86R13098 SOS-D

By:  Reynolds H.B. No. 3625

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of performance ratings under the public school accountability system.

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

SECTION 1.  Sections 39.054(a), (a-1), (a-2), and (b), Education Code, are amended 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 and [~~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)[~~. 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 reflects~~] performance that needs improvement,[~~. An overall~~] or [~~domain performance rating of F reflects~~] unacceptable performance. A district may not receive an overall or domain performance rating of exemplary performance [~~A~~] if the district includes any campus with a corresponding overall or domain performance rating of performance that needs improvement or unacceptable performance [~~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 performance that needs improvement or unacceptable performance [~~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, C, or D or~~] performance that is exemplary, recognized, or acceptable performance or performance that needs improvement.

(a-1)  For purposes of assigning an overall performance rating for a district or campus under Subsection (a), the commissioner shall:

(1)  consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school progress domain under Section 39.053(c)(2), whichever performance rating is higher, unless the district or campus received a performance rating of unacceptable performance [~~F~~] in either domain, in which case the district or campus may not be assigned a performance rating higher than recognized performance [~~a B~~] for the composite for the two domains; and

(2)  attribute not less than 30 percent of the performance rating to the closing the gaps domain under Section 39.053(c)(3).

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

(b)  For purposes of assigning school districts and campuses an overall and a domain performance rating under Subsection (a), the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an exemplary performance [~~A~~] rating.

SECTION 2.  Sections 39.0544(a) and (e), Education Code, are amended to read as follows:

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

(B)  provides for the assignment of a performance rating of exemplary performance, recognized performance, acceptable performance, performance that needs improvement, or unacceptable performance [~~letter grade of A, B, C, D, or F~~]; and

(C)  meets 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 website; 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.

(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 exemplary performance, recognized performance, acceptable performance, performance that needs improvement, or unacceptable performance [~~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.

SECTION 3.  Section 39.101, Education Code, as added by Chapter 807 (H.B. 22), Acts of the 85th Legislature, Regular Session, 2017, is transferred to Subchapter B, Chapter 39A, Education Code, redesignated as Section 39A.0545, Education Code, amended to conform to the repeal of Subchapter E, Chapter 39, Education Code, by Article 21, Chapter 324 (S.B. 1488), Acts of the 85th Legislature, Regular Session, 2017, and further amended to read as follows:

Sec. 39A.0545 [~~39.101~~].  NEEDS IMPROVEMENT PERFORMANCE RATING. (a) Notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of performance that needs improvement [~~D~~]:

(1)  the commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district; and

(2)  the interventions and sanctions provided by this chapter [~~subchapter~~] based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b)  The interventions and sanctions provided by this chapter [~~subchapter~~] based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a) only if the district or campus is assigned:

(1)  an overall or domain performance rating of unacceptable performance [~~F~~]; or

(2)  an overall performance rating of performance that needs improvement [~~D~~] as provided by Subsection (c).

(c)  If a school district or campus is assigned an overall performance rating of performance that needs improvement [~~D~~] for a school year after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions shall continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of performance that needs improvement [~~D~~].

(d)  The commissioner shall adopt rules as necessary to implement this section.

SECTION 4.  Section 42.005(k), Education Code, is amended to read as follows:

(k)  A charter school operating under a charter granted under Chapter 12 before January 1, 2015, is eligible to earn full average daily attendance under Subsection (a), as that subsection existed immediately before January 1, 2015, for:

(1)  all campuses of the charter school operating before January 1, 2015; and

(2)  any campus or site expansion approved on or after January 1, 2015, provided that the charter school received an academic accountability performance rating of acceptable performance [~~C~~] or higher, and the campus or site expansion is approved by the commissioner.

SECTION 5.  To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6.  This Act applies beginning with the 2019-2020 school year.

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.