

1-1 By: Taylor of Galveston S.B. No. 2051
1-2 (In the Senate - Filed March 10, 2017; March 28, 2017, read
1-3 first time and referred to Committee on Education; May 15, 2017,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 11, Nays 0; May 15, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 2051 By: Bettencourt

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to evaluating public school performance.
1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24 SECTION 1. Section 11.252(a), Education Code, is amended to
1-25 read as follows:
1-26 (a) Each school district shall have a district improvement
1-27 plan that is developed, evaluated, and revised annually, in
1-28 accordance with district policy, by the superintendent with the
1-29 assistance of the district-level committee established under
1-30 Section 11.251. The purpose of the district improvement plan is to
1-31 guide district and campus staff in the improvement of student
1-32 performance for all student groups in order to attain state
1-33 standards in respect to the achievement indicators adopted under
1-34 Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~]. The district
1-35 improvement plan must include provisions for:
1-36 (1) a comprehensive needs assessment addressing
1-37 district student performance on the achievement indicators, and
1-38 other appropriate measures of performance, that are disaggregated
1-39 by all student groups served by the district, including categories
1-40 of ethnicity, socioeconomic status, sex, and populations served by
1-41 special programs, including students in special education programs
1-42 under Subchapter A, Chapter 29;
1-43 (2) measurable district performance objectives for
1-44 all appropriate achievement indicators for all student
1-45 populations, including students in special education programs
1-46 under Subchapter A, Chapter 29, and other measures of student
1-47 performance that may be identified through the comprehensive needs
1-48 assessment;
1-49 (3) strategies for improvement of student performance
1-50 that include:
1-51 (A) instructional methods for addressing the
1-52 needs of student groups not achieving their full potential;
1-53 (B) methods for addressing the needs of students
1-54 for special programs, including:
1-55 (i) suicide prevention programs, in
1-56 accordance with Subchapter O-1, Chapter 161, Health and Safety
1-57 Code, which includes a parental or guardian notification procedure;
1-58 (ii) conflict resolution programs;
1-59 (iii) violence prevention programs; and
1-60 (iv) dyslexia treatment programs;

2-1 (C) dropout reduction;
 2-2 (D) integration of technology in instructional
 2-3 and administrative programs;
 2-4 (E) discipline management;
 2-5 (F) staff development for professional staff of
 2-6 the district;
 2-7 (G) career education to assist students in
 2-8 developing the knowledge, skills, and competencies necessary for a
 2-9 broad range of career opportunities; and
 2-10 (H) accelerated education;
 2-11 (4) strategies for providing to middle school, junior
 2-12 high school, and high school students, those students' teachers and
 2-13 school counselors, and those students' parents information about:
 2-14 (A) higher education admissions and financial
 2-15 aid opportunities;
 2-16 (B) the TEXAS grant program and the Teach for
 2-17 Texas grant program established under Chapter 56;
 2-18 (C) the need for students to make informed
 2-19 curriculum choices to be prepared for success beyond high school;
 2-20 and
 2-21 (D) sources of information on higher education
 2-22 admissions and financial aid;
 2-23 (5) resources needed to implement identified
 2-24 strategies;
 2-25 (6) staff responsible for ensuring the accomplishment
 2-26 of each strategy;
 2-27 (7) timelines for ongoing monitoring of the
 2-28 implementation of each improvement strategy;
 2-29 (8) formative evaluation criteria for determining
 2-30 periodically whether strategies are resulting in intended
 2-31 improvement of student performance; and
 2-32 (9) the policy under Section 38.0041 addressing sexual
 2-33 abuse and other maltreatment of children.
 2-34 SECTION 2. Section 11.253(c), Education Code, is amended to
 2-35 read as follows:
 2-36 (c) Each school year, the principal of each school campus,
 2-37 with the assistance of the campus-level committee, shall develop,
 2-38 review, and revise the campus improvement plan for the purpose of
 2-39 improving student performance for all student populations,
 2-40 including students in special education programs under Subchapter
 2-41 A, Chapter 29, with respect to the achievement indicators adopted
 2-42 under Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~] and any other
 2-43 appropriate performance measures for special needs populations.
 2-44 SECTION 3. Section 12.1013(c), Education Code, is amended
 2-45 to read as follows:
 2-46 (c) The report must include the performance of each public
 2-47 school in each class described by Subsection (b) as measured by the
 2-48 achievement indicators adopted under Section 39.053(c) [~~Sections~~
 2-49 ~~39.053(c)(1)-(4)~~] and student attrition rates.
 2-50 SECTION 4. Section 29.062(a), Education Code, is amended to
 2-51 read as follows:
 2-52 (a) The legislature recognizes that compliance with this
 2-53 subchapter is an imperative public necessity. Therefore, in
 2-54 accordance with the policy of the state, the agency shall evaluate
 2-55 the effectiveness of programs under this subchapter based on the
 2-56 achievement indicators adopted under Section 39.053(c) [~~Sections~~
 2-57 ~~39.053(c)(1)-(4)~~], including the results of assessment
 2-58 instruments. The agency may combine evaluations under this section
 2-59 with federal accountability measures concerning students of
 2-60 limited English proficiency.
 2-61 SECTION 5. Section 29.202(a), Education Code, is amended to
 2-62 read as follows:
 2-63 (a) A student is eligible to receive a public education
 2-64 grant or to attend another public school in the district in which
 2-65 the student resides under this subchapter if the student is
 2-66 assigned to attend a public school campus issued an unacceptable
 2-67 performance rating made publicly available under Section 39.054 [+
 2-68 ~~(1) at which 50 percent or more of the students did~~
 2-69 ~~not perform satisfactorily on an assessment instrument~~

