

By: Landgraf

H.B. No. 1321

A BILL TO BE ENTITLED

AN ACT

relating to eliminating the requirement to use public school assessment instruments as a criterion for promotion or graduation or to make certain accountability determinations.

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 achievement indicators adopted under Sections 39.053(c)(1)-(3) [~~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

(H) accelerated education;

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

(A) higher education admissions and financial aid opportunities;

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

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

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

(5) resources needed to implement identified strategies;

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

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

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

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

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

(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 achievement indicators adopted
6 under Sections 39.053(c)(1)-(3) [~~39.053(c)(1)-(4)~~] and any other
7 appropriate performance measures for special needs populations.

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

10 (c) The report must include the performance of each public
11 school in each class described by Subsection (b) as measured by the
12 achievement indicators adopted under Sections 39.053(c)(1)-(3)
13 [~~39.053(c)(1)-(4)~~] and student attrition rates.

14 SECTION 4. Section 18.005(c), Education Code, is amended to
15 read as follows:

16 (c) A Job Corps diploma program shall:

17 (1) develop educational programs specifically
18 designed for persons eligible for enrollment in a Job Corps
19 training program established by the United States Department of
20 Labor;

21 (2) coordinate educational programs and services in
22 the diploma program with programs and services provided by the
23 United States Department of Labor and other federal and state
24 agencies and local political subdivisions and by persons who
25 provide programs and services under contract with the United States
26 Department of Labor;

27 (3) provide a course of instruction that includes the

1 required curriculum under Subchapter A, Chapter 28; and

2 (4) ~~[require that students enrolled in the diploma~~
3 ~~program satisfy the requirements of Section 39.025 before receiving~~
4 ~~a diploma under this chapter, and~~

5 ~~[(5)]~~ comply with a requirement imposed under this
6 title or a rule adopted under this title relating to the Public
7 Education Information Management System (PEIMS) to the extent
8 necessary to determine compliance with this chapter, as determined
9 by the commissioner.

10 SECTION 5. Section 18.006(b), Education Code, is amended to
11 read as follows:

12 (b) In addition to other factors determined to be
13 appropriate by the commissioner, the accountability system must
14 include consideration of~~+~~

15 ~~[(1) student performance on the end-of-course~~
16 ~~assessment instruments required by Section 39.023(c), and~~

17 ~~[(2)]~~ dropout rates, including dropout rates and
18 diploma program completion rates for the grade levels served by the
19 diploma program.

20 SECTION 6. Section 19.0043(b), Education Code, is amended
21 to read as follows:

22 (b) A student may graduate and receive a diploma from a
23 Windham School District educational program if:

24 (1) the student successfully completes the curriculum
25 requirements identified by the State Board of Education under
26 Section 28.025(a) ~~[and complies with Section 39.025]~~; or

27 (2) the student successfully completes the curriculum

requirements under Section 28.025(a) as modified by an individualized education program developed under Section 29.005.

SECTION 7. Section 25.005(b), Education Code, is amended to read as follows:

(b) A reciprocity agreement must:

(1) address procedures for:

(A) transferring student records; and

(B) awarding credit for completed course work;

and

~~[(C) permitting a student to satisfy the requirements of Section 39.025 through successful performance on comparable end-of-course or other exit-level assessment instruments administered in another state; and]~~

(2) include appropriate criteria developed by the agency.

SECTION 8. Section 28.006(j), Education Code, is amended to read as follows:

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.301(c)(6) ~~[39.301(c)(5)]~~ and may implement interventions or sanctions under Subchapter E, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

SECTION 9. Section 28.021(c), Education Code, is amended to

1 read as follows:

2 (c) In determining promotion under Subsection (a), a school
3 district shall consider:

4 (1) the recommendation of the student's teacher;

5 (2) the student's grade in each subject or course; and

6 (3) ~~[the student's score on an assessment instrument~~
7 ~~administered under Section 39.023(a), (b), or (1), to the extent~~
8 ~~applicable; and~~

9 ~~[(4)]~~ any other necessary academic information, as
10 determined by the district.

