

By: King of Hemphill

H.B. No. 2132

A BILL TO BE ENTITLED

AN ACT

relating to evaluating public school performance and implementing measures for public school accountability.

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

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

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

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

(2) measurable district performance objectives for

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

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

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

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

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

15 (ii) conflict resolution programs;

16 (iii) violence prevention programs; and

17 (iv) dyslexia treatment programs;

18 (C) dropout reduction;

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

21 (E) discipline management;

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

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

27 (H) accelerated education;

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

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

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

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

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

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

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

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

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

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

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

26 (c) Each school year, the principal of each school campus,
27 with the assistance of the campus-level committee, shall develop,

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

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

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

13 SECTION 4. Section 29.062(a), Education Code, is amended to
14 read as follows:

15 (a) The legislature recognizes that compliance with this
16 subchapter is an imperative public necessity. Therefore, in
17 accordance with the policy of the state, the agency shall evaluate
18 the effectiveness of programs under this subchapter based on the
19 achievement indicators adopted under Section 39.053(c) [~~Sections~~
20 ~~39.053(c)(1)-(4)~~], including the results of assessment
21 instruments. The agency may combine evaluations under this section
22 with federal accountability measures concerning students of
23 limited English proficiency.

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

26 (a) A student is eligible to receive a public education
27 grant or to attend another public school in the district in which

1 the student resides under this subchapter if the student is
2 assigned to attend a public school campus:

3 (1) issued an unacceptable performance rating made
4 publicly available under Section 39.054(a-3) [~~at which 50 percent~~
5 ~~or more of the students did not perform satisfactorily on an~~
6 ~~assessment instrument administered under Section 39.023(a) or (c)~~
7 ~~in any two of the preceding three years~~]; or

8 (2) that, at any time in the preceding three years, was
9 assigned an unacceptable performance rating [~~failed to satisfy any~~
10 ~~standard~~] under Section 39.054 [~~39.054(e)~~].

11 SECTION 6. Subchapter B, Chapter 39, Education Code, is
12 amended by adding Section 39.0211 to read as follows:

13 Sec. 39.0211. RULES. The commissioner may adopt rules as
14 necessary to administer this chapter.

15 SECTION 7. Section 39.052(b), Education Code, is amended to
16 read as follows:

17 (b) In determining the accreditation status of a school
18 district, the commissioner:

19 (1) shall evaluate and consider:

20 (A) performance on achievement indicators
21 described by Section 39.053 [~~39.053(e)~~]; and

22 (B) performance under the financial
23 accountability rating system developed under Subchapter D; and

24 (2) may evaluate and consider:

25 (A) the district's compliance with statutory
26 requirements and requirements imposed by rule of the commissioner
27 or State Board of Education under specific statutory authority that

1 relate to:

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

5 (ii) the high school graduation
6 requirements under Section 28.025; or

7 (iii) an item listed under Sections
8 7.056(e)(3)(C)-(I) that applies to the district;

9 (B) the effectiveness of the district's programs
10 for special populations; and

11 (C) the effectiveness of the district's career
12 and technology program.

13 SECTION 8. Sections 39.053(a), (a-1), (b), (c), (d-1), (f),
14 (g), (g-1), (g-2), and (i), Education Code, are amended to read as
15 follows:

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

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

25 (1) improving student preparedness for success in:

26 (A) subsequent grade levels; and

27 (B) entering the workforce, the military, or

1 postsecondary education;

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

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

9 (b) Performance on the achievement indicators adopted under
10 Subsections (c)(1), (2), and (3)(B) and (C) [~~(c)(1)-(4)~~] shall be
11 compared to state-established standards. To the extent feasible,
12 the [The] indicators should allow for disaggregation [~~must be based~~
13 ~~on information that is disaggregated~~] by race, ethnicity, and
14 socioeconomic status.