3-1 administered under Section 39.023(a) or (c) in any two of the
3-2 preceding three years; or
3-3 [(2) that, at any time in the preceding three years,
3-4 failed to satisfy any standard under Section 39.054(e)].

3-5 SECTION 6. Chapter 39, Education Code, is amended by adding
3-6 Subchapter A to read as follows:

3-7 SUBCHAPTER A. GENERAL PROVISIONS

3-8 Sec. 39.001. RULES. The commissioner may adopt rules as
3-9 necessary to administer this chapter.

3-10 Sec. 39.002. ADVISORY COMMITTEE. An advisory committee
3-11 appointed under this chapter is not subject to Chapter 2110,
3-12 Government Code.

3-13 SECTION 7. Section 39.052(b), Education Code, is amended to
3-14 read as follows:

3-15 (b) In determining the accreditation status of a school
3-16 district, the commissioner:

3-17 (1) shall evaluate and consider:
3-18 (A) performance on achievement indicators
3-19 described by Section 39.053 [~~39.053~~(e)]; and

3-20 (B) performance under the financial
3-21 accountability rating system developed under Subchapter D; and

3-22 (2) may evaluate and consider:

3-23 (A) the district's compliance with statutory
3-24 requirements and requirements imposed by rule of the commissioner
3-25 or State Board of Education under specific statutory authority that
3-26 relate to:

3-27 (i) reporting data through the Public
3-28 Education Information Management System (PEIMS) or other reports
3-29 required by state or federal law or court order;

3-30 (ii) the high school graduation
3-31 requirements under Section 28.025; or

3-32 (iii) an item listed under Sections
3-33 7.056(e)(3)(C)-(I) that applies to the district;

3-34 (B) the effectiveness of the district's programs
3-35 for special populations; and

3-36 (C) the effectiveness of the district's career
3-37 and technology program.

3-38 SECTION 8. Section 39.053, Education Code, is amended by
3-39 amending Subsections (a), (a-1), (b), (c), (d-1), (f), (g), (g-1),
3-40 (g-2), and (i) and adding Subsection (c-3) to read as follows:

3-41 (a) The commissioner shall adopt a set of indicators,
3-42 including indicators under Subsection (c), of the quality of
3-43 learning and achievement. The commissioner [~~biennially~~] shall
3-44 periodically review the indicators for the consideration of
3-45 appropriate revisions.

3-46 (a-1) The indicators adopted by the commissioner under
3-47 Subsection (a) [~~, including the indicators identified under~~
3-48 ~~Subsection (c),~~] must measure and evaluate school districts and
3-49 campuses with respect to:

3-50 (1) improving student preparedness for success in:

3-51 (A) subsequent grade levels; and
3-52 (B) entering the workforce, the military, or

3-53 postsecondary education;

3-54 (2) reducing, with the goal of eliminating, student
3-55 academic achievement differentials among students from different
3-56 racial and ethnic groups and socioeconomic backgrounds; and

3-57 (3) informing parents and the community regarding
3-58 campus and district performance [~~in the domains described by~~
3-59 ~~Subsection (c) and, for the domain described by Subsection (c)(5),~~
3-60 ~~in accordance with local priorities and preferences]~~.