11 SECTION 10. The heading to Section 28.0211, Education Code,
12 is amended to read as follows:

13 Sec. 28.0211. ~~[SATISFACTORY PERFORMANCE ON ASSESSMENT~~
14 ~~INSTRUMENTS REQUIRED.]~~ ACCELERATED INSTRUCTION.

15 SECTION 11. Sections 28.0211(a-1), (c), (d), (g), (i), and
16 (k), Education Code, are amended to read as follows:

17 (a-1) Each time a student fails to perform satisfactorily on
18 an assessment instrument administered under Section 39.023(a) ~~[in~~
19 ~~the third, fourth, fifth, sixth, seventh, or eighth grade]~~, the
20 school district in which the student attends school shall provide
21 to the student accelerated instruction in the applicable subject
22 area. Accelerated instruction may require participation of the
23 student before or after normal school hours and may include
24 participation at times of the year outside normal school
25 operations.

26 (c) ~~[Each time a student fails to perform satisfactorily on~~
27 ~~an assessment instrument specified under Subsection (a), the school~~

~~district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. After a student fails to perform satisfactorily on an assessment instrument a second time, a grade placement committee shall be established to prescribe the accelerated instruction the district shall provide to the student before the student is administered the assessment instrument the third time. The grade placement committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the grade placement committee and the purpose of the committee.]~~ An accelerated instruction group administered by a school district under this section may not have a ratio of more than 10 students for each teacher.

(d) In addition to providing accelerated instruction to a student under Subsection (a-1) ~~[(c)]~~, the district shall notify the student's parent or guardian of:

(1) the student's failure to perform satisfactorily on the assessment instrument; and

(2) the accelerated instruction program to which the student is assigned~~[, and~~

~~[(3) the possibility that the student might be retained at the same grade level for the next school year].~~

(g) This section does not preclude the retention at a grade

1 level, in accordance with state law or school district policy, of a
2 student who performs satisfactorily on an assessment instrument
3 ~~[specified under Subsection (a)]~~.

4 (i) The admission, review, and dismissal committee of a
5 student who participates in a district's special education program
6 under Subchapter A ~~[B]~~, Chapter 29, and who does not perform
7 satisfactorily on an assessment instrument ~~[specified under~~
8 ~~Subsection (a) and]~~ administered under Section 39.023(a) or (b)
9 shall determine~~+~~

10 ~~[(1)]~~ the manner in which the student will participate
11 in an accelerated instruction program under this section~~+, and~~

12 ~~[(2) whether the student will be promoted or retained~~
13 ~~under this section]~~.

14 (k) The commissioner shall adopt rules as necessary to
15 implement this section~~+, including rules concerning when school~~
16 ~~districts shall administer assessment instruments required under~~
17 ~~this section and which administration of the assessment instruments~~
18 ~~will be used for purposes of Section 39.054]~~.

19 SECTION 12. Sections 28.025(b-7), (c), and (e), Education
20 Code, are amended to read as follows:

21 (b-7) The State Board of Education, in coordination with the
22 Texas Higher Education Coordinating Board, shall adopt rules to
23 ensure that a student may comply with the curriculum requirements
24 under the foundation high school program or for an endorsement
25 under Subsection (c-1) by successfully completing appropriate
26 courses in the core curriculum of an institution of higher
27 education under Section 61.822. Notwithstanding Subsection (b-15)

1 or (c) ~~[of this section, Section 39.025,]~~ or any other provision of
2 this code and notwithstanding any school district policy, a student
3 who has completed the core curriculum of an institution of higher
4 education under Section 61.822, as certified by the institution in
5 accordance with commissioner rule, is considered to have earned a
6 distinguished level of achievement under the foundation high school
7 program and is entitled to receive a high school diploma from the
8 appropriate high school as that high school is determined in
9 accordance with commissioner rule. A student who is considered to
10 have earned a distinguished level of achievement under the
11 foundation high school program under this subsection may apply for
12 admission to an institution of higher education for the first
13 semester or other academic term after the semester or other
14 academic term in which the student completes the core curriculum.