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

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

21 (A) for evaluating the performance of districts
22 and campuses generally:

23 (i) an indicator that accounts for the
24 results of assessment instruments required under Sections
25 39.023(a), (c), and (l), as applicable for the district and campus,
26 including the results of assessment instruments required for
27 graduation retaken by a student, aggregated across grade levels by

1 subject area, including:

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

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

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

19 (B) for evaluating the performance of high school
20 campuses and districts that include high school campuses,
21 indicators that account for:

22 (i) students who satisfy the Texas Success
23 Initiative (TSI) college readiness benchmarks prescribed by the
24 Texas Higher Education Coordinating Board under Section 51.3062(f)
25 on an assessment instrument in reading or mathematics designated by
26 the Texas Higher Education Coordinating Board under Section
27 51.3062(c);

1 (ii) students who satisfy relevant
2 performance standards on advanced placement tests or similar
3 assessments;

4 (iii) students who earn dual course credits
5 in the dual credit courses;

6 (iv) students who enlist in the armed
7 forces of the United States;

8 (v) students who earn industry
9 certifications;

10 (vi) high school graduation rates, computed
11 in accordance with standards and definitions adopted in compliance
12 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)
13 subject to the exclusions provided by Subsections (g), (g-1), and
14 (g-2) and Section 39.054(f);

15 (vii) students admitted into postsecondary
16 industry certification programs that require as a prerequisite for
17 entrance successful performance at the secondary level;

18 (viii) students whose successful
19 completion of a course or courses under Section 28.014 indicates
20 the student's preparation to enroll and succeed, without
21 remediation, in an entry-level general education course for a
22 baccalaureate degree or associate degree; and

23 (ix) students who successfully met
24 standards on a composite of indicators that through research
25 indicates the student's preparation to enroll and succeed, without
26 remediation, in an entry-level general education course for a
27 baccalaureate degree or associate degree;

1 (2) in the school performance ~~[second]~~ domain,
2 indicators of student performance, which may include:

3 (A) for assessment instruments, including
4 assessment instruments under Subdivisions (1)(A)(i) and (ii)
5 ~~[Subdivision (1)(A)].~~

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

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

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

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

1 ~~achievement differentials among students from different racial and~~
2 ~~ethnic groups and socioeconomic backgrounds,~~

3 ~~[(4) in the fourth domain.~~

4 ~~[(A) for evaluating the performance of high~~
5 ~~school campuses and districts that include high school campuses.~~

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

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

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

19 ~~[(iv) the percentage of students who~~
20 ~~successfully completed the curriculum requirements for an~~
21 ~~endorsement under Section 28.025(c-1),~~

22 ~~[(v) the percentage of students who~~
23 ~~completed a coherent sequence of career and technical courses,~~

24 ~~[(vi) the percentage of students who~~
25 ~~satisfy the Texas Success Initiative (TSI) college readiness~~
26 ~~benchmarks prescribed by the Texas Higher Education Coordinating~~
27 ~~Board under Section 51.3062(f) on an assessment instrument in~~

1 ~~reading, writing, or mathematics designated by the Texas Higher~~
2 ~~Education Coordinating Board under Section 51.3062(c),~~

3 ~~[(vii) the percentage of students who earn~~
4 ~~at least 12 hours of postsecondary credit required for the~~
5 ~~foundation high school program under Section 28.025 or to earn an~~
6 ~~endorsement under Section 28.025(c-1),~~

7 ~~[(viii) the percentage of students who have~~
8 ~~completed an advanced placement course,~~

9 ~~[(ix) the percentage of students who enlist~~
10 ~~in the armed forces of the United States, and~~

11 ~~[(x) the percentage of students who earn an~~
12 ~~industry certification,~~

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

16 ~~[(i) student attendance, and~~

17 ~~[(ii) for middle and junior high school~~
18 ~~campuses:~~

19 ~~[(a) dropout rates, computed in the~~
20 ~~manner described by Paragraph (A)(i), and~~

21 ~~[(b) the percentage of students in~~
22 ~~grades seven and eight who receive instruction in preparing for~~
23 ~~high school, college, and a career that includes information~~
24 ~~regarding the creation of a high school personal graduation plan~~
25 ~~under Section 28.02121, the distinguished level of achievement~~
26 ~~described by Section 28.025(b-15), each endorsement described by~~
27 ~~Section 28.025(c-1), college readiness standards, and potential~~

1 ~~career choices and the education needed to enter those careers; and~~
2 ~~[(C) any additional indicators of student~~
3 ~~achievement not associated with performance on standardized~~
4 ~~assessment instruments determined appropriate for consideration by~~
5 ~~the commissioner in consultation with educators, parents, business~~
6 ~~and industry representatives, and employers]; and~~

7 (3) ~~(5)~~ in the school climate ~~[fifth]~~ domain,
8 indicators of school climate, which may include:

9 (A) three programs or specific categories of
10 performance related to community and student engagement locally
11 selected and evaluated as provided by Section 39.0546, which shall
12 comprise at least 50 percent of the domain rating assigned under
13 Section 39.054;

14 (B) the percentage of students who successfully
15 complete varied, rigorous, and relevant curricular options that
16 lead to postsecondary success, including successfully completing
17 advanced placement courses or other similar courses; and

18 (C) the percentage of students who successfully
19 complete a coherent sequence of career and technical courses that
20 lead to industry certifications or college credit.