3-61 (b) Performance on the achievement indicators adopted under
3-62 Subsections (c)(1), (2), (3), and (4)(B) and (C) [~~(c)(1)-(4)~~] shall
3-63 be compared to state-established standards. The indicators in
3-64 Subsection (c)(3) must be based on information that is
3-65 disaggregated by race, ethnicity, and socioeconomic status.

3-66 (c) School districts and campuses must be evaluated based on
3-67 four [~~five~~] domains of indicators of achievement adopted under this
3-68 section that include:

3-69 (1) in the student achievement [~~first~~] domain,

4-1 indicators of student achievement that may include ~~the results~~
4-2 ~~of~~:

4-3 (A) for evaluating the performance of districts
4-4 and campuses generally:

4-5 (i) an indicator that accounts for the
4-6 results of assessment instruments required under Sections
4-7 39.023(a), (c), and (l), as applicable for the district and campus,
4-8 including the results of assessment instruments required for
4-9 graduation retaken by a student, aggregated across grade levels by
4-10 subject area, including:

4-11 (a) ~~(i)~~ for the performance
4-12 standard determined by the commissioner under Section 39.0241(a),
4-13 the percentage of students who performed satisfactorily on the
4-14 assessment instruments, aggregated across grade levels by subject
4-15 area; and

4-16 (b) ~~(ii)~~ for the college readiness
4-17 performance standard as determined under Section 39.0241, the
4-18 percentage of students who performed satisfactorily on the
4-19 assessment instruments, aggregated across grade levels by subject
4-20 area; and

4-21 (ii) an indicator that accounts for the
4-22 results of ~~(B)~~ assessment instruments required under Section
4-23 39.023(b), as applicable for the district and campus, ~~aggregated~~
4-24 ~~across grade levels by subject area,~~ including the percentage of
4-25 students who performed satisfactorily on the assessment
4-26 instruments, as determined by the performance standard adopted by
4-27 the agency, aggregated across grade levels by subject area; and

4-28 (B) for evaluating the performance of high school
4-29 campuses and districts that include high school campuses,
4-30 indicators that account for:

4-31 (i) students who satisfy the Texas Success
4-32 Initiative (TSI) college readiness benchmarks prescribed by the
4-33 Texas Higher Education Coordinating Board under Section 51.3062(f)
4-34 on an assessment instrument in reading or mathematics designated by
4-35 the Texas Higher Education Coordinating Board under Section
4-36 51.3062(c);

4-37 (ii) students who satisfy relevant
4-38 performance standards on advanced placement tests or similar
4-39 assessments;

4-40 (iii) students who earn dual course credits
4-41 in the dual credit courses;

4-42 (iv) students who enlist in the armed
4-43 forces of the United States;

4-44 (v) students who earn industry
4-45 certifications;

4-46 (vi) students admitted into postsecondary
4-47 industry certification programs that require as a prerequisite for
4-48 entrance successful performance at the secondary level;

4-49 (vii) students whose successful completion
4-50 of a course or courses under Section 28.014 indicates the student's
4-51 preparation to enroll and succeed, without remediation, in an
4-52 entry-level general education course for a baccalaureate degree or
4-53 associate degree;

4-54 (viii) students who successfully met
4-55 standards on a composite of indicators that through research
4-56 indicates the student's preparation to enroll and succeed, without
4-57 remediation, in an entry-level general education course for a
4-58 baccalaureate degree or associate degree; and

4-59 (ix) high school graduation rates, computed
4-60 in accordance with standards and definitions adopted in compliance
4-61 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)
4-62 subject to the exclusions provided by Subsections (g), (g-1),
4-63 (g-2), and (g-3);

4-64 (2) in the school performance ~~second~~ domain,
4-65 indicators of student performance, which may include:

4-66 (A) for assessment instruments, including
4-67 assessment instruments under Subdivisions (1)(A)(i) and (ii)
4-68 ~~Subdivision (1)(A).~~

