

By: Taylor of Galveston

S.B. No. 2051

A BILL TO BE ENTITLED

AN ACT

relating to evaluating public school performance.

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 all appropriate achievement indicators for all student

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

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

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

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

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

14 (ii) conflict resolution programs;

15 (iii) violence prevention programs; and

16 (iv) dyslexia treatment programs;

17 (C) dropout reduction;

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

20 (E) discipline management;

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

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

26 (H) accelerated education;

27 (4) strategies for providing to middle school, junior

1 high school, and high school students, those students' teachers and  
2 school counselors, and those students' parents information about:

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

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

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

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

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

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

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

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

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

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

25 (c) Each school year, the principal of each school campus,  
26 with the assistance of the campus-level committee, shall develop,  
27 review, and revise the campus improvement plan for the purpose of

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

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

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

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

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

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

25 (a) A student is eligible to receive a public education  
26 grant or to attend another public school in the district in which  
27 the student resides under this subchapter if the student is

1 assigned to attend a public school campus[+]

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

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

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

11 Sec. 39.0211. RULES. The commissioner may adopt rules as  
12 necessary to administer this chapter.

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

15 (b) In determining the accreditation status of a school  
16 district, the commissioner:

17 (1) shall evaluate and consider:

18 (A) performance on achievement indicators  
19 described by Section 39.053 [~~39.053(c)~~]; and

20 (B) performance under the financial  
21 accountability rating system developed under Subchapter D; and

22 (2) may evaluate and consider:

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

27 (i) reporting data through the Public

1 Education Information Management System (PEIMS) or other reports  
2 required by state or federal law or court order;

3 (ii) the high school graduation  
4 requirements under Section 28.025; or

5 (iii) an item listed under Sections  
6 7.056(e)(3)(C)-(I) that applies to the district;

7 (B) the effectiveness of the district's programs  
8 for special populations; and

9 (C) the effectiveness of the district's career  
10 and technology program.

11 SECTION 8. Section 39.053, Education Code, is amended by  
12 amending Subsections (a), (a-1), (b), (c), (d-1), (f), (g), (g-1),  
13 (g-2), and (i) and adding Subsection (c-3) to read as follows:

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

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

23 (1) improving student preparedness for success in:

24 (A) subsequent grade levels; and

25 (B) entering the workforce, the military, or  
26 postsecondary education;

27 (2) reducing, with the goal of eliminating, student

1 academic achievement differentials among students from different  
2 racial and ethnic groups and socioeconomic backgrounds; and

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

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

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

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

19 (A) for evaluating the performance of districts  
20 and campuses generally:

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

27 (a) [~~(i)~~] for the performance

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

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

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

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

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

26 (ii) students who satisfy relevant  
27 performance standards on advanced placement tests or similar



1 assessments;  
2 (iii) students who earn dual course credits  
3 in the dual credit courses;  
4 (iv) students who enlist in the armed  
5 forces of the United States;  
6 (v) students who earn industry  
7 certifications;  
8 (vi) students admitted into postsecondary  
9 industry certification programs that require as a prerequisite for  
10 entrance successful performance at the secondary level;  
11 (vii) students whose successful completion  
12 of a course or courses under Section 28.014 indicates the student's  
13 preparation to enroll and succeed, without remediation, in an  
14 entry-level general education course for a baccalaureate degree or  
15 associate degree; and  
16 (viii) students who successfully met  
17 standards on a composite of indicators that through research  
18 indicates the student's preparation to enroll and succeed, without  
19 remediation, in an entry-level general education course for a  
20 baccalaureate degree or associate degree; and  
21 (ix) high school graduation rates, computed  
22 in accordance with standards and definitions adopted in compliance  
23 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)  
24 subject to the exclusions provided by Subsections (g), (g-1),  
25 (g-2), and (g-3);  
26 (2) in the school performance [~~second~~] domain,  
27 indicators of student performance, which may include:

1 (A) for assessment instruments, including  
2 assessment instruments under Subdivisions (1)(A)(i) and (ii)  
3 ~~[Subdivision (1)(A):~~

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

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

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

25 ~~[(3) in the third domain, the student academic~~  
26 ~~achievement differentials among students from different racial and~~  
27 ~~ethnic groups and socioeconomic backgrounds,~~

1           ~~[(4) in the fourth domain;~~

2                   ~~[(A) for evaluating the performance of high~~  
3 ~~school campuses and districts that include high school campuses;~~

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

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

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

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

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

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

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

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

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

9                   ~~[(x) the percentage of students who earn an~~  
10 ~~industry certification,~~

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

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

15                   ~~[(ii) for middle and junior high school~~  
16 ~~campuses:~~