21 (d-1) In aggregating results of assessment instruments
22 across grade levels by subject in accordance with Subsection
23 (c)(1)(A)(i) and (ii), the performance of a student enrolled below
24 the high school level on an assessment instrument required under
25 Section 39.023(c) is included with results relating to other
26 students enrolled at the same grade level.

27 (f) Annually, the commissioner shall define the state

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

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

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

20 (g) In computing [~~defining the required state standard for~~
21 ~~the] dropout and completion rates such as high school graduation
22 rates under Subsection (c)(1)(B)(vi) [~~rate indicator described by~~
23 ~~Subsections (c)(4)(A)(i) and (B)(ii)(a)], the commissioner may not
24 consider as a dropout a student whose failure to attend school
25 results from:~~~~

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

27 (2) as applicable:

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

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

6 (g-1) In computing dropout and completion rates such as high
7 school graduation rates under Subsection (c)(1)(B)(vi)
8 [~~Subsections (c)(4)(A)(i) and (B)(ii)(a)~~], the commissioner shall
9 exclude:

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

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

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

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

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

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

1 trial as adults.

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

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

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

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

15 (i) Each school district shall submit the data required for
16 the indicators adopted under this section to the [The] commissioner
17 [~~by rule shall adopt accountability measures to be used in~~
18 ~~assessing the progress of students who have failed to perform~~
19 ~~satisfactorily as determined by the commissioner under Section~~
20 ~~39.0241(a) or under the college readiness standard as determined~~
21 ~~under Section 39.0241 in the preceding school year on an assessment~~
22 ~~instrument required under Section 39.023(a), (c), or (1)].~~

23 SECTION 9. Sections 39.054(a), (a-3), (e), and (f),
24 Education Code, as effective on September 1, 2017, are amended to
25 read as follows:

26 (a) The commissioner shall adopt rules to evaluate school
27 district and campus performance and assign each district and campus

1 ~~[an overall performance rating of A, B, C, D, or F. In addition to~~
2 ~~the overall performance rating, the commissioner shall assign each~~
3 ~~district and campus]~~ a separate domain performance rating of A, B,
4 C, D, or F for each domain under Section 39.053(c) ~~[Sections~~
5 ~~39.053(c)(1)-(4)]~~. A ~~[An overall or]~~ domain performance rating of
6 A reflects exemplary performance. A ~~[An overall or]~~ domain
7 performance rating of B reflects recognized performance. A ~~[An~~
8 ~~overall or]~~ domain performance rating of C reflects acceptable
9 performance. A ~~[An overall or]~~ domain performance rating of D or F
10 reflects unacceptable performance. A district may not receive a
11 ~~[an overall or]~~ domain performance rating of A if the district
12 includes any campus with a corresponding ~~[overall or]~~ domain
13 performance rating of D or F. A reference in law to an acceptable
14 rating or acceptable performance includes a ~~[an overall or]~~ domain
15 performance rating of A, B, or C or exemplary, recognized, or
16 acceptable performance.

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

24 (e) Each annual performance review under this section shall
25 include an analysis of the achievement indicators adopted under
26 Section 39.053, including Subsection (c) of that section, ~~[Sections~~
27 ~~39.053(c)(1)-(4)]~~ to determine school district and campus

1 performance in relation to standards established for each
2 indicator.

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

15 SECTION 10. Subchapter B, Chapter 39, Education Code, is
16 amended by adding Section 39.0541 to read as follows:

17 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The
18 commissioner may adopt indicators and standards under this
19 subchapter at any time during a school year before the evaluation of
20 a school district or campus.