15 (c) A person may receive a diploma if the person is eligible
16 for a diploma under Section 28.0251. In other cases, a student may
17 graduate and receive a diploma only if:

18 (1) the student successfully completes the curriculum
19 requirements identified by the State Board of Education under
20 Subsection (a) ~~[and complies with Section 39.025]~~; or

21 (2) the student successfully completes an
22 individualized education program developed under Section 29.005.

23 (e) Each school district shall report the academic
24 achievement record of students who have completed the foundation
25 high school program on transcript forms adopted by the State Board
26 of Education. ~~[The transcript forms adopted by the board must be
27 designed to clearly identify whether a student received a diploma~~

~~or a certificate of coursework completion.]~~

SECTION 13. Section 28.0255(g), Education Code, is amended to read as follows:

(g) A student is entitled to a high school diploma if the student[÷

~~[(1)] successfully complies with the curriculum requirements specified under Subsection (e)[, and~~

~~[(2) performs satisfactorily, as determined by the commissioner under Subsection (h), on end-of-course assessment instruments listed under Section 39.023(c) for courses in which the student was enrolled].~~

SECTION 14. Section 29.062(a), Education Code, is amended to read as follows:

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the achievement indicators adopted under Sections 39.053(c)(1)-(3) ~~[39.053(c)(1)-(4), including the results of assessment instruments]~~. The agency may combine evaluations under this section with federal accountability measures concerning students of limited English proficiency.

SECTION 15. Section 29.081(b-1), Education Code, is amended to read as follows:

(b-1) Each school district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each

1 student in any subject in which the student failed to perform
2 satisfactorily on an end-of-course assessment instrument listed in
3 Section 39.023(c) [~~required for graduation~~].

4 SECTION 16. Section 29.087(1), Education Code, is amended
5 to read as follows:

6 (1) The commissioner may revoke a school district's or
7 open-enrollment charter school's authorization under this section
8 after consideration of relevant factors, including [~~performance of~~
9 ~~students participating in the district's or school's program on~~
10 ~~assessment instruments required under Chapter 39,~~] the percentage
11 of students participating in the district's or school's program who
12 complete the program and perform successfully on the high school
13 equivalency examination[~~7~~] and other criteria adopted by the
14 commissioner. A decision by the commissioner under this subsection
15 is final and may not be appealed.

16 SECTION 17. Section 29.259(g), Education Code, is amended
17 to read as follows:

18 (g) A person who is at least 19 years of age and not more
19 than 50 years of age is eligible to enroll in the adult education
20 program under this section if the person has not earned a high
21 school equivalency certificate and:

22 (1) has failed to complete the curriculum requirements
23 for high school graduation; or

24 (2) has failed to perform satisfactorily on an
25 assessment instrument that, before the 2017-2018 school year, was
26 required for high school graduation.

27 SECTION 18. Section 29.402(c), Education Code, is amended

to read as follows:

(c) A public junior college under this section shall:

(1) design a dropout recovery curriculum that includes career and technology education courses that lead to industry or career certification;

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

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

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

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

(3) offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses; and

(4) coordinate with each partnering school district to provide in the articulation agreement that the district retains accountability for student attendance and ~~and~~ student completion of high school course requirements ~~and student performance on assessment instruments~~ as necessary for the student to receive a diploma from a high school of the partnering school district.

SECTION 19. Section 30.021(e), Education Code, is amended

to read as follows:

(e) The school shall cooperate with public and private agencies and organizations serving students and other persons with visual impairments in the planning, development, and implementation of effective educational and rehabilitative service delivery systems associated with educating students with visual impairments. To maximize and make efficient use of state facilities, funding, and resources, the services provided in this area may include conducting a cooperative program with other agencies to serve students who have graduated from high school by completing all academic requirements applicable to students in regular education~~[, excluding satisfactory performance under Section 39.025,~~ who are younger than 22 years of age on September 1 of the school year and who have identified needs related to vocational training, independent living skills, orientation and mobility, social and leisure skills, compensatory skills, or remedial academic skills.

SECTION 20. Section 30.104(b), Education Code, is amended to read as follows:

(b) A student may graduate and receive a diploma from a department educational program if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Section 28.025(a) ~~[and complies with Section 39.025]~~; or

(2) the student successfully completes the curriculum requirements under Section 28.025(a) as modified by an individualized education program developed under Section 29.005.

