), of
11 the quality of learning and achievement. The commissioner
12 periodically ~~biennially~~ shall review the indicators for the
13 consideration of appropriate revisions.

14 (a-1) The indicators adopted by the commissioner under
15 Subsection (a), ~~including the indicators identified under~~
16 ~~Subsection (c)~~, must measure and evaluate school districts, and
17 campuses with respect to:

18 (1) improving student preparedness for success in:

19 (A) subsequent grade levels; and

20 (B) entering the workforce, the military, or
21 postsecondary education;

22 (2) reducing, with the goal of eliminating, student
23 academic achievement differentials among students from different
24 racial and ethnic groups and socioeconomic backgrounds; and

25 (3) informing parents and the community regarding
26 campus and district performance ~~in the domains described by~~
27 ~~Subsection (c) and, for the domain described by Subsection (c)(5),~~

1 ~~in accordance with local priorities and preferences.~~

2 (b) Performance on the achievement indicators in the
3 domains adopted under Subsections (c)(1)~~=(4)~~, (2), and (3)(B)-(C)
4 shall be compared to state-established standards. To the extent
5 feasible, the ~~The~~ indicators ~~must be based on information that is~~
6 ~~disaggregated~~ should allow for disaggregation by race, ethnicity,
7 and socioeconomic status.

8 (c) School districts and campuses must be evaluated based on
9 three ~~five~~ domains of indicators of achievement adopted under this
10 section that include:

11 (1) in the student achievement ~~first~~ domain,
12 indicators of student achievement that shall include ~~the results~~
13 ~~of~~:

14 (A) the results of assessment instruments
15 required under Sections 39.023(a), (c), and (l), as applicable for
16 the district and campus, including the results of assessment
17 instruments required for graduation retaken by a student,
18 aggregated across grade levels by subject area, including:

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

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

27 (B) the results of assessment instruments

1 required under Section [39.023\(b\)](#), as applicable for the district
2 and campus aggregated across grade levels by subject area,
3 including the percentage of students who performed satisfactorily
4 on the assessment instruments, as determined by the performance
5 standard adopted by the agency, aggregated across grade levels by
6 subject area;

7 (C) the results of locally selected assessments,
8 to the extent that alternative assessments are available under
9 rules to be adopted by the commissioner;

10 (D) for evaluating the performance of high school
11 campuses and districts that include high school campuses,
12 indicators that account for:

13 (i) students who satisfy the Texas Success
14 Initiative (TSI) college readiness benchmarks prescribed by the
15 Texas Higher Education Coordinating Board under Section [51.3062\(f\)](#)
16 on an assessment instrument in reading or mathematics designated by
17 the Texas Higher Education Coordinating Board under Section
18 [51.3062\(c\)](#);

19 (ii) students who satisfy standards on
20 advanced placement assessments, college level examination program
21 assessments, or similar assessments;

22 (iii) students who earn the qualifying
23 number of dual course credits;

24 (iv) students who enlist in the armed
25 forces of the United States;

26 (v) students who earn a qualifying industry
27 certification;

1 (vi) students admitted into postsecondary
2 industry certification programs that require as a prerequisite for
3 entrance performance or attainment of secondary level success;

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

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

14 (ix) students' high school graduation
15 rates, including completion rates, computed in accordance with
16 standards and definitions adopted in compliance with the Every
17 Student Succeeds Act (20 U.S.C. Section 6301 et seq.) except as
18 provided by Subsections (g), (g-1), (g-2) and Section 39.054(f);

19 (x) students who successfully complete the
20 distinguished level of achievement under Section 28.025(b-7); and

21 (xi) students who complete an associate
22 level degree while enrolled in high school;

23 (E) for evaluating the performance of middle
24 school campuses and districts that serve students through the
25 eighth grade, indicators that account for:

26 (i) students who satisfy standards on
27 advanced placement assessments, college admissions tests, or

1 similar assessments; and

2 (ii) students who drop out of school
3 annually and do not return by a certain date, established in rules
4 to be adopted by the commissioner, in the following school year; and

5 (F) for evaluating the performance of campuses
6 and districts that serve elementary, middle, and high school
7 students, indicators that account for:

8 (i) students who successfully complete fine
9 arts, physical education, or second language acquisition courses or
10 enrichment classes;

11 (ii) students who participate in
12 extra-curricular programs, such as UIL (academic, fine arts,
13 athletic), clubs (foreign language, fine arts, chess, robotics,
14 etc.), or other extra-curricular activities.