21 SECTION 11. Section 39.0546, Education Code, is amended to
22 read as follows:

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

25 (a) For purposes of including the local evaluation of districts and
26 campuses under Section 39.053(c)(3)(A) [~~39.053(c)(5)~~] and
27 assigning a domain performance [~~an overall~~] rating under Section

1 39.054, before the beginning of each school year:

2 (1) each school district shall:

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

8 (B) submit to the agency the criteria the
9 district will use to evaluate district performance and assign the
10 district a performance rating; and

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

13 (2) each campus shall:

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

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

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

24 (b) Based on the evaluation under this section, each school
25 district shall assign the district and each campus shall assign the
26 campus a performance rating of A, B, C, D, or F, for [~~both overall~~
27 ~~performance and for~~] each program or category evaluated. A [~~An~~

1 ~~overall or a~~] program or category performance rating of A reflects
 2 exemplary performance. A [~~An overall or a~~] program or category
 3 performance rating of B reflects recognized performance. A [~~An~~
 4 ~~overall or a~~] program or category performance rating of C reflects
 5 acceptable performance. A [~~An overall or a~~] program or category
 6 performance rating of D or F reflects unacceptable performance.

7 (c) On or before the date determined by the commissioner by
 8 rule, each school district and campus shall report each performance
 9 rating to the agency for the purpose of including the rating in
 10 evaluating school district and campus performance and assigning a
 11 performance [~~an overall~~] rating under Section 39.054.

12 SECTION 12. Sections 39.0548(b), (c), and (d), Education
 13 Code, are amended to read as follows:

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

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

1 or 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 13. Section 39.102(a), Education Code, is amended
13 to read as follows:

14 (a) If a school district does not satisfy the accreditation
15 criteria under Section 39.052, the ~~[academic]~~ performance
16 standards under Section 39.053 or 39.054 for the school performance
17 domain under Section 39.053(c)(2), or any financial accountability
18 standard as determined by commissioner rule, or if considered
19 appropriate by the commissioner on the basis of a special
20 accreditation investigation under Section 39.057, the commissioner
21 shall take any of the following actions to the extent the
22 commissioner determines necessary:

23 (1) issue public notice of the deficiency to the board
24 of trustees;

25 (2) order a hearing conducted by the board of trustees
26 of the district for the purpose of notifying the public of the
27 insufficient performance, the improvements in performance expected

1 by the agency, and the interventions and sanctions that may be
2 imposed under this section if the performance does not improve;

3 (3) order the preparation of a student achievement
4 improvement plan that addresses the student performance indicators
5 [~~each academic achievement indicator~~] under Section 39.053(c)(2)
6 [~~39.053(c)~~] for which the district's performance is insufficient,
7 the submission of the plan to the commissioner for approval, and
8 implementation of the plan;

9 (4) order a hearing to be held before the commissioner
10 or the commissioner's designee at which the president of the board
11 of trustees of the district and the superintendent shall appear and
12 explain the district's low performance, lack of improvement, and
13 plans for improvement;

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

15 (6) appoint an agency monitor to participate in and
16 report to the agency on the activities of the board of trustees or
17 the superintendent;

18 (7) appoint a conservator to oversee the operations of
19 the district;

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

24 (9) if a district has a current accreditation status
25 of accredited-warned or accredited-probation, fails to satisfy any
26 standard under Section 39.054(e) for a student performance
27 indicator under Section 39.053(c)(2), or fails to satisfy financial

1 accountability standards as determined by commissioner rule,
2 appoint a board of managers to exercise the powers and duties of the
3 board of trustees; or

4 (10) if for two consecutive school years, including
5 the current school year, a district has received an accreditation
6 status of accredited-warned or accredited-probation, has failed to
7 satisfy any standard under Section 39.054(e) for a student
8 performance indicator under Section 39.053(c)(2), or has failed to
9 satisfy financial accountability standards as determined by
10 commissioner rule, revoke the district's accreditation and:

11 (A) order closure of the district and annex the
12 district to one or more adjoining districts under Section 13.054;
13 or

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

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

21 ~~[(A) ordering the development of a dropout~~
22 ~~prevention plan for approval by the commissioner,~~

23 ~~[(B) restructuring the district or appropriate~~
24 ~~school campuses to improve identification of and service to~~
25 ~~students who are at risk of dropping out of school, as defined by~~
26 ~~Section 29.081,~~

27 ~~[(C) ordering lower student-to-counselor ratios~~

1 ~~on school campuses with high dropout rates, and~~
2 ~~[(D) ordering the use of any other intervention~~
3 ~~strategy effective in reducing dropout rates, including mentor~~
4 ~~programs and flexible class scheduling].~~

5 SECTION 14. Section 39.103(a), Education Code, is amended
6 to read as follows:

7 (a) If a campus performance is below any standard under
8 Section 39.054(e) for a student performance indicator under Section
9 39.053(c)(2), the commissioner shall take actions, to the extent
10 the commissioner determines necessary, as provided by this
11 subchapter.