SECTION 21. Section 32.258(b), Education Code, is amended to read as follows:

(b) The system established under Subsection (a) shall provide a means for a student or the student's parent or other person standing in parental relationship to track the student's progress on end-of-course assessment instruments administered under Section 39.023(c) ~~[instrument requirements for graduation]~~.

SECTION 22. Section 37.008(m), Education Code, is amended to read as follows:

(m) The commissioner shall adopt rules necessary to evaluate annually the performance of each district's disciplinary alternative education program established under this subchapter. The evaluation required by this section shall be based on indicators defined by the commissioner~~[, but must include student performance on assessment instruments required under Sections 39.023(a) and (c)]~~. Academically, the mission of disciplinary alternative education programs shall be to enable students to perform at grade level.

SECTION 23. Section 39.023(c-2), Education Code, is amended to read as follows:

(c-2) The agency may adopt end-of-course assessment instruments for courses not listed in Subsection (c). A student's performance on an end-of-course assessment instrument adopted under this subsection is not subject to any ~~[the]~~ performance requirements ~~[established under Subsection (c) or Section 39.025]~~.

SECTION 24. The heading to Section 39.025, Education Code, is amended to read as follows:

1 Sec. 39.025. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT
2 ~~[SECONDARY-LEVEL PERFORMANCE REQUIRED]~~.

3 SECTION 25. Section 39.025(a), Education Code, is amended
4 to read as follows:

5 (a) The commissioner shall adopt rules requiring a student
6 in the foundation high school program under Section 28.025 to be
7 administered an end-of-course assessment instrument listed in
8 Section 39.023(c) only for a course in which the student is enrolled
9 and for which an end-of-course assessment instrument is
10 administered. Each student's performance on an end-of-course
11 assessment instrument shall be evaluated to determine whether the
12 [A] student achieved [is required to achieve] a scale score that
13 indicates satisfactory performance, as determined by the
14 commissioner under Section 39.0241(a) [, on each end-of-course
15 assessment instrument administered to the student]. The results of
16 the administration of an end-of-course assessment instrument
17 required under this subsection may not be used as criteria for
18 graduation. The results may be used only for the purpose of
19 diagnosing the academic strengths and deficiencies of a student and
20 guiding specific instruction to the student. [For each scale score
21 required under this subsection that is not based on a 100-point
22 scale scoring system, the commissioner shall provide for
23 conversion, in accordance with commissioner rule, of the scale
24 score to an equivalent score based on a 100-point scale scoring
25 system. A student may not receive a high school diploma until the
26 student has performed satisfactorily on end-of-course assessment
27 instruments in the manner provided under this subsection. This

~~subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.]~~

SECTION 26. Section 39.034(d), Education Code, is amended to read as follows:

(d) The agency shall determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on, as applicable:

- (1) the grade five assessment instruments;
- (2) the grade eight assessment instruments; and
- (3) the end-of-course assessment instruments listed in Section 39.023(c) ~~[required under this subchapter for graduation]~~.

SECTION 27. Sections 39.053(a-1), (b), (c), (f), (g), (g-1), and (g-2), Education Code, are amended to read as follows:

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

- (1) improving student preparedness for success in:
 - (A) subsequent grade levels; and
 - (B) entering the workforce, the military, or postsecondary education;
- (2) reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
- (3) informing parents and the community regarding campus and district performance in the domains described by

Subsection (c) and, for the domain described by Subsection (c)(4) ~~[(c)(5)]~~, in accordance with local priorities and preferences.

(b) Performance on the achievement indicators adopted under Subsections (c)(1)-(3) ~~[(c)(1)-(4)]~~ shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.

