

Suspending limitations on conference committee  
jurisdiction, H.B. No. 22 (Huberty/Taylor)

By: Taylor of Galveston

S.R. No. 949

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 85th Legislature, Regular Session, 2017, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 22 (public school accountability) to consider and take action on the following matter:

(1) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter that is not in disagreement in proposed SECTION 8 of the bill, in added Section 39.053(c-3), Education Code, to read as follows:

(c-3) Any standard for improvement determined by the commissioner as described by Subsection (c)(2)(A) must allow for appropriately crediting a student for growth if the student performs at the highest achievement standard in the previous and current school year.

Explanation: The addition is necessary to provide an appropriate standard for measuring student growth in performance on assessment instruments.

(2) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter that is not in disagreement in proposed SECTION 10 of the bill, in amended Section 39.054(a), Education Code, by adding a sentence referencing added Section 39.0544, Education Code, to read as follows:

(a) The commissioner shall adopt rules to evaluate school

district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~]. An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflect performance that needs improvement. An overall or domain performance rating of [~~or~~] F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, [~~or~~] C, or D or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement.

Explanation: The addition is necessary to incorporate the local accountability system as a component in assigning

performance ratings.

(3) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter that is not in disagreement in proposed SECTION 10 of the bill, in amended Section 39.054(a-2), Education Code, by adding a reference to added Section 39.0544, Education Code, to read as follows:

(a-2) The commissioner by rule may [~~shall~~] adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus under Section 39.0544 and is not compensated for by a performance rating of A, B, or C in another domain.

Explanation: The addition is necessary to provide a reference to the local accountability system.

(4) Senate Rules 12.03(2) and (4), are suspended to permit the committee to omit text that amended Section 39.0546, Education Code, relating to performance in community and student engagement as a component of district and campus rating, on a matter that is not in disagreement, and add text on a matter that is not included in either the house or senate version of the bill by repealing in SECTION 19 of the bill Section 39.0546, Education Code.

Explanation: The change is necessary to repeal Section 39.0546, Education Code, which is no longer necessary with the addition of the local accountability system.

(5) Senate Rule 12.03(3), is suspended to permit the

committee to add text on a matter that is not in disagreement in proposed SECTION 14 of the bill, in added Section 39.0544, Education Code, to read as follows:

Sec. 39.0544. LOCAL ACCOUNTABILITY SYSTEM. (a) The commissioner shall adopt rules regarding the assignment of campus performance ratings by school districts and open-enrollment charter schools. The rules:

(1) must require a district or school, in assigning an overall performance rating for a campus, to incorporate:

(A) domain performance ratings assigned by the commissioner under Section 39.054; and

(B) performance ratings based on locally developed domains or sets of accountability measures;

(2) may permit a district or school to assign weights to each domain or set of accountability measures described in Subdivision (1), as determined by the district or school, provided that the domains specified in Subdivision (1)(A) must in the aggregate account for at least 50 percent of the overall performance rating;

(3) must require that each locally developed domain or set of accountability measures:

(A) contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels;

(B) provide for the assignment of a letter grade of A, B, C, D, or F; and

(C) meet standards for reliability and

validity;

(4) must require that calculations for overall performance ratings and each locally developed domain or set of accountability measures be capable of being audited by a third party;

(5) must require that a district or school produce a campus score card that may be displayed on the agency's web site;  
and

(6) must require that a district or school develop and make available to the public an explanation of the methodology used to assign performance ratings under this section.

(b) The commissioner shall develop a process to approve a request by a school district or open-enrollment charter school to assign campus performance ratings in accordance with this section. Under that process, a district or school must obtain approval of a local accountability plan submitted by the district or school to the agency. A plan may be approved only if:

(1) after review, the agency determines the plan meets the minimum requirements under this section and agency rule;

(2) at the commissioner's discretion, an audit conducted by the agency verifies the calculations included in the plan; and

(3) subject to Subsection (d), a review panel appointed under Subsection (c) approves the plan.

(c) The commissioner shall appoint a review panel for

purposes of Subsection (b)(3) that includes a majority of members who are superintendents or members of the board of trustees or governing body of school districts or open-enrollment charter schools with approved local accountability plans.

(d) The requirement under Subsection (b)(3) applies only after performance ratings are issued in August 2019 and only if at least 10 school districts or open-enrollment charter schools have obtained approval of locally developed accountability plans.

(e) A school district or open-enrollment charter school authorized under this section to assign campus performance ratings shall evaluate the performance of each campus as provided by this section and assign each campus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district or school shall:

(1) report the performance ratings to the agency;  
and

(2) make the performance ratings available to the public as provided by commissioner rule.

Explanation: The addition is necessary to provide a method to locally assess performance of campuses by school districts and open-enrollment charter schools.

(6) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in proposed SECTION 19 of

the bill by repealing Section 39.054(c), Education Code, as effective September 1, 2017.

Explanation: The addition is necessary to repeal Section 39.054(c), Education Code, which is no longer necessary under the modified performance evaluation system.

(7) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in proposed SECTION 19 of the bill by repealing Section 39.0545, Education Code.

Explanation: The addition is necessary to repeal Section 39.0545, Education Code, which is no longer necessary with the addition of the local accountability system.

(8) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in proposed SECTION 20 of the bill to read as follows:

SECTION 1. If H.B. 1500, 85th Legislature, Regular Session, 2017, becomes law, that law has no effect.

Explanation: The addition is necessary to avoid a conflict in law.