15 (2) in the school progress ~~second~~ domain, indicators
16 that account for effectiveness in promoting student learning, which
17 may include:

18 (A) for assessment instruments, including
19 assessment instruments under Subdivision (1)(A), (1)(B), and to the
20 extent available, (1)(C), indicators that account for:

21 ~~(i) for the performance standard determined~~
22 ~~by the commissioner under Section 39.0241(a), the percentage of~~
23 ~~students who met the standard for annual improvement on the~~
24 ~~assessment instruments, as determined by the commissioner,~~
25 including students who took English language proficiency
26 assessments under Section 29.056(a)(2) and met the applicable
27 standards for improvement; ~~by rule or by the method for measuring~~

1 ~~annual improvement under Section 39.034, aggregated across grade~~
2 ~~levels by subject area; and~~

3 ~~(ii) for the college readiness performance~~
4 ~~standard as determined under Section 39.0241, the percentage of~~
5 ~~students who met the standard for annual improvement on the~~
6 ~~assessment instruments, as determined by the commissioner by rule~~
7 ~~or by the method for measuring annual improvement under Section~~
8 ~~39.034, aggregated across grade levels by subject area;~~

9 (B) students identified under Section 29.052 who
10 successfully exit the programs by meeting criteria under Section
11 29.056(g) for assessment instruments under Subdivision (1)(B), the
12 percentage of students who met the standard for annual improvement
13 on the assessment instruments, as determined by the commissioner by
14 rule or by the method for measuring annual improvement under
15 Section 39.034, aggregated across grade levels by subject area;

16 (C) students enrolled in grade 9 for the first
17 time who have earned enough credits by the end of that school year
18 for promotion to the next grade level;

19 (D) students enrolled in grades 1 through 8 who,
20 by the end of the school year, successfully complete curriculum
21 requirements for advancement to the next grade level;

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

26 (F) for middle and high school campuses and
27 districts that serve students in grades 6, 7, 8, 9, 10, 11, or 12,

1 student participation rates in advanced placement, international
2 baccalaureate, college admissions or preliminary college
3 admissions assessments; and

4 (G) the performance of a district or campus
5 compared to similar districts or campuses; and

6 ~~(3) in the third domain, the student academic~~
7 ~~achievement differentials among students from different racial and~~
8 ~~ethnic groups and socioeconomic backgrounds;~~

9 ~~(4) in the fourth domain;~~

10 ~~(A) for evaluating the performance of high school~~
11 ~~campuses and districts that include high school campuses;~~

12 ~~(i) dropout rates, including dropout rates~~
13 ~~and district completion rates for grade levels 9 through 12,~~
14 ~~computed in accordance with standards and definitions adopted by~~
15 ~~the National Center for Education Statistics of the United States~~
16 ~~Department of Education;~~

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

21 ~~(iii) the percentage of students who~~
22 ~~successfully completed the curriculum requirements for the~~
23 ~~distinguished level of achievement under the foundation high school~~
24 ~~program;~~

25 ~~(iv) the percentage of students who~~
26 ~~successfully completed the curriculum requirements for an~~
27 ~~endorsement under Section 28.025(c-1);~~

1 ~~(v) the percentage of students who~~
2 ~~completed a coherent sequence of career and technical courses;~~

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

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

13 ~~(viii) the percentage of students who have~~
14 ~~completed an advanced placement course;~~

15 ~~(ix) the percentage of students who enlist~~
16 ~~in the armed forces of the United States; and~~

17 ~~(x) the percentage of students who earn an~~
18 ~~industry certification;~~

19 ~~(B) for evaluating the performance of middle and~~
20 ~~junior high school and elementary school campuses and districts~~
21 ~~that include those campuses:~~

22 ~~(i) student attendance; and~~

23 ~~(ii) for middle and junior high school~~
24 ~~campuses:~~

25 ~~(a) dropout rates, computed in the~~
26 ~~manner described by Paragraph (A)(i); and~~

27 ~~(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 ~~(3) (5) in the school climate fifth domain, indicators~~
14 ~~of school climate, which may include:~~

15 ~~(A) three programs or specific categories of~~
16 ~~performance related to community and student engagement locally~~
17 ~~selected and evaluated as provided by Section 39.0546, which shall~~
18 ~~comprise at least 50% of the domain rating;~~

19 ~~(B) students who successfully complete at least~~
20 ~~one endorsement under Section 28.025(c-1);~~