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

(1) in the first domain, the percentage of students promoted to the next grade level ~~[results of:~~

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

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

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

~~[(B) assessment instruments required under Section 39.023(b), aggregated across grade levels by subject area,~~

1 ~~including the percentage of students who performed satisfactorily~~
2 ~~on the assessment instruments, as determined by the performance~~
3 ~~standard adopted by the agency, aggregated across grade levels by~~
4 ~~subject area];~~

5 (2) in the second domain[~~+~~

6 [~~(A) for assessment instruments under~~
7 ~~Subdivision (1)(A):~~

8 [~~(i) for the performance standard~~
9 ~~determined by the commissioner under Section 39.0241(a), the~~
10 ~~percentage of students who met the standard for annual improvement~~
11 ~~on the assessment instruments, as determined by the commissioner by~~
12 ~~rule or by the method for measuring annual improvement under~~
13 ~~Section 39.034, aggregated across grade levels by subject area; and~~

14 [~~(ii) for the college readiness performance~~
15 ~~standard as determined under Section 39.0241, the percentage of~~
16 ~~students who met the standard for annual improvement on the~~
17 ~~assessment instruments, as determined by the commissioner by rule~~
18 ~~or by the method for measuring annual improvement under Section~~
19 ~~39.034, aggregated across grade levels by subject area; and~~

20 [~~(B) for assessment instruments under~~
21 ~~Subdivision (1)(B), the percentage of students who met the standard~~
22 ~~for annual improvement on the assessment instruments, as determined~~
23 ~~by the commissioner by rule or by the method for measuring annual~~
24 ~~improvement under Section 39.034, aggregated across grade levels by~~
25 ~~subject area;~~

26 [~~(3) in the third domain], the student academic~~

27 achievement differentials among students from different racial and

1 ethnic groups and socioeconomic backgrounds;

2 (3) [~~(4)~~] in the third [~~fourth~~] domain:

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

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

10 (ii) high school graduation rates, computed
11 in accordance with standards and definitions adopted in compliance
12 with the Every Student Succeeds [~~No Child Left Behind~~] Act [~~of 2001~~]
13 (20 U.S.C. Section 6301 et seq.);

14 (iii) the percentage of students who
15 successfully completed the curriculum requirements for the
16 distinguished level of achievement under the foundation high school
17 program;

18 (iv) the percentage of students who
19 successfully completed the curriculum requirements for an
20 endorsement under Section [28.025](#)(c-1);

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

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

Coordinating Board under Section 51.3062(c);

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

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

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

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

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

(i) student attendance; and

(ii) for middle and junior high school campuses:

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

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

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

(4) ~~[(5)]~~ in the fourth ~~[fifth]~~ domain, three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546.

(f) Annually, the commissioner shall define the state standard for the current school year for each achievement indicator described by Subsections (c)(1)-(3) ~~[(c)(1)-(4)]~~ and shall project the state standards for each indicator for the following two school years. ~~[The commissioner shall periodically raise the state standards for the college readiness achievement indicator described by Subsection (c)(1)(A)(ii) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year.]~~

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

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

(g) In defining the required state standard for the dropout rate indicator described by Subsections (c)(3)(A)(i) ~~[(c)(4)(A)(i)]~~ and (B)(ii)(a), the commissioner may not consider as a dropout a student whose failure to attend school results from:

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

(2) as applicable:

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

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

(g-1) In computing dropout and completion rates under Subsections (c)(3)(A)(i) [~~(c)(4)(A)(i)~~] and (B)(ii)(a), the commissioner shall exclude:

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

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

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

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

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

(6) students who are incarcerated in state jails and

1 federal penitentiaries as adults and as persons certified to stand
2 trial as adults.

3 (g-2) In computing completion rates under Subsection
4 (c)(3)(A)(i) [~~(c)(2)~~], the commissioner shall exclude students
5 who:

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

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

14 (3) are enrolled and receiving individualized
15 education program services.

16 SECTION 28. Section 39.054(b-1), Education Code, is amended
17 to read as follows:

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

20 (1) must~~+~~
21 [~~(A)~~] be based on data collected through the
22 Public Education Information Management System (PEIMS) for
23 purposes of accountability under this chapter; and

24 [~~(B) include the results of assessments required~~
25 ~~under Section 39.023, and]~~

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

SECTION 29. Sections [39.054](#)(a), (a-1), (c), (e), and (f), Education Code, as effective September 1, 2017, are amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Sections [39.053](#)(c)(1)-(3) [~~[39.053](#)(c)(1)-(4)~~]. An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D or F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, or C or exemplary, recognized, or acceptable performance.