4-69 ~~(i) for the performance standard~~

5-1 ~~determined by the commissioner under Section 39.0241(a)], the~~
5-2 ~~percentage of students who met the standard for [annual]~~
5-3 ~~improvement [on the assessment instruments,] as determined by the~~
5-4 ~~commissioner [by rule or by the method for measuring annual~~
5-5 ~~improvement under Section 39.034, aggregated across grade levels by~~
5-6 ~~subject area; and~~
5-7 ~~[(ii) for the college readiness performance~~
5-8 ~~standard as determined under Section 39.0241, the percentage of~~
5-9 ~~students who met the standard for annual improvement on the~~
5-10 ~~assessment instruments, as determined by the commissioner by rule~~
5-11 ~~or by the method for measuring annual improvement under Section~~
5-12 ~~39.034, aggregated across grade levels by subject area]; and~~
5-13 ~~(B) for overall student performance, the~~
5-14 ~~performance of districts or campuses compared to similar districts~~
5-15 ~~or campuses [for assessment instruments under Subdivision (1)(B),~~
5-16 ~~the percentage of students who met the standard for annual~~
5-17 ~~improvement on the assessment instruments, as determined by the~~
5-18 ~~commissioner by rule or by the method for measuring annual~~
5-19 ~~improvement under Section 39.034, aggregated across grade levels by~~
5-20 ~~subject area];~~
5-21 ~~(3) in the closing-the-gaps [third] domain, the~~
5-22 ~~student academic achievement differentials among students,~~
5-23 ~~including the differentials among students from different racial~~
5-24 ~~and ethnic groups and socioeconomic backgrounds;~~
5-25 ~~[(4) in the fourth domain:~~
5-26 ~~[(A) for evaluating the performance of high~~
5-27 ~~school campuses and districts that include high school campuses:~~
5-28 ~~[(i) dropout rates, including dropout rates~~
5-29 ~~and district completion rates for grade levels 9 through 12,~~
5-30 ~~computed in accordance with standards and definitions adopted by~~
5-31 ~~the National Center for Education Statistics of the United States~~
5-32 ~~Department of Education;~~
5-33 ~~[(ii) high school graduation rates,~~
5-34 ~~computed in accordance with standards and definitions adopted in~~
5-35 ~~compliance with the No Child Left Behind Act of 2001 (20 U.S.C.~~
5-36 ~~Section 6301 et seq.);~~
5-37 ~~[(iii) the percentage of students who~~
5-38 ~~successfully completed the curriculum requirements for the~~
5-39 ~~distinguished level of achievement under the foundation high school~~
5-40 ~~program;~~
5-41 ~~[(iv) the percentage of students who~~
5-42 ~~successfully completed the curriculum requirements for an~~
5-43 ~~endorsement under Section 28.025(c-1);~~
5-44 ~~[(v) the percentage of students who~~
5-45 ~~completed a coherent sequence of career and technical courses;~~
5-46 ~~[(vi) the percentage of students who~~
5-47 ~~satisfy the Texas Success Initiative (TSI) college readiness~~
5-48 ~~benchmarks prescribed by the Texas Higher Education Coordinating~~
5-49 ~~Board under Section 51.3062(f) on an assessment instrument in~~
5-50 ~~reading, writing, or mathematics designated by the Texas Higher~~
5-51 ~~Education Coordinating Board under Section 51.3062(c);~~
5-52 ~~[(vii) the percentage of students who earn~~
5-53 ~~at least 12 hours of postsecondary credit required for the~~
5-54 ~~foundation high school program under Section 28.025 or to earn an~~
5-55 ~~endorsement under Section 28.025(c-1);~~
5-56 ~~[(viii) the percentage of students who have~~
5-57 ~~completed an advanced placement course;~~
5-58 ~~[(ix) the percentage of students who enlist~~
5-59 ~~in the armed forces of the United States; and~~
5-60 ~~[(x) the percentage of students who earn an~~
5-61 ~~industry certification;~~
5-62 ~~[(B) for evaluating the performance of middle and~~
5-63 ~~junior high school and elementary school campuses and districts~~
5-64 ~~that include those campuses:~~
5-65 ~~[(i) student attendance; and~~
5-66 ~~[(ii) for middle and junior high school~~
5-67 ~~campuses:~~
5-68 ~~[(a) dropout rates, computed in the~~
5-69 ~~manner described by Paragraph (A)(i); and~~