21 ~~(C) students who successfully complete a~~
22 ~~coherent sequence of career and technical courses or a coherent~~
23 ~~sequence of fine arts courses;~~

24 ~~(D) economically disadvantaged students who~~
25 ~~successfully complete a postsecondary readiness course;~~

26 ~~(E) students who are not absent 15 days or more~~
27 ~~during the school year. "Absent" in this subsection means that the~~

1 students is not physically on school grounds and is not
2 participating in instruction or instruction-related activities at
3 an approved off-campus location for the school day, without regard
4 to whether the absence is excused or unexcused;

5 (F) teacher quality indicators as determined by
6 the commissioner;

7 (G) for elementary campuses serving kindergarten
8 through fifth grade, student participation rates in literacy and
9 mathematics academies;

10 (H) for elementary campuses serving
11 Pre-Kindergarten, student participation rates in full-day
12 Pre-kindergarten programs;

13 (I) health and wellness indicators as determined
14 by the commissioner; and

15 (J) results from a local evaluation of school or
16 district climate, obtained through a uniform method of data
17 collection adopted into rule by the commissioner, for all schools
18 and districts in the state;

19 (c-1) An indicator adopted under Subsection (c) that would
20 measure improvements in student, campus, or district progress in
21 the school progress domain achievement cannot negatively affect the
22 commissioner's review of a school district or campus if that
23 district or campus is already achieving at the highest level for
24 that indicator.

25 (c-2) The commissioner by rule shall determine a method by
26 which a student's performance may be included in determining the
27 performance rating of a school district or campus under Section

1 39.054 if, before the student graduates, the student:

2 (1) satisfies the Texas Success Initiative (TSI)
3 college readiness benchmarks prescribed by the Texas Higher
4 Education Coordinating Board under Section 51.3062(f) on an
5 assessment instrument designated by the Texas Higher Education
6 Coordinating Board under Section 51.3062(c); or

7 (2) performs satisfactorily on an assessment
8 instrument under Section 39.023(c), notwithstanding Subsection
9 (d).

10 (d) For purposes of Subsection (c), the commissioner by rule
11 shall determine the period within which a student must retake an
12 assessment instrument for that assessment instrument to be
13 considered in determining the performance rating of the district
14 under Section 39.054.

15 (d-1) In aggregating results of assessment instruments
16 across grade levels by subject in accordance with Subsection
17 (c)(1)(A) the performance of a student enrolled below the high
18 school level on an assessment instrument required under Section
19 39.023(c) is included with results relating to other students
20 enrolled at the same grade level.

21 (e) [Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094 (H.B.
22 2804), effective June 19, 2015.

23 (f) By September 30 annually, or as soon thereafter as
24 possible ~~Annually~~, the commissioner shall define the state standard
25 for the current school year for each domain adopted under this
26 section and evaluated under Section 39.054. In consultation with
27 educators, parents, business and industry, as necessary, the

1 commissioner shall establish and modify standards to continuously
2 improve student performance to achieve the goals of eliminating
3 achievement gaps based on race, ethnic and socioeconomic status and
4 to ensure Texas is a national leader in preparing students for
5 postsecondary success. ~~achievement indicator described by~~
6 ~~Subsections (c)(1)-(4) and shall project the state standards for~~
7 ~~each indicator for the following two school years. The~~
8 ~~commissioner shall periodically raise the state standards for the~~
9 ~~college readiness achievement indicator described by Subsection~~
10 ~~(c)(1)(A)(ii) for accreditation as necessary to reach the goals of~~
11 ~~achieving, by not later than the 2019-2020 school year.~~

12 ~~(1) student performance in this state, disaggregated~~
13 ~~by race, ethnicity, and socioeconomic status, that ranks nationally~~
14 ~~in the top 10 states in terms of college readiness; and~~

15 ~~(2) student performance with no significant~~
16 ~~achievement gaps by race, ethnicity, and socioeconomic status.~~

17 (g) In the computation of a ~~defining the required state~~
18 ~~standard for the dropout rate indicator described by graduation or~~
19 completion rate such as a high school graduation rate under
20 Subsections (c)(1)(D)(ix) (c)(4)(A)(i) and (B)(ii)(a), the
21 commissioner may not consider as a dropout a student whose failure
22 to attend school results from:

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

24 (2) as applicable:

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

1 (B) conviction of and sentencing for an offense
2 under the Penal Code.