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

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

27                   ~~[(C) any additional indicators of student~~

1 ~~achievement not associated with performance on standardized~~  
2 ~~assessment instruments determined appropriate for consideration by~~  
3 ~~the commissioner in consultation with educators, parents, business~~  
4 ~~and industry representatives, and employers]; and~~

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

7 (A) three programs or specific categories of  
8 performance related to community and student engagement locally  
9 selected and evaluated as provided by Section 39.0546;

10 (B) the percentage of students who successfully  
11 complete varied, rigorous, and relevant curricular options that  
12 lead to postsecondary success, including successfully completing  
13 advanced placement courses or other similar courses; and

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

17 (c-3) For purposes of Subsection (c), the commissioner, to  
18 the extent feasible, shall determine a method by which the  
19 performance of students who have been continuously enrolled in a  
20 school district or at a district campus, as applicable, as  
21 determined by continuous enrollment criteria established by the  
22 commissioner, shall be given greater weight in determining the  
23 overall and domain performance rating of the district or campus  
24 under Section 39.054 than the performance of students who do not  
25 meet the continuous enrollment criteria established by the  
26 commissioner.

27 (d-1) In aggregating results of assessment instruments

1 across grade levels by subject in accordance with Subsections  
2 [~~Subsection~~] (c)(1)(i) and (ii), the performance of a student  
3 enrolled below the high school level on an assessment instrument  
4 required under Section 39.023(c) is included with results relating  
5 to other students enrolled at the same grade level.

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

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

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

26 (g) In computing [~~defining the required state standard for~~  
27 ~~the~~] dropout and completion rates such as high school graduation

1 rates under Subsection (c)(1)(B)(ix) [~~rate indicator described by~~  
2 ~~Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner may not  
3 consider as a dropout a student whose failure to attend school  
4 results from:

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

6 (2) as applicable:

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

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

12 (g-1) In computing dropout and completion rates such as high  
13 school graduation rates under Subsection (c)(1)(B)(ix)  
14 [~~Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner shall  
15 exclude:

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

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

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

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

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

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

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

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

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

19 (3) are enrolled and receiving individualized  
20 education program services.

21 (i) Each school district shall submit the data required for  
22 the indicators adopted under this section to the [The] commissioner  
23 [~~by rule shall adopt accountability measures to be used in~~  
24 ~~assessing the progress of students who have failed to perform~~  
25 ~~satisfactorily as determined by the commissioner under Section~~  
26 ~~39.0241(a) or under the college readiness standard as determined~~  
27 ~~under Section 39.0241 in the preceding school year on an assessment~~



1 ~~instrument required under Section 39.023(a), (c), or (1)].~~

2 SECTION 9. Sections 39.054(a), (a-1), (a-2), (a-3), (c),  
3 and (e), Education Code, as effective on September 1, 2017, are  
4 amended to read as follows:

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

22 (a-1) For purposes of assigning a domain [~~an overall~~]  
23 performance rating under Subsection (a) for the school climate  
24 domain, the commissioner shall attribute 50[~~+~~

25 [~~(1) 55~~] percent of the domain performance rating  
26 [~~evaluation~~] to the achievement indicator [~~indicators for the~~  
27 ~~first, second, and third domains~~] under Section 39.053(c)(3)(A)

1 ~~[Sections 39.053(c)(1)-(3),~~

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

6 ~~[(3) for high school campuses and districts that~~  
7 ~~include those campuses:~~

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

11 ~~[(B) 25 percent to the remaining applicable~~  
12 ~~achievement indicators for the fourth domain under Section~~  
13 ~~39.053(c)(4), and~~

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

17 (a-2) The commissioner by rule may ~~[shall]~~ adopt procedures  
18 to ensure that a repeated performance rating of D or F or  
19 unacceptable in one domain, particularly performance that is not  
20 significantly improving, is reflected in the overall performance  
21 rating of a district or campus and is not compensated for by a  
22 performance rating of A, B, or C in another domain.