6-1 ~~[(b) the percentage of students in~~
6-2 ~~grades seven and eight who receive instruction in preparing for~~
6-3 ~~high school, college, and a career that includes information~~
6-4 ~~regarding the creation of a high school personal graduation plan~~
6-5 ~~under Section 28.02121, the distinguished level of achievement~~
6-6 ~~described by Section 28.025(b-15), each endorsement described by~~
6-7 ~~Section 28.025(c-1), college readiness standards, and potential~~
6-8 ~~career choices and the education needed to enter those careers; and~~
6-9 ~~[(C) any additional indicators of student~~
6-10 ~~achievement not associated with performance on standardized~~
6-11 ~~assessment instruments determined appropriate for consideration by~~
6-12 ~~the commissioner in consultation with educators, parents, business~~
6-13 ~~and industry representatives, and employers;] and~~
6-14 (4) [(5)] in the school climate [fifth] domain,
6-15 indicators of school climate, which may include:
6-16 (A) three programs or specific categories of
6-17 performance related to community and student engagement locally
6-18 selected and evaluated as provided by Section 39.0546;
6-19 (B) the percentage of students who successfully
6-20 complete varied, rigorous, and relevant curricular options that
6-21 lead to postsecondary success, including successfully completing
6-22 advanced placement courses or other similar courses; and
6-23 (C) the percentage of students who successfully
6-24 complete a coherent sequence of:
6-25 (i) career and technical courses that lead
6-26 to industry certifications or college credit; or
6-27 (ii) fine arts courses.
6-28 (c-3) For purposes of Subsection (c), the commissioner, to
6-29 the extent feasible, shall determine a method by which the
6-30 performance of students who have been continuously enrolled in a
6-31 school district or at a district campus, as applicable, as
6-32 determined by continuous enrollment criteria established by the
6-33 commissioner, shall be given greater weight in determining the
6-34 overall and domain performance rating of the district or campus
6-35 under Section 39.054 than the performance of students who do not
6-36 meet the continuous enrollment criteria established by the
6-37 commissioner.
6-38 (d-1) In aggregating results of assessment instruments
6-39 across grade levels by subject in accordance with Subsections
6-40 [Subsection] (c)(1)(A)(i) and (ii), the performance of a student
6-41 enrolled below the high school level on an assessment instrument
6-42 required under Section 39.023(c) is included with results relating
6-43 to other students enrolled at the same grade level.
6-44 (f) Annually, the commissioner shall define the state
6-45 standard for the current school year for each achievement indicator
6-46 adopted under this section. In consultation with educators,
6-47 parents, and business and industry representatives, as necessary,
6-48 the commissioner shall establish and modify standards to
6-49 continuously improve student performance to achieve the goals of
6-50 eliminating achievement gaps based on race, ethnicity, and
6-51 socioeconomic status and to ensure Texas is a national leader in
6-52 preparing students for postsecondary success [described by
6-53 Subsections (c)(1)-(4) and shall project the state standards for
6-54 each indicator for the following two school years. The
6-55 commissioner shall periodically raise the state standards for the
6-56 college readiness achievement indicator described by Subsection
6-57 (c)(1)(A)(ii) for accreditation as necessary to reach the goals of
6-58 achieving, by not later than the 2019-2020 school year:
6-59 [(1) student performance in this state, disaggregated
6-60 by race, ethnicity, and socioeconomic status, that ranks nationally
6-61 in the top 10 states in terms of college readiness; and
6-62 [(2) student performance with no significant
6-63 achievement gaps by race, ethnicity, and socioeconomic status].
6-64 (g) In computing [defining the required state standard for
6-65 the] dropout and completion rates such as high school graduation
6-66 rates under Subsection (c)(1)(B)(ix) [rate indicator described by
6-67 Subsections (c)(4)(A)(i) and (B)(ii)(a)], the commissioner may not
6-68 consider as a dropout a student whose failure to attend school
6-69 results from:

7-1 (1) the student's expulsion under Section 37.007; and
7-2 (2) as applicable:
7-3 (A) adjudication as having engaged in delinquent
7-4 conduct or conduct indicating a need for supervision, as defined by
7-5 Section 51.03, Family Code; or
7-6 (B) conviction of and sentencing for an offense
7-7 under the Penal Code.

7-8 (g-1) In computing dropout and completion rates such as high
7-9 school graduation rates under Subsection (c)(1)(B)(ix)
7-10 [~~Subsections (c)(4)(A)(i) and (B)(ii)(a)~~], the commissioner shall
7-11 exclude:

7-12 (1) students who are ordered by a court to attend a
7-13 high school equivalency certificate program but who have not yet
7-14 earned a high school equivalency certificate;

7-15 (2) students who were previously reported to the state
7-16 as dropouts, including a student who is reported as a dropout,
7-17 reenrolls, and drops out again, regardless of the number of times of
7-18 reenrollment and dropping out;

7-19 (3) students in attendance who are not in membership
7-20 for purposes of average daily attendance;

7-21 (4) students whose initial enrollment in a school in
7-22 the United States in grades 7 through 12 was as unschooled refugees
7-23 or asylees as defined by Section 39.027(a-1);

7-24 (5) students who are in the district exclusively as a
7-25 function of having been detained at a county detention facility but
7-26 are otherwise not students of the district in which the facility is
7-27 located; and

7-28 (6) students who are incarcerated in state jails and
7-29 federal penitentiaries as adults and as persons certified to stand
7-30 trial as adults.

