

By: Bailes

H.B. No. 3290

A BILL TO BE ENTITLED

AN ACT

relating to evaluation of public schools.

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

SECTION 1. Section 39.053, Education Code, is amended by amending Subsection (c) and adding Subsection (c-3) to read as follows:

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

(1) in the first domain, the results of:

(A) assessment instruments required under Sections 39.023(a), (c), and (l), 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 Subdivision
7 (1)(A):

8 (i) for the performance standard determined
9 by the commissioner under Section 39.0241(a), the percentage of
10 students who met the standard for annual improvement on the
11 assessment instruments, as determined by the commissioner by rule
12 or by the method for measuring annual improvement under Section
13 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 Subdivision
21 (1)(B), the percentage of students who met the standard for annual
22 improvement on the assessment instruments, as determined by the
23 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, other than academic
2 achievement differentials based on the results of assessment
3 instruments under Subdivision (1) or (2);

4 (4) in the fourth domain:

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

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

12 (ii) high school graduation rates, computed
13 in accordance with standards and definitions adopted in compliance
14 with the Every Student Succeeds Act [~~No Child Left Behind Act of~~
15 ~~2001~~] (20 U.S.C. Section 6301 et seq.);

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

20 (iv) the percentage of students who
21 successfully completed the curriculum requirements for an
22 endorsement under Section 28.025(c-1);

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

25 (vi) the percentage of students who satisfy
26 the Texas Success Initiative (TSI) college readiness benchmarks
27 prescribed by the Texas Higher Education Coordinating Board under

1 Section 51.3062(f) on an assessment instrument in reading, writing,
2 or mathematics designated by the Texas Higher Education
3 Coordinating Board under Section 51.3062(c);

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

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

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

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

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

17 (i) student attendance; and

18 (ii) for middle and junior high school
19 campuses:

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

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

1 Section 28.025(c-1), college readiness standards, and potential
2 career choices and the education needed to enter those careers; and

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

8 (5) in the fifth domain, three programs or specific
9 categories of performance related to community and student
10 engagement locally selected and evaluated as provided by Section
11 39.0546.

12 (c-3) For purposes of evaluating the performance of middle
13 and junior high school and elementary school campuses and school
14 districts that include those campuses under the student attendance
15 indicator under Subsection (c)(4)(B)(i) and assigning a
16 performance rating under Section 39.054, the commissioner may not
17 consider only excessive absences as the performance standard for
18 evaluation.

19 SECTION 2. Effective September 1, 2017, Sections 39.054(a),
20 (a-1), (a-2), and (a-3), Education Code, as effective September 1,
21 2017, are amended to read as follows:

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

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

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

14 (1) ~~[55 percent of the performance evaluation to the~~
15 ~~achievement indicators]~~ for each of the first, second, and third
16 domains under Sections 39.053(c)(1)-(3), 20 percent of the
17 performance evaluation to the achievement indicators in each
18 domain;

19 (2) for middle and junior high school and elementary
20 campuses and districts that include only those campuses, 20 ~~[35]~~
21 percent of the performance evaluation to the applicable achievement
22 indicators for the fourth domain under Section 39.053(c)(4);

23 (3) for high school campuses and districts that
24 include those campuses, 20 ~~[+]~~

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

1 [~~(B) 25~~] percent of the performance evaluation to
2 the [~~remaining~~] applicable achievement indicators for the fourth
3 domain under Section 39.053(c)(4); and

4 (4) 20 [~~10~~] percent of the performance evaluation to
5 the locally selected and evaluated achievement indicators provided
6 for under the fifth domain under Section 39.053(c)(5).

7 (a-2) The commissioner by rule shall adopt procedures to
8 ensure that a repeated performance rating of D or F or unacceptable
9 [~~in one domain~~], particularly performance that is not significantly
10 improving, is reflected in the [~~overall~~] performance rating of a
11 district or campus [~~and is not compensated for by a performance~~
12 ~~rating of A, B, or C in another domain~~].

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

20 SECTION 3. Section 39.054, Education Code, is amended by
21 adding Subsection (b) to read as follows:

22 (b) For purposes of assigning school districts and campuses
23 a performance rating under Subsection (a), the commissioner shall
24 ensure that the method used to evaluate performance:

25 (1) is not implemented in a manner that provides for a
26 specific designated distribution of ratings to districts and
27 campuses under which a designated percentage of districts or

1 campuses receive an A rating or an F rating; and

2 (2) is implemented in a manner that provides the
3 mathematical possibility that all districts and campuses receive an
4 A rating.

5 SECTION 4. Subchapter C, Chapter 39, Education Code, is
6 amended by adding Section 39.0542 to read as follows:

7 Sec. 39.0542. EXPLANATORY MATERIALS FOR ACCOUNTABILITY
8 RATING SYSTEM. (a) Not later than October 1 of each school year,
9 the commissioner shall provide each school district a document in a
10 simple, accessible format that explains the accountability
11 performance measures, methods, and procedures that will be applied
12 for that school year in assigning each school district and campus a
13 performance rating under Section 39.054.

14 (b) The document provided under Subsection (a) must be
15 provided in a format that a school district is able to easily
16 distribute to parents of students enrolled in the district and
17 other interested members of the public.

18 SECTION 5. Section 39.0546, Education Code, is amended to
19 read as follows:

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

22 (a) For purposes of including the local evaluation of districts
23 and campuses under Section 39.053(c)(5) and assigning a performance
24 [~~an overall~~] rating under Section 39.054, before the beginning of
25 each school year:

26 (1) each school district shall:

27 (A) select and report to the agency three

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

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

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

10 (2) each campus shall:

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

16 (B) submit to the agency the criteria the campus
17 will use to evaluate campus performance and assign the campus a
18 performance rating; and

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

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

1 ~~overall or a~~] program or category performance rating of C reflects
2 acceptable performance. A [~~An overall or a~~] program or category
3 performance rating of D or F reflects unacceptable performance.

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

9 SECTION 6. Subchapter C, Chapter 39, Education Code, is
10 amended by adding Section 39.0549 to read as follows:

11 Sec. 39.0549. EVALUATION OF CERTAIN SCHOOL DISTRICTS WITH
12 CERTAIN RAPIDLY GROWING POPULATIONS. (a) This section applies
13 only to a school district that experiences an increase in student
14 enrollment from one school year to the next, at least 15 percent of
15 which is comprised exclusively of students of limited English
16 proficiency, as defined by Section 29.052.

17 (b) The commissioner by rule shall develop an alternative
18 method for evaluating and assigning a performance rating to school
19 districts subject to this section and campuses in those districts.

20 (c) Methods the commissioner may use for alternative
21 evaluation as authorized by this section include, for purposes of
22 assigning a performance rating under Section 39.054:

23 (1) excluding the achievement indicators under
24 Section 39.053(c)(1); or

25 (2) excluding the achievement indicators under
26 Section 39.053(c)(1) or (2), whichever set of indicators has the
27 most negative impact on the performance rating of the district or

1 campus.

2 SECTION 7. Section 39.301(d), Education Code, is amended to
3 read as follows:

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

13 SECTION 8. If there is a conflict between the changes in law
14 made by this Act and a federal law or regulation, the commissioner
15 of education shall seek a waiver from the application of the
16 conflicting federal law or regulation. In seeking a waiver, the
17 commissioner shall submit all relevant data for considering the
18 waiver application.

19 SECTION 9. This Act applies beginning with the 2017-2018
20 school year.

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