3 (g-1) In computing dropout and completion rates such as high
4 school graduation or completion rates under Subsections
5 (c)(1)(D)(ix) ~~(c)(4)(A)(i) and (B)(ii)(a)~~, the commissioner shall
6 exclude:

7 (1) students who are ordered by a court to attend a
8 high school equivalency certificate program but who have not yet
9 earned a high school equivalency certificate;

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

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

16 (4) students whose initial enrollment in a school in
17 the United States in grades 7 through 12 was as unschooled refugees
18 or asylees as defined by Section 39.027(a-1);

19 (5) students whose initial enrollment in Texas public
20 schools occurred in grades 11-12;

21 (6) students who are in the district exclusively as a
22 function of having been detained at a county detention facility but
23 are otherwise not students of the district in which the facility is
24 located; and

25 (7) students who are incarcerated in state jails and
26 federal penitentiaries as adults and as persons certified to stand
27 trial as adults.

1 (g-2) In computing completion rates such as high school
2 graduation rates under Subsection (c)(1)(D)(ix) ~~(c)(2)~~, the
3 commissioner shall exclude students who:

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

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

12 (3) are enrolled and receiving individualized
13 education program services.

14 (g-3) In annually computing results under Section 39.053©,
15 the commissioner shall exclude students who are newly enrolled in
16 Texas public schools from the evaluation of results under Section
17 39.054(a), as effective on September 1, 2017. The term "newly
18 enrolled" in this subsection refers to students who transfer into
19 Texas public schools from out of state or out of the country, and
20 who have no prior history of enrollment within Texas public
21 schools.

22 (h) Each school district shall cooperate with the agency in
23 determining whether a student is a dropout for purposes of
24 accreditation and evaluating performance by school districts and
25 campuses under this chapter.

26 (i) Each school district shall submit the data required for
27 the indicators adopted under this section, to the extent necessary

1 for processing under Section 39.054. ~~The commissioner by rule~~
2 ~~shall adopt accountability measures to be used in assessing the~~
3 ~~progress of students who have failed to perform satisfactorily as~~
4 ~~determined by the commissioner under Section 39.0241(a) or under~~
5 ~~the college readiness standard as determined under Section 39.0241~~
6 ~~in the preceding school year on an assessment instrument required~~
7 ~~under Section 39.023(a), (c), or (1).~~

8 SECTION 4. Section 39.0531, Education Code, is added as
9 follows:

10 Sec. 39.0531. STUDENT SURVEYS. (a) The commissioner may
11 incorporate student surveys as an indicator under 39.053(c)(3).

12 (b) The commissioner may develop rules to implement this
13 section, including rules:

14 (1) determining the format of student surveys;

15 (2) determining the questions that student surveys
16 must include;

17 (3) establishing when student surveys must be
18 conducted;

19 (4) establishing requirements and parameters for
20 administering and reporting results of the student surveys; and

21 (5) authorizing school districts and open enrollment
22 charter schools to administer the student surveys or include the
23 required survey questions in a locally administered student survey.

24 (c) Notwithstanding any other provision including Section
25 21.355, school districts and open enrollment charter schools shall
26 report the information required under this section to the agency in
27 accordance with rules adopted under subsection (b).

1 (d) The commissioner may contract with a third party to
2 fulfill any and all functions under this section.

3 (e) The commissioner shall determine the feasibility of
4 incorporating student surveys for use in the accountability ratings
5 by the 2021-2022 school year, by piloting the use of such surveys in
6 the 2018-2019 school year and reporting the results of such surveys
7 in the 2019-2020 and 2020-2021 school years. This subsection
8 expires September 1, 2022.

9 SECTION 5. Section 39.054, Education Code, is amended as
10 follows:

11 Sec. 39.054. METHODS AND STANDARDS FOR EVALUATING
12 PERFORMANCE.

13 (a) The commissioner shall adopt rules to evaluate school
14 district and campus performance and assign each district and campus
15 ~~an overall performance rating of A, B, C, D, or F. In addition to the~~
16 ~~overall performance rating, the commissioner shall assign each~~
17 ~~district and campus~~ a separate domain performance rating of A, B, C,
18 D, or F for each domain under Sections 39.0 53(c)(1)-(3) (4). ~~An~~
19 ~~overall or~~ domain performance rating of A reflects exemplary
20 performance. ~~An overall or~~ domain performance rating of B reflects
21 recognized performance. ~~An overall or~~ domain performance rating of
22 C reflects acceptable performance. ~~An overall or~~ domain
23 performance rating of D reflects performance in need of
24 improvement. A domain performance rating of ~~or~~ F reflects
25 unacceptable performance. A district may not receive ~~an overall or~~
26 domain performance rating of A if the district includes any campus
27 with a corresponding ~~overall or~~ domain performance rating of ~~D or~~ F.