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

(1) 55 percent of the performance evaluation to the achievement indicators for the first and ~~and~~ second ~~and third~~ domains under Sections [39.053](#)(c)(1) and (2) [~~[39.053](#)(c)(1)-(3)~~];

(2) for middle and junior high school and elementary campuses and districts that include only those campuses, 35 percent

1 of the performance evaluation to the applicable achievement
2 indicators for the third [~~fourth~~] domain under Section 39.053(c)(3)
3 [~~Section 39.053(c)(4)~~];

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

6 (A) 10 percent of the performance evaluation to
7 the high school graduation rate achievement indicator described by
8 Section 39.053(c)(3)(A)(ii) [~~39.053(c)(4)(A)(ii)~~]; and

9 (B) 25 percent to the remaining applicable
10 achievement indicators for the third [~~fourth~~] domain under Section
11 39.053(c)(3) [~~39.053(c)(4)~~]; and

12 (4) 10 percent of the performance evaluation to the
13 locally selected and evaluated achievement indicators provided for
14 under the fourth [~~fifth~~] domain under Section 39.053(c)(4)
15 [~~39.053(c)(5)~~].

16 (c) In evaluating school district and campus performance on
17 the achievement indicator [~~indicators~~] for student performance
18 based on promotion [~~assessment instruments adopted~~] under Section
19 [~~Sections~~] 39.053(c)(1) [~~and (2)~~] and the dropout rate indicator
20 adopted under Sections 39.053(c)(3)(A)(i) [~~39.053(c)(4)(A)(i)~~] and
21 (B)(ii)(a), the commissioner shall define acceptable performance
22 as meeting the state standard determined by the commissioner under
23 Section 39.053(f) for the current school year based on:

24 (1) student performance in the current school year; or
25 (2) student performance as averaged over the current
26 school year and the preceding two school years.

27 (e) Each annual performance review under this section shall

1 include an analysis of the achievement indicators adopted under
2 Sections 39.053(c)(1)-(3) [~~39.053(c)(1)-(4)~~] to determine school
3 district and campus performance in relation to standards
4 established for each indicator.

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

16 SECTION 30. Section 39.0546(a), Education Code, is amended
17 to read as follows:

18 (a) For purposes of including the local evaluation of
19 districts and campuses under Section 39.053(c)(4) [~~39.053(c)(5)~~]
20 and assigning an overall rating under Section 39.054, before the
21 beginning of each school year:

22 (1) each school district shall:

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

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

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

6 (2) each campus shall:

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

12 (B) submit to the agency the criteria the campus
13 will use to evaluate campus performance and assign the campus a
14 performance rating; and

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

17 SECTION 31. Sections 39.0548(b) and (c), Education Code,
18 are amended to read as follows:

19 (b) Notwithstanding Section 39.053(c)(3)(A)(i)
20 [~~39.053(c)(4)(A)(i)~~], the commissioner shall use the alternative
21 completion rate under this subsection to determine the dropout rate
22 indicator under Section 39.053(c)(3)(A)(i) [~~39.053(c)(4)(A)(i)~~]
23 for a dropout recovery school. The alternative completion rate
24 shall be the ratio of the total number of students who graduate,
25 continue attending school into the next academic year, or receive a
26 high school equivalency certificate to the total number of students
27 in the longitudinal cohort of students.

(c) Notwithstanding Section 39.053(c)(3)(A)(i)
[~~39.053(c)(4)(A)(i)~~], in determining the performance rating under
Section 39.054 of a dropout recovery school, the commissioner shall
include any student described by Section 39.053(g-1) who graduates
or receives a high school equivalency certificate.

SECTION 32. Section 39.055, Education Code, is amended to
read as follows:

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

SECTION 33. Sections 39.301(b), (c), and (d), Education Code, are amended to read as follows:

(b) Performance on the indicators adopted under this section shall be evaluated in the same manner provided for evaluation of the achievement indicators under Sections 39.053(c)(1)-(3) [~~39.053(c)(1)-(4)~~].