7-31 (g-2) In computing completion rates such as high school
7-32 graduation rates under Subsection (c)(1)(B)(ix) [~~(c)(2)~~], the
7-33 commissioner shall exclude students who:

7-34 (1) are at least 18 years of age as of September 1 of
7-35 the school year as reported for the fall semester Public Education
7-36 Information Management System (PEIMS) submission and have
7-37 satisfied the credit requirements for high school graduation;

7-38 (2) have not completed their individualized education
7-39 program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals
7-40 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);
7-41 and

7-42 (3) are enrolled and receiving individualized
7-43 education program services.

7-44 (i) Each school district shall submit the data required for
7-45 the indicators adopted under this section to the [The] commissioner
7-46 [by rule shall adopt accountability measures to be used in
7-47 assessing the progress of students who have failed to perform
7-48 satisfactorily as determined by the commissioner under Section
7-49 39.0241(a) or under the college readiness standard as determined
7-50 under Section 39.0241 in the preceding school year on an assessment
7-51 instrument required under Section 39.023(a), (c), or (1)].

7-52 SECTION 9. Subchapter C, Chapter 39, Education Code, is
7-53 amended by adding Section 39.0533 to read as follows:

7-54 Sec. 39.0533. EXTRACURRICULAR AND COCURRICULAR STUDENT
7-55 ACTIVITY INDICATOR. (a) The commissioner shall study the
7-56 feasibility of incorporating for evaluating school district and
7-57 campus performance under this subchapter an indicator that accounts
7-58 for extracurricular and cocurricular student activity. If the
7-59 commissioner determines that an extracurricular and cocurricular
7-60 student activity indicator is appropriate, the commissioner may
7-61 adopt the indicator.

7-62 (b) To determine the feasibility of adopting an indicator
7-63 under this section, the commissioner may require a school district
7-64 or campus to report requested information relating to
7-65 extracurricular and cocurricular student activity.

7-66 (c) The commissioner may establish an advisory committee to
7-67 assist in determining the feasibility of incorporating an
7-68 extracurricular and cocurricular student activity indicator for
7-69 evaluating school district and campus performance.

8-1 (d) Not later than December 1, 2022, the commissioner shall
 8-2 report to the legislature on the feasibility of incorporating an
 8-3 extracurricular and cocurricular student activity indicator,
 8-4 unless the commissioner adopts an indicator under this section
 8-5 before that date.

8-6 (e) This section expires September 1, 2023.

8-7 SECTION 10. Sections 39.054(a), (a-1), (a-2), (a-3), and
 8-8 (e), Education Code, as effective on September 1, 2017, are amended
 8-9 to read as follows:

8-10 (a) The commissioner shall adopt rules to evaluate school
 8-11 district and campus performance and assign each district and campus
 8-12 an overall performance rating of A, B, C, D, or F. In addition to the
 8-13 overall performance rating, the commissioner shall assign each
 8-14 district and campus a separate domain performance rating of A, B, C,
 8-15 D, or F for each domain under Section 39.053(c) [~~Sections~~
 8-16 ~~39.053(c)(1)-(4)~~]. An overall or domain performance rating of A
 8-17 reflects exemplary performance. An overall or domain performance
 8-18 rating of B reflects recognized performance. An overall or domain
 8-19 performance rating of C reflects acceptable performance. An
 8-20 overall or domain performance rating of D or F reflects
 8-21 unacceptable performance. A district may not receive an overall or
 8-22 domain performance rating of A if the district includes any campus
 8-23 with a corresponding overall or domain performance rating of D or F.
 8-24 A reference in law to an acceptable rating or acceptable
 8-25 performance includes an overall or domain performance rating of A,
 8-26 B, or C or exemplary, recognized, or acceptable performance.