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

1 ~~notify the district of a subsequent such designation on or before~~  
2 ~~June 15.]~~

3 (c) In evaluating school district and campus performance  
4 ~~[on the achievement indicators for student performance on~~  
5 ~~assessment instruments adopted under Sections 39.053(c)(1) and (2)~~  
6 ~~and the dropout rate indicator adopted]~~ under Subsection (a)  
7 ~~[Sections 39.053(c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner  
8 shall determine a method by which the overall performance rating of  
9 a school district or campus is adjusted to more accurately reflect  
10 the overall performance of the district or campus if the  
11 performance of the district or campus on the performance indicators  
12 for a domain disaggregated by race, ethnicity, socioeconomic  
13 status, or other factors does not meet the standards established  
14 ~~[define acceptable performance as meeting the state standard~~  
15 ~~determined]~~ by the commissioner ~~[under Section 39.053(f) for the~~  
16 ~~current school year based on:~~

17 ~~[(1) student performance in the current school year,~~  
18 ~~or~~

19 ~~[(2) student performance as averaged over the current~~  
20 ~~school year and the preceding two school years].~~

21 (e) Each annual performance review under this section shall  
22 include an analysis of the achievement indicators adopted under  
23 Section 39.053, including Subsection (c) of that section, ~~[Sections~~  
24 ~~39.053(c)(1)-(4)]~~ to determine school district and campus  
25 performance in relation to standards established for each  
26 indicator.

27 SECTION 10. Section 39.054(f), Education Code, as effective

1 September 1, 2017, is transferred to Section 39.053, Education  
2 Code, redesignated as Section 39.053(g-3), Education Code, and  
3 amended to read as follows:

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

17 SECTION 11. Subchapter C, Chapter 39, Education Code, is  
18 amended by adding Section 39.0541 to read as follows:

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

23 SECTION 12. Section 39.0546(a), Education Code, is amended  
24 to read as follows:

25 (a) For purposes of including the local evaluation of  
26 districts and campuses under Section 39.053(c)(3)(A)  
27 [~~39.053(c)(5)~~] and assigning 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 SECTION 13. Sections 39.0548(b), (c), and (d), Education  
25 Code, are amended to read as follows:

26 (b) Notwithstanding Section 39.053(c)(1)(B)(ix)  
27 [~~39.053(c)(4)(A)(i)~~], the commissioner shall use the alternative

1 completion rate under this subsection to determine the graduation  
 2 [~~dropout~~] rate indicator under Section 39.053(c)(1)(B)(ix)  
 3 [~~39.053(c)(4)(A)(i)~~] for a dropout recovery school. The  
 4 alternative completion rate shall be the ratio of the total number  
 5 of students who graduate, continue attending school into the next  
 6 academic year, or receive a high school equivalency certificate to  
 7 the total number of students in the longitudinal cohort of  
 8 students.

9 (c) Notwithstanding Section 39.053(c)(1)(B)(ix)  
 10 [~~39.053(c)(4)(A)(i)~~], in determining the performance rating under  
 11 Section 39.054 of a dropout recovery school, the commissioner shall  
 12 include any student described by Section 39.053(g-1) who graduates  
 13 or receives a high school equivalency certificate.

14 (d) Notwithstanding Section 39.053(c), for purposes of  
 15 evaluating a dropout recovery school under the accountability  
 16 procedures adopted by the commissioner to determine the performance  
 17 rating of the school under Section 39.054, [~~+~~

18 [~~(1)~~] only the best result from the primary  
 19 administration or any retake of an assessment instrument  
 20 administered to a student in the school year evaluated may be  
 21 considered [~~, and~~

22 [~~(2) only a student enrolled continuously for at least~~  
 23 ~~90 days during the school year evaluated may be considered]~~.

24 SECTION 14. Section 39.055, Education Code, is amended to  
 25 read as follows:

26 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT  
 27 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY

1 PURPOSES. Notwithstanding any other provision of this code except  
2 to the extent otherwise provided under Section 39.053(g-3)  
3 [~~39.054(f)~~], for purposes of determining the performance of a  
4 school district, campus, or open-enrollment charter school under  
5 this chapter, a student ordered by a juvenile court into a  
6 residential program or facility operated by or under contract with  
7 the Texas Juvenile Justice Department, a juvenile board, or any  
8 other governmental entity or any student who is receiving treatment  
9 in a residential facility is not considered to be a student of the  
10 school district in which the program or facility is physically  
11 located or of an open-enrollment charter school, as  
12 applicable. The performance of such a student on an assessment  
13 instrument or other achievement indicator adopted under Section  
14 39.053 or reporting indicator adopted under Section 39.301 shall be  
15 determined, reported, and considered separately from the  
16 performance of students attending a school of the district in which  
17 the program or facility is physically located or an open-enrollment  
18 charter school, as applicable.

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

21 (b) Performance on the indicators adopted under this  
22 section shall be evaluated in the same manner provided for  
23 evaluation of the achievement indicators under Sections  
24 39.053(c)(1), (2), and (3)(B) and (C) [~~39.053(c)(1)-(4)~~].

25 SECTION 16. This Act applies beginning with the 2017-2018  
26 school year.

27 SECTION 17. Except as otherwise provided by this Act, this

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