12 SECTION 15. Section 39.105(a), Education Code, is amended
13 to read as follows:

14 (a) This section applies if a campus performance satisfies
15 performance standards under Section 39.054(e) for the student
16 performance indicators under Section 39.053(c)(2) for the current
17 school year but would not satisfy performance standards under
18 Section 39.054(e) for those indicators if the standards to be used
19 for the following school year were applied to the current school
20 year. On request of the commissioner, the campus-level committee
21 established under Section 11.251 shall revise and submit to the
22 commissioner in an electronic format the portions of the campus
23 improvement plan developed under Section 11.253 that are relevant
24 to those areas for which the campus would not satisfy performance
25 standards.

26 SECTION 16. Sections 39.106(a) and (e), Education Code, are
27 amended to read as follows:

1 (a) If a campus performance is below any standard under
2 Section [39.054](#)(e) for a student performance indicator under Section
3 [39.053](#)(c)(2), the commissioner shall assign a campus intervention
4 team. A campus intervention team shall:

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

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

10 (B) if the commissioner determines necessary, a
11 comprehensive on-site needs assessment, using the procedures
12 provided by Subsection (b);

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

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

17 (4) conduct a public meeting at the campus with the
18 campus principal, the members of the campus-level planning and
19 decision-making committee established under Section [11.251](#),
20 parents of students attending the campus, and community members
21 residing in the district to review the campus performance rating
22 and solicit input for the development of the targeted improvement
23 plan;

24 (5) assist the campus in submitting the targeted
25 improvement plan to the board of trustees for approval and
26 presenting the plan in a public hearing as provided by Subsection
27 (e-1); and

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

3 (e) For each year a campus is assigned an unacceptable
4 performance rating under the school performance domain under
5 Section 39.053(c)(2), a campus intervention team shall:

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

7 (A) the campus satisfies all performance
8 standards under Section 39.054(e) for the student performance
9 indicators under Section 39.053(c)(2) for a two-year period; or

10 (B) the campus satisfies all performance
11 standards under Section 39.054(e) for the student performance
12 indicators under Section 39.053(c)(2) for a one-year period and the
13 commissioner determines that the campus is operating and will
14 continue to operate in a manner that improves student performance
15 [~~achievement~~];

16 (2) assist in updating the targeted improvement plan
17 to identify and analyze areas of growth and areas that require
18 improvement; and

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

21 SECTION 17. Sections 39.107(a), (a-2), (b), (b-4), (d),
22 (e), (f), and (g-1), Education Code, are amended to read as follows:

23 (a) After a campus has been identified as unacceptable under
24 the school performance domain under Section 39.053(c)(2) for two
25 consecutive school years, the commissioner shall order the campus
26 to prepare and submit a campus turnaround plan. The commissioner
27 shall by rule establish procedures governing the time and manner in

1 which the campus must submit the campus turnaround plan.

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

6 (1) provide notice to parents, the community, and
7 stakeholders that the campus has received an [~~academically~~]
8 unacceptable performance rating under the school performance
9 domain under Section 39.053(c)(2) for two consecutive years and
10 will be required to submit a campus turnaround plan; and

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

13 (b) The school district, in consultation with the campus
14 intervention team, shall prepare the campus turnaround plan and
15 allow parents, the community, and stakeholders an opportunity to
16 review the plan before it is submitted for approval to the board of
17 trustees of the school district. The plan must include details on
18 the method for restructuring, reforming, or reconstituting the
19 campus. If the district determines that granting a district
20 charter under Section 12.0522 is appropriate for the campus, the
21 campus turnaround plan must provide information on the
22 implementation of the district charter. The plan must assist the
23 campus in implementing procedures to satisfy all performance
24 standards required under Section 39.054(e) for the student
25 performance indicators under Section 39.053(c)(2).

26 (b-4) A campus turnaround plan developed under this section
27 must take effect not later than the school year following the third

1 consecutive school year that the campus has received an
2 [~~academically~~] unacceptable performance rating under the school
3 performance domain under Section 39.053(c)(2).

