

By: Guillen

H.B. No. 79

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of alternative assessment instruments for
3 students in a special education program of a public school
4 district.

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

6 SECTION 1. Subchapter B, Chapter 39, Education Code, is
7 amended by adding Section 39.02316 to read as follows:

8 Sec. 39.02316. REQUIREMENTS RELATING TO ALTERNATIVE
9 ASSESSMENT DESIGNATION FOR STUDENTS IN SPECIAL EDUCATION PROGRAM;
10 CERTAIN USE OF INFORMATION PROHIBITED. The agency may not:

11 (1) limit the percentage of students in a special
12 education program of a school district under Subchapter A, Chapter
13 29, who are appropriately assessed through alternative assessment
14 instruments based on state eligibility criteria; and

15 (2) use the reported percentage of students in a
16 special education program of a school district under Subchapter A,
17 Chapter 29, who are assessed through the alternative assessment
18 instruments for performance, compliance, or accountability
19 purposes.

20 SECTION 2. Section 39.053(c), Education Code, is amended to
21 read as follows:

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

1 (1) in the first domain, the results of[+
2 ~~[(A)]~~ assessment instruments required under
3 Sections 39.023(a), (c), and (l), including the results of
4 assessment instruments required for graduation retaken by a
5 student, aggregated across grade levels by subject area, including:
6 (A) ~~[(i)]~~ for the performance standard
7 determined by the commissioner under Section 39.0241(a), the
8 percentage of students who performed satisfactorily on the
9 assessment instruments, aggregated across grade levels by subject
10 area; and

11 (B) ~~[(ii)]~~ for the college readiness performance
12 standard as determined under Section 39.0241, the percentage of
13 students who performed satisfactorily on the assessment
14 instruments, aggregated across grade levels by subject area [~~and~~
15 ~~[(B) assessment instruments required under~~
16 ~~Section 39.023(b), aggregated across grade levels by subject area,~~
17 ~~including the percentage of students who performed satisfactorily~~
18 ~~on the assessment instruments, as determined by the performance~~
19 ~~standard adopted by the agency, aggregated across grade levels by~~
20 ~~subject area]~~;

21 (2) in the second domain, [+
22 ~~[(A)]~~ for assessment instruments under
23 Subdivision (1) ~~[(1)(A)]~~:

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

1 rule or by the method for measuring annual improvement under
2 Section 39.034, aggregated across grade levels by subject area; and

3 (B) [~~(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[~~, and~~

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

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

18 (4) in the fourth domain:

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

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

26 (ii) high school graduation rates, computed
27 in accordance with standards and definitions adopted in compliance

1 with the Every Student Succeeds Act [~~No Child Left Behind Act of~~
2 ~~2001~~] (20 U.S.C. Section 6301 et seq.);

3 (iii) the percentage of students who
4 successfully completed the curriculum requirements for the
5 distinguished level of achievement under the foundation high school
6 program;

7 (iv) the percentage of students who
8 successfully completed the curriculum requirements for an
9 endorsement under Section 28.025(c-1);

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

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

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

22 (viii) the percentage of students who have
23 completed an advanced placement course;

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

26 (x) the percentage of students who earn an
27 industry certification;

1 (B) for evaluating the performance of middle and
2 junior high school and elementary school campuses and districts
3 that include those campuses:

4 (i) student attendance; and

5 (ii) for middle and junior high school
6 campuses:

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

9 (b) the percentage of students in
10 grades seven and eight who receive instruction in preparing for
11 high school, college, and a career that includes information
12 regarding the creation of a high school personal graduation plan
13 under Section 28.02121, the distinguished level of achievement
14 described by Section 28.025(b-15), each endorsement described by
15 Section 28.025(c-1), college readiness standards, and potential
16 career choices and the education needed to enter those careers; and

17 (C) any additional indicators of student
18 achievement not associated with performance on standardized
19 assessment instruments determined appropriate for consideration by
20 the commissioner in consultation with educators, parents, business
21 and industry representatives, and employers; and

22 (5) in the fifth domain, three programs or specific
23 categories of performance related to community and student
24 engagement locally selected and evaluated as provided by Section
25 39.0546.

26 SECTION 3. Section 39.057(a), Education Code, is amended to
27 read as follows:

1 (a) The commissioner may authorize special accreditation
2 investigations to be conducted:

3 (1) when excessive numbers of absences of students
4 eligible to be tested on state assessment instruments are
5 determined;

6 (2) when excessive numbers of allowable exemptions
7 from the required state assessment instruments are determined;

8 (3) in response to complaints submitted to the agency
9 with respect to alleged violations of civil rights or other
10 requirements imposed on the state by federal law or court order;

11 (4) in response to established compliance reviews of
12 the district's financial accounting practices and state and federal
13 program requirements;

14 (5) when extraordinary numbers of student placements
15 in disciplinary alternative education programs, other than
16 placements under Sections 37.006 and 37.007, are determined;

17 (6) in response to an allegation involving a conflict
18 between members of the board of trustees or between the board and
19 the district administration if it appears that the conflict
20 involves a violation of a role or duty of the board members or the
21 administration clearly defined by this code;

22 (7) when excessive numbers of students in special
23 education programs under Subchapter A, Chapter 29, are assessed
24 through alternative assessment instruments developed or adopted
25 under Section 39.023(b);

26 (8) in response to an allegation regarding or an
27 analysis using a statistical method result indicating a possible

1 violation of an assessment instrument security procedure
2 established under Section 39.0301, including for the purpose of
3 investigating or auditing a school district under that section;

4 (9) when a significant pattern of decreased academic
5 performance has developed as a result of the promotion in the
6 preceding two school years of students who did not perform
7 satisfactorily as determined by the commissioner under Section
8 39.0241(a) on assessment instruments administered under Section
9 39.023(a), (c), or (1);

10 (10) when excessive numbers of students eligible to
11 enroll fail to complete an Algebra II course or any other advanced
12 course as determined by the commissioner;

13 (11) when resource allocation practices as evaluated
14 under Section 39.0821 indicate a potential for significant
15 improvement in resource allocation;

16 (12) when a disproportionate number of students of a
17 particular demographic group is graduating with a particular
18 endorsement under Section 28.025(c-1);

19 (13) when an excessive number of students is
20 graduating with a particular endorsement under Section
21 28.025(c-1);

22 (14) in response to a complaint submitted to the
23 agency with respect to alleged inaccurate data that is reported
24 through the Public Education Information Management System (PEIMS)
25 or through other reports required by state or federal law or rule or
26 court order and that is used by the agency to make a determination
27 relating to public school accountability, including accreditation,

1 under this chapter; or

2 (15) as the commissioner otherwise determines
3 necessary.

4 SECTION 4. This Act applies beginning with the 2017-2018
5 school year.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2017.