8-27 (a-1) For purposes of assigning a domain [~~an overall~~]
 8-28 performance rating under Subsection (a) for the school climate
 8-29 domain, the commissioner shall attribute 50[~~+~~

8-30 [~~(1) 55~~] percent of the domain performance rating
 8-31 [~~evaluation~~] to the achievement indicator [~~indicators for the~~
 8-32 ~~first, second, and third domains~~] under Section 39.053(c)(4)(A)
 8-33 [~~Sections 39.053(c)(1)-(3)~~];

8-34 [~~(2) for middle and junior high school and elementary~~
 8-35 ~~campuses and districts that include only those campuses, 35 percent~~
 8-36 ~~of the performance evaluation to the applicable achievement~~
 8-37 ~~indicators for the fourth domain under Section 39.053(c)(4)~~;

8-38 [~~(3) for high school campuses and districts that~~
 8-39 ~~include those campuses:~~

8-40 [(A) 10 percent of the performance evaluation to
 8-41 the high school graduation rate achievement indicator described by
 8-42 Section 39.053(c)(4)(A)(ii); and

8-43 [(B) 25 percent to the remaining applicable
 8-44 achievement indicators for the fourth domain under Section
 8-45 39.053(c)(4); and

8-46 [(4) 10 percent of the performance evaluation to the
 8-47 locally selected and evaluated achievement indicators provided for
 8-48 under the fifth domain under Section 39.053(c)(5)].

8-49 (a-2) The commissioner by rule may [~~shall~~] adopt procedures
 8-50 to ensure that a repeated performance rating of D or F or
 8-51 unacceptable in one domain, particularly performance that is not
 8-52 significantly improving, is reflected in the overall performance
 8-53 rating of a district or campus and is not compensated for by a
 8-54 performance rating of A, B, or C in another domain.

8-55 (a-3) Not later than August 15 of each year, the performance
 8-56 ratings of each district and campus shall be made publicly
 8-57 available as provided by rules adopted under this section. [~~If a~~
 8-58 ~~district or campus received an overall or domain performance rating~~
 8-59 ~~of D or F for the preceding school year, the commissioner shall~~
 8-60 ~~notify the district of a subsequent such designation on or before~~
 8-61 ~~June 15.~~]

8-62 (e) Each annual performance review under this section shall
 8-63 include an analysis of the achievement indicators adopted under
 8-64 Section 39.053, including Subsection (c) of that section, [~~Sections~~
 8-65 ~~39.053(c)(1)-(4)~~] to determine school district and campus
 8-66 performance in relation to standards established for each
 8-67 indicator.

8-68 SECTION 11. Section 39.054(f), Education Code, as effective
 8-69 September 1, 2017, is transferred to Section 39.053, Education

9-1 Code, redesignated as Section 39.053(g-3), Education Code, and
 9-2 amended to read as follows:

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

9-16 SECTION 12. Subchapter C, Chapter 39, Education Code, is
 9-17 amended by adding Section 39.0541 to read as follows:

9-18 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The
 9-19 commissioner may adopt indicators and standards under this
 9-20 subchapter at any time during a school year before the evaluation of
 9-21 a school district or campus.

9-22 SECTION 13. Section 39.0546(a), Education Code, is amended
 9-23 to read as follows:

9-24 (a) For purposes of including the local evaluation of
 9-25 districts and campuses under Section 39.053(c)(4)(A)
 9-26 [~~39.053(c)(5)~~] and assigning an overall rating under Section
 9-27 39.054, before the beginning of each school year:

9-28 (1) each school district shall:
 9-29 (A) select and report to the agency three
 9-30 programs or categories under Section 39.0545(b)(1) [~~, as added by~~
 9-31 ~~Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular~~
 9-32 ~~Session, 2013,~~] under which the district will evaluate district
 9-33 performance;

9-34 (B) submit to the agency the criteria the
 9-35 district will use to evaluate district performance and assign the
 9-36 district a performance rating; and

9-37 (C) make the information described by Paragraphs
 9-38 (A) and (B) available on the district's Internet website; and

9-39 (2) each campus shall:
 9-40 (A) select and report to the agency three
 9-41 programs or categories under Section 39.0545(b)(1) [~~, as added by~~
 9-42 ~~Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular~~
 9-43 ~~Session, 2013,~~] under which the campus will evaluate campus
 9-44 performance;

9-45 (B) submit to the agency the criteria the campus
 9-46 will use to evaluate campus performance and assign the campus a
 9-47 performance rating; and

9-48 (C) make the information described by Paragraphs
 9-49 (A) and (B) available on the Internet website of the campus.