4 (d) The commissioner may approve a campus turnaround plan
5 only if the commissioner determines that the campus will satisfy
6 all [~~student~~] performance standards required under Section
7 39.054(e) for the student performance indicators under Section
8 39.053(c)(2), not later than the second year the campus receives a
9 performance rating under the school performance domain under
10 Section 39.053(c)(2) following the implementation of the campus
11 turnaround plan. If the commissioner does not make this
12 determination, the commissioner shall order:

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

15 (2) alternative management of the campus under this
16 section; or

17 (3) closure of the campus.

18 (e) If a campus is considered to have an unacceptable
19 performance rating under the school performance domain under
20 Section 39.053(c)(2) for three consecutive school years after the
21 campus is ordered to submit a campus turnaround plan under
22 Subsection (a), the commissioner, subject to Subsection (e-2),
23 shall order:

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

26 (2) closure of the campus.

27 (f) Notwithstanding Section 39.112(e), the commissioner may

1 remove a board of managers appointed to govern a district under this
2 section only if the campus that was the basis for the appointment of
3 the board of managers receives an [~~academically~~] acceptable
4 performance rating under the school performance domain under
5 Section 39.053(c)(2) for two consecutive school years. If a campus
6 that was the basis for the appointment of a board of managers
7 receives an [~~academically~~] unacceptable performance rating under
8 the school performance domain under Section 39.053(c)(2) for two
9 additional consecutive years following the appointment of the board
10 of managers, the commissioner may remove the board of managers and,
11 in consultation with the local community, may appoint a new board of
12 managers to govern the district.

13 (g-1) If the commissioner orders alternative management of
14 a campus under Subsection (d)(2), the school district shall execute
15 a contract with a managing entity for a term not to exceed five
16 years. The commissioner may require a district to extend the term
17 of the contract if the commissioner determines that extending the
18 contract on expiration of the initial term is in the best interest
19 of the students attending the campus. The terms of the contract
20 must be approved by the commissioner. If a campus receives an
21 [~~academically~~] unacceptable performance rating under the school
22 performance domain under Section 39.053(c)(2) for two consecutive
23 school years after the managing entity assumes management of the
24 campus, the commissioner shall cancel the contract with the
25 managing entity.

26 SECTION 18. Sections 39.1071(b) and (d), Education Code,
27 are amended to read as follows:

1 (b) If a campus described under Subsection (a) receives an
2 academically unacceptable performance rating for the 2016-2017
3 school year and an unacceptable performance rating under the school
4 performance domain under Section 39.053(c)(2) for the 2017-2018
5 school year ~~[years]~~, the commissioner shall apply the interventions
6 and sanctions authorized by Section 39.107(e) to the campus.

7 (d) If a campus described under Subsection (c) receives an
8 academically unacceptable performance rating for the 2016-2017
9 school year and an unacceptable performance rating under the school
10 performance domain under Section 39.053(c)(2) for the~~[7]~~
11 2017-2018~~[7]~~ and 2018-2019 school years, the commissioner shall
12 apply the interventions and sanctions authorized by Section
13 39.107(e) to the campus.

14 SECTION 19. Section 39.301(b), Education Code, is amended
15 to read as follows:

16 (b) Performance on the indicators adopted under this
17 section shall be evaluated in the same manner provided for
18 evaluation of the achievement indicators under Sections
19 39.053(c)(1), (2), and (3)(B) and (C) ~~[39.053(c)(1)-(4)]~~.

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

22 (20) The report must contain a comparison of the
23 performance of open-enrollment charter schools and school
24 districts on the achievement indicators described by Section
25 39.053(c) and~~[7]~~ the reporting indicators described by Section
26 39.301(c), ~~[and the accountability measures adopted under Section~~
27 ~~39.053(i)]~~ with a separately aggregated comparison of the

1 performance of open-enrollment charter schools predominantly
2 serving students at risk of dropping out of school, as described by
3 Section 29.081(d), with the performance of school districts.

4 SECTION 21. Effective September 1, 2017, Sections
5 39.054(a-1), (a-2), and (c), Education Code, as effective September
6 1, 2017, are repealed.

7 SECTION 22. This Act applies beginning with the 2017-2018
8 school year.

9 SECTION 23. Except as otherwise provided by this Act, this
10 Act takes effect immediately if it receives a vote of two-thirds of
11 all the members elected to each house, as provided by Section 39,
12 Article III, Texas Constitution. If this Act does not receive the
13 vote necessary for immediate effect, this Act takes effect
14 September 1, 2017.