1 A reference in law to an acceptable rating or acceptable
2 performance includes an overall or domain performance rating of A,
3 B, ~~or C~~ or D, or exemplary, recognized, ~~or acceptable~~ or needs
4 improvement performance.

5 (a-1) In assigning ratings under Subsection (a):

6 (1) the commissioner may adjust the performance rating
7 for a domain disaggregated by race, ethnicity, socioeconomic
8 status, or other factors;

9 (2) the weight given to the indicators in Section
10 39.053(c)(1)(A) and (B), combined, may not be greater than 50
11 percent of the total weight in assigning a rating to the student
12 achievement domain under Section 39.053(c)(1); and

13 (3) the weight given to the indicators in Section
14 39.053(c)(2)(A) may not be greater than 50 percent of the total
15 weight in assigning a rating to the student progress domain under
16 Section 39.053(c)(2).

17 If the commissioner determines a domain rating adjustment is
18 needed, the adjustment is limited to one and only one letter grade
19 change.

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

22 ~~(1) 55 percent of the performance evaluation to the~~
23 ~~achievement indicators for the first, second, and third domains~~
24 ~~under Sections 39.053(c)(1)-(3);~~

25 ~~(2) for middle and junior high school and elementary~~
26 ~~campuses and districts that include only those campuses, 35 percent~~
27 ~~of the performance evaluation to the applicable achievement~~

1 ~~indicators for the fourth domain under Section 39.053(c)(4),~~

2 ~~(3) for high school campuses and districts that~~
3 ~~include those campuses.~~

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

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

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

13 (a-2) For purposes of evaluating the performance of a school
14 or district under Subsection (a), to the extent feasible, the
15 commissioner shall give greater weight to the results of students
16 who have been enrolled for at least four consecutive years in the
17 same school or district. ~~The commissioner by rule shall adopt~~
18 ~~procedures to ensure that a repeated performance rating of D or F or~~
19 ~~unacceptable in one domain, particularly performance that is not~~
20 ~~significantly improving, is reflected in the overall performance~~
21 ~~rating of a district or campus and is not compensated for by a~~
22 ~~performance rating of A, B, or C in another domain.~~

23 (a-3) Not later than August 15 of each year, the performance
24 ratings of each district and campus shall be made publicly
25 available as provided by rules adopted under this section. If a
26 district or campus received ~~an overall or~~ domain performance rating
27 of D or F for the preceding school year, the commissioner shall

1 notify the district of a subsequent such designation on ~~or before~~
2 June 15 or as soon thereafter as is practicable.

3 (b) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094, Sec.
4 22, eff. June 19, 2015.

5 (b-1) Consideration of the effectiveness of district
6 programs under Section 39.052(b)(2)(B) or (C):

7 (1) must:

8 (A) be based on data collected through the Public
9 Education Information Management System (PEIMS) for purposes of
10 accountability under this chapter; and

11 (B) include the results of assessments required
12 under Section 39.023; and

13 (2) may be based on the results of a special
14 accreditation investigation conducted under Section 39.057.

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

24 (1) student performance in the current school
25 year; or

26 (2) when necessary to address small numbers of records
27 available to use in the calculations, student performance as

1 averaged over the current school year and the preceding two school
2 years.

3 (d) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094, Sec.
4 22, eff. June 19, 2015.

5 (d-1) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094, Sec.
6 22, eff. June 19, 2015.

7 (e) Each annual performance review under this section shall
8 include an analysis of the domains ~~student achievement indicators~~
9 adopted under Section 39.053, including Subsections
10 39.053(c)(1)-(3), (4) to determine school district and campus
11 performance in relation to standards established for each domain
12 ~~indicator~~.

13 (f) In the computation of dropout rates and completion rates
14 such as high school graduation rates under Sections
15 39.053(c)(1)(D)(ix)(c)(4)(A)(i) and (B)(ii)(a), a student who is
16 released from a juvenile pre-adjudication secure detention
17 facility or juvenile post-adjudication secure correctional
18 facility and fails to enroll in school or a student who leaves a
19 residential treatment center after receiving treatment for fewer
20 than 85 days and fails to enroll in school may not be considered to
21 have dropped out from the school district or campus serving the
22 facility or center unless that district or campus is the one to
23 which the student is regularly assigned. The agency may not limit an
24 appeal relating to dropout computations under this subsection.