9-50 SECTION 14. Sections 39.0548(b), (c), and (d), Education
 9-51 Code, are amended to read as follows:

9-52 (b) Notwithstanding Section 39.053(c)(1)(B)(ix)
 9-53 [~~39.053(c)(4)(A)(i)~~], the commissioner shall use the alternative
 9-54 completion rate under this subsection to determine the graduation
 9-55 [~~dropout~~] rate indicator under Section 39.053(c)(1)(B)(ix)
 9-56 [~~39.053(c)(4)(A)(i)~~] for a dropout recovery school. The
 9-57 alternative completion rate shall be the ratio of the total number
 9-58 of students who graduate, continue attending school into the next
 9-59 academic year, or receive a high school equivalency certificate to
 9-60 the total number of students in the longitudinal cohort of
 9-61 students.

9-62 (c) Notwithstanding Section 39.053(c)(1)(B)(ix)
 9-63 [~~39.053(c)(4)(A)(i)~~], in determining the performance rating under
 9-64 Section 39.054 of a dropout recovery school, the commissioner shall
 9-65 include any student described by Section 39.053(g-1) who graduates
 9-66 or receives a high school equivalency certificate.

9-67 (d) Notwithstanding Section 39.053(c), for purposes of
 9-68 evaluating a dropout recovery school under the accountability
 9-69 procedures adopted by the commissioner to determine the performance

10-1 rating of the school under Section 39.054, [+
 10-2 [~~(1)~~] only the best result from the primary
 10-3 administration or any retake of an assessment instrument
 10-4 administered to a student in the school year evaluated may be
 10-5 considered[~~, and~~
 10-6 [~~(2) only a student enrolled continuously for at least~~
 10-7 ~~90 days during the school year evaluated may be considered~~].

10-8 SECTION 15. Section 39.055, Education Code, is amended to
 10-9 read as follows:

10-10 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT
 10-11 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY
 10-12 PURPOSES. Notwithstanding any other provision of this code except
 10-13 to the extent otherwise provided under Section 39.053(g-3)
 10-14 [~~39.054(f)~~], for purposes of determining the performance of a
 10-15 school district, campus, or open-enrollment charter school under
 10-16 this chapter, a student ordered by a juvenile court into a
 10-17 residential program or facility operated by or under contract with
 10-18 the Texas Juvenile Justice Department, a juvenile board, or any
 10-19 other governmental entity or any student who is receiving treatment
 10-20 in a residential facility is not considered to be a student of the
 10-21 school district in which the program or facility is physically
 10-22 located or of an open-enrollment charter school, as applicable.
 10-23 The performance of such a student on an assessment instrument or
 10-24 other achievement indicator adopted under Section 39.053 or
 10-25 reporting indicator adopted under Section 39.301 shall be
 10-26 determined, reported, and considered separately from the
 10-27 performance of students attending a school of the district in which
 10-28 the program or facility is physically located or an open-enrollment
 10-29 charter school, as applicable.

10-30 SECTION 16. Subchapter E, Chapter 39, Education Code, is
 10-31 amended by adding Section 39.118 to read as follows:

10-32 Sec. 39.118. INTERVENTIONS AND SANCTIONS OF INCREASED
 10-33 SEVERITY FOR CERTAIN DISTRICTS AND CAMPUSES. (a) The commissioner
 10-34 shall adopt rules to impose interventions and sanctions of
 10-35 increased severity applicable only to a school district or campus
 10-36 that is assigned a performance rating of F under Section 39.054.

10-37 (b) The commissioner may not adopt a rule under this section
 10-38 that conflicts with the imposition of a specific intervention or
 10-39 sanction required by law.

10-40 SECTION 17. Section 39.301(b), Education Code, is amended
 10-41 to read as follows:

10-42 (b) Performance on the indicators adopted under this
 10-43 section shall be evaluated in the same manner provided for
 10-44 evaluation of the achievement indicators under Sections
 10-45 39.053(c)(1), (2), (3), and (4)(B) and (C) [~~39.053(c)(1)-(4)~~].

10-46 SECTION 18. Effective September 1, 2017, Section 39.054(c),
 10-47 Education Code, as effective September 1, 2017, is repealed.

10-48 SECTION 19. This Act applies beginning with the 2017-2018
 10-49 school year.

10-50 SECTION 20. Except as otherwise provided by this Act, this
 10-51 Act takes effect immediately if it receives a vote of two-thirds of
 10-52 all the members elected to each house, as provided by Section 39,
 10-53 Article III, Texas Constitution. If this Act does not receive the
 10-54 vote necessary for immediate effect, this Act takes effect
 10-55 September 1, 2017.

10-56 * * * * *