(c) Indicators for reporting purposes must include:

(1) the percentage of graduating students who meet the course requirements established by State Board of Education rule for:

(A) the foundation high school program;

(B) the distinguished level of achievement under the foundation high school program; and

(C) each endorsement described by Section 28.025(c-1);

(2) the results of the SAT, ACT, articulated postsecondary degree programs described by Section 61.852, and certified workforce training programs described by Chapter 311, Labor Code;

(3) the percentage of students who satisfy each performance standard under Section 39.0241 on assessment instruments required under:

(A) Section 39.023(a); and

(B) Section 39.023(c);

(4) for students who have failed to perform satisfactorily, under each performance standard under Section 39.0241, on an assessment instrument required under Section

39.023(a) or (c), the performance of those students on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(5) ~~[(4)]~~ for each campus, the number of students, disaggregated by major student subpopulations, that take courses under the foundation high school program and take additional courses to earn an endorsement under Section 28.025(c-1), disaggregated by type of endorsement;

(6) ~~[(5)]~~ the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211 ~~[(28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211]~~, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the following school year ~~[following that promotion]~~ on the assessment instruments required under Section 39.023;

(7) ~~[(6)]~~ the percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Sections 39.027(a)(1) and (2);

(8) ~~[(7)]~~ the percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Section 39.023(b);

~~[(8) the percentage of students who satisfy the~~

~~college readiness measure,]~~

(9) the measure of progress toward dual language proficiency under Section 39.034(b), for students of limited English proficiency, as defined by Section 29.052;

(10) the percentage of students who are not educationally disadvantaged;

(11) the percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

(12) the percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

(d) Performance on the indicators described by Section 39.053(c) and Subsections (c)(3), (4), (5), and (9) must be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. If a student described by this subsection is not or was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.

SECTION 34. Section 39.305(b), Education Code, is amended to read as follows:

(b) The report card shall include the following information:

(1) where applicable, the achievement indicators described by Section 39.053(c) and the reporting indicators

described by Sections 39.301(c)(1) through (6) ~~[(5)]~~;

(2) average class size by grade level and subject;

(3) the administrative and instructional costs per student, computed in a manner consistent with Section 44.0071; and

(4) the district's instructional expenditures ratio and instructional employees ratio computed under Section 44.0071, and the statewide average of those ratios, as determined by the commissioner.

SECTION 35. Section 39.332(b)(20), Education Code, is amended to read as follows:

(20) The report must contain a comparison of the performance of open-enrollment charter schools and school districts on the achievement indicators described by Section 39.053(c) and ~~[(7)]~~ the reporting indicators described by Section 39.301(c), ~~[and the accountability measures adopted under Section 39.053(i)]~~ with a separately aggregated comparison of the performance of open-enrollment charter schools predominantly serving students at risk of dropping out of school, as described by Section 29.081(d), with the performance of school districts.

SECTION 36. Effective September 1, 2017, the following provisions of the Education Code are repealed:

(1) Section 19.0043(c);

(2) Section 21.4551(c);

(3) Sections 28.0211(a), (a-2), (b), (e), (f), (n), (o), and (p);

(4) Section 28.025(d);

(5) Section 28.0255(h);

1 (6) Section 29.259(c);

2 (7) Section 30.104(c);

3 (8) Section 39.0231;

4 (9) Sections 39.025(a-1), (a-4), (b), (c), (c-1), (d),
5 (e), (f), and (g);

6 (10) Section 39.025(a-2), as added by Chapter 1036
7 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015;
8 and

9 (11) Sections 39.053(c-2), (d), (d-1), and (i).

10 SECTION 37. This Act applies beginning with the 2017-2018
11 school year.

12 SECTION 38. Except as otherwise provided by this Act, this
13 Act takes effect immediately if it receives a vote of two-thirds of
14 all the members elected to each house, as provided by Section 39,
15 Article III, Texas Constitution. If this Act does not receive the
16 vote necessary for immediate effect, this Act takes effect
17 September 1, 2017.