25 SECTION 6. Section 39.0541, Education Code, is added as
26 follows:

27 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. (a)

1 The commissioner may adopt rules to implement this chapter.

2 (b) The commissioner shall adopt indicators and standards
3 under this chapter at any time prior to September 30 of the same
4 school year in which the evaluation of a school district or campus
5 will take place.

6 SECTION 7. Section 39.0546, Education Code, is amended as
7 follows:

8 Sec. 39.0546. PERFORMANCE IN COMMUNITY AND STUDENT
9 ENGAGEMENT AS COMPONENT OF OVERALL DISTRICT AND CAMPUS RATING. (a)
10 For purposes of including the local evaluation of districts and
11 campuses under Section 39.053(c)(3)(A)~~(5)~~ and assigning an overall
12 rating under Section 39.054, before the beginning of each school
13 year:

14 (1) each school district shall:

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

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

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

25 (2) each campus shall:

26 (A) select and report to the agency three
27 programs or categories under Section 39.0545(b)(1), as added by

1 Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular
2 Session, 2013, under which the campus will evaluate campus
3 performance;

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

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

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

21 (c) On or before the date determined by the commissioner by
22 rule, each school district and campus shall report each performance
23 rating to the agency for the purpose of including the ratings in
24 evaluating ~~school district and campus performance and assigning an~~
25 ~~overall rating~~ the school climate domain under Sections
26 39.053(c)(3) and 39.054.

27 SECTION 8. Section 39.0548, Education Code, is amended as

1 follows:

2 Sec. 39.0548. EVALUATING DROPOUT RECOVERY SCHOOLS. (a)
3 For purposes of evaluating performance under Section 39.053(c), the
4 commissioner shall designate as a dropout recovery school a school
5 district or an open-enrollment charter school or a campus of a
6 district or of an open-enrollment charter school:

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

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

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

24 (c) Notwithstanding Section 39.053(c)(1)(D)(ix)
25 ~~(c)(4)(A)(i)~~, in determining the performance rating under Section
26 39.054 of a dropout recovery school, the commissioner shall include
27 any student described by Section 39.053(g-1) who graduates or

1 receives a high school equivalency certificate.

2 (d) Notwithstanding Section 39.053(c), for purposes of
3 evaluating a dropout recovery school under the accountability
4 procedures adopted by the commissioner to determine the performance
5 rating of the school under Section 39.054:

6 (1) only the best result from the primary
7 administration or any retake of an assessment instrument
8 administered to a student in the school year evaluated may be
9 considered; and

10 (2) only a student enrolled continuously for at least
11 90 days during the school year evaluated may be considered.

12 SECTION 9. The indicator measures and domains established
13 under Section 39.053, as revised, shall be evaluated under the
14 procedures in Section 39.054, as revised, beginning in August 2019.

15 SECTION 10. (a) No later than December 1, 2017, the
16 commissioner shall prepare a report to the governor, lieutenant
17 governor, speaker of the House, and the chairs of the Senate
18 committee on education and the House committee on public education
19 that, to the greatest extent possible, describes and lists the
20 ratings that would be assigned to each school and district under
21 Section 39.054, if the domains and indicators described in Section
22 39.053 in August, 2018, were in place in August, 2017, using
23 available data from no later than the 2017-2018 school year. The
24 report shall include information about the extent to which ratings
25 under Section 39.054 correlate with student demographic
26 characteristics, including economic status, continuously enrolled
27 status, identification as a student with limited English

1 proficiency under Section 29.052, and identification for special
2 education under Section 29.003(b).

3 (b) No later than December 1, 2018, the commissioner shall
4 prepare a report to the governor, lieutenant governor, speaker of
5 the House, and the chairs of the Senate committee on education and
6 the House committee on public education that, to the greatest
7 extent possible, describes and lists the ratings that would be
8 assigned to each school and district under Section 39.054, if the
9 domains and indicators described in Section 39.053 in August, 2019,
10 were in place in August, 2018, using available data from no later
11 than the 2017-2018 school year. The report shall include
12 information about the extent to which ratings under Section 39.054
13 correlate with student demographic characteristics, including
14 economic status, continuously enrolled status, identification as a
15 student with limited English proficiency under Section 29.052, and
16 identification for special education under Section 29.003(b).

17 (c) This section expires on December 1, 2019.

18 SECTION 11. This Act takes effect September 1, 2017.