

## **BILL ANALYSIS**

C.S.H.B. 3904  
By: Huberty  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that while previous legislation made significant progress toward improving school accountability and student assessments, additional clarifications and corrections are still necessary. C.S.H.B. 3904 seeks to provide such further improvement by revising statutory provisions relating to public school accountability performance standards and ratings and relating to individual graduation committees.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3904 amends the Education Code to set out provisions relating to public school accountability, including certain performance standards and sanctions, and to providing alternative methods to satisfy certain public high school graduation requirements.

#### **Public School Accountability**

C.S.H.B. 3904 revises provisions that exempt certain public school district campuses operating under a contract between the district and an applicable chartered entity from specified sanctions and intervention for failure to satisfy academic performance standards during the first two school years of operation of the campus by:

- making that exemption applicable with respect to any accountability intervention or sanction; and
- prohibiting the performance of such a district campus from being included in determining the performance of the district during the period the campus is exempt from sanctions.

C.S.H.B. 3904 requires the commissioner of education to designate, for each test authorized for use as a substitute test for purposes of satisfying the requirements concerning a secondary-level end-of-course test, a level of student performance on that test considered to be satisfactory and a level of performance necessary to indicate college readiness in the same manner as the commissioner designates such standards for a required end-of-course test. The bill requires the commissioner to designate the level of performance on a substitute test that indicates college readiness as "masters grade-level performance."

C.S.H.B. 3904 reenacts and amends Section 39.053(c), Education Code, as amended by Chapters 807 (H.B. 22), 842 (H.B. 2223) and 1088 (H.B. 3593), Acts of the 85th Legislature, Regular Session, 2017, to conform to changes made by Chapter 807 (H.B. 22) revising requirements for the achievement indicators that constitute the basis of evaluation for districts and campuses for purposes of public school system accountability and to incorporate a change made by Chapter 1088 (H.B. 3593), Acts of the 85th Legislature, Regular Session, 2017, including as an indicator in the student achievement domain for evaluating the performance of high school campuses and districts that include high school campuses an indicator that accounts for students who successfully completed a practicum or internship approved by the State Board of Education. The bill includes the following among the indicators in that domain used for evaluating the performance of those campuses and districts:

- students who participate in extracurricular activities, including University Interscholastic League A+ academic events and foreign language, chess, and robotics clubs; and
- ninth grade students who are academically on track to graduate with their ninth grade cohort.

The bill specifies that the indicator for students who earn credits in dual credit courses applies to students who earn a three-hour course credit in such a course in any subject and changes the indicator for students who earn industry certifications to an indicator for students who complete coherent sequences of courses required to earn industry certifications.

C.S.H.B. 3904 includes among the indicators in the student achievement domain, specifically for purposes of evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses, indicators that account for the following:

- students who participate in full-day prekindergarten programs;
- students who participate in elementary literacy and mathematics academies; and
- students who participate in extracurricular activities, including University Interscholastic League A+ academic events and foreign language, chess, and robotics clubs.

C.S.H.B. 3904 requires the commissioner to determine a method by which a student's performance in completing coherent sequences of courses required to earn industry certifications may be included in determining the performance of a district or campus if the student successfully completed the courses but did not receive the industry certification until after the student graduated and a method by which such performance is assigned equal credit under the college, career, and military readiness component calculation as a student who earned an industry certification before the student graduated.

C.S.H.B. 3904 prohibits the commissioner, for purposes of assigning each district and campus a domain performance rating, from attributing more than 50 percent of any domain performance rating to the results of statewide standardized tests, including secondary-level end-of-course tests. The bill requires the commissioner, for purposes of assigning each district and campus a domain performance rating for the student achievement domain, to attribute ratings as follows:

- 30 percent of the rating to the indicators for evaluating the performance of districts and campuses generally that relate to test results;
- 40 percent of the rating to the indicator relating to high school graduation rates; and
- 30 percent of the rating to the indicators for evaluating the performance of high school campuses and districts that include high school campuses that relate to college, career, and military readiness.

C.S.H.B. 3904 requires the commissioner to evaluate a dropout recovery school under alternative education accountability procedures adopted by the commissioner. The bill specifies that a certain requirement relating to the use of the best result from the administration of certain tests in assigning performance ratings for such a school applies to those accountability procedures. The

bill requires the commissioner to take the following actions:

- for purposes of evaluating such a school under the student achievement domain and assigning a domain performance rating, to consider student performance based only on the "approaches grade level" performance standard. Any evaluation based on a higher performance standard may not be considered to negatively affect the domain performance rating or a performance target score of the school; and
- for purposes of evaluating the performance of such a school under the school progress domain and assigning a domain performance rating, to award credit for academic growth based only on a student reaching the "approaches grade level" performance standard. Any evaluation based on reaching a higher academic growth performance standard may not be considered to negatively affect the amount of credit awarded to the school or the domain performance rating or a performance target score of the school.

The bill requires the commissioner, for purposes of assigning an overall performance rating for such a school, to consider only the school's domain performance ratings under the student achievement domain or the school progress domain. The bill establishes that the use of such a school's performance under the closing the gaps domain is for reporting purposes only. The bill's provisions relating to public school accountability apply beginning with the 2020-2021 school year.

### **Individual Graduation Committees**

C.S.H.B. 3904 removes and repeals expiration dates for the following statutory provisions:

- provisions relating to qualification for a high school diploma for certain students who entered the ninth grade before the 2011-2012 school year;
- provisions relating to high school diplomas awarded on the basis of an individual graduation committee review and associated district reporting requirements; and
- a provision establishing that a student who, after retaking an end-of-course test for Algebra I or English II, has failed to perform satisfactorily but who receives a score of proficient on the Texas Success Initiative diagnostic assessment for the corresponding subject satisfies the requirement concerning the Algebra I or English II end-of-course test, as applicable.

C.S.H.B. 3904 makes a nonsubstantive change that takes effect September 1, 2019.

C.S.H.B. 3904 repeals Sections 28.02541(g), 28.0258(l), and 28.0259(e), Education Code.

### **EFFECTIVE DATE**

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, on the 91st day after the last day of the legislative session.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3904 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions that expand the applicability of the temporary exemption from sanctions and intervention for certain district campuses operating under a contract with a chartered entity and that prohibit the performance of the campus from being included in determining the performance of the district during the period the campus is exempt from sanctions.

The substitute revises a student achievement domain indicator relating to students who earn credit in dual credit courses in a different way than the original revised that indicator.

The substitute includes a requirement for the commissioner to determine a specified method of crediting the performance of a student who successfully completed a coherent sequence of courses required to earn an industry certification after the student graduated for purposes of the college, career, and military readiness component of the student achievement domain.

The substitute changes the weighting of certain indicator categories for purposes of campus and district performance ratings in the student achievement domain.

The substitute makes certain clarifying changes regarding the evaluation of a dropout recovery school's performance.

The substitute changes the year in which the bill's provisions relating to public school accountability begin to apply from the 2019-2020 school year to the 2020-2021 school year.

The substitute does not include provisions relating to the reconstitution of a campus as an option for purposes of accountability interventions and sanctions.