

By: Landgraf

H.B. No. 736

A BILL TO BE ENTITLED

AN ACT

1
2 relating to eliminating the requirement to use public school
3 assessment instruments as a criterion for promotion or graduation
4 or to make certain accountability determinations.

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

6 SECTION 1. Section 18.005(c), Education Code, is amended to
7 read as follows:

8 (c) A Job Corps diploma program shall:

9 (1) develop educational programs specifically
10 designed for persons eligible for enrollment in a Job Corps
11 training program established by the United States Department of
12 Labor;

13 (2) coordinate educational programs and services in
14 the diploma program with programs and services provided by the
15 United States Department of Labor and other federal and state
16 agencies and local political subdivisions and by persons who
17 provide programs and services under contract with the United States
18 Department of Labor;

19 (3) provide a course of instruction that includes the
20 required curriculum under Subchapter A, Chapter 28; and

21 (4) ~~[require that students enrolled in the diploma~~
22 ~~program satisfy the requirements of Section 39.025 before receiving~~
23 ~~a diploma under this chapter, and~~

24 [~~5~~] comply with a requirement imposed under this

1 title or a rule adopted under this title relating to the Public
2 Education Information Management System (PEIMS) to the extent
3 necessary to determine compliance with this chapter, as determined
4 by the commissioner.

5 SECTION 2. Section 18.006(b), Education Code, is amended to
6 read as follows:

7 (b) In addition to other factors determined to be
8 appropriate by the commissioner, the accountability system must
9 include consideration of[+]

10 [~~(1) student performance on the end-of-course~~
11 ~~assessment instruments required by Section 39.023(c); and~~

12 [~~(2)~~] dropout rates, including dropout rates and
13 diploma program completion rates for the grade levels served by the
14 diploma program.

15 SECTION 3. Section 19.0043(b), Education Code, is amended
16 to read as follows:

17 (b) A student may graduate and receive a diploma from a
18 Windham School District educational program if:

19 (1) the student successfully completes the curriculum
20 requirements identified by the State Board of Education under
21 Section 28.025(a) [~~and complies with Section 39.025~~]; or

22 (2) the student successfully completes the curriculum
23 requirements under Section 28.025(a) as modified by an
24 individualized education program developed under Section 29.005.

25 SECTION 4. Section 25.005(b), Education Code, is amended to
26 read as follows:

27 (b) A reciprocity agreement must:

- 1 (1) address procedures for:
- 2 (A) transferring student records; and
- 3 (B) awarding credit for completed course work;
- 4 and
- 5 [~~(C) permitting a student to satisfy the~~
- 6 ~~requirements of Section 39.025 through successful performance on~~
- 7 ~~comparable end-of-course or other exit-level assessment~~
- 8 ~~instruments administered in another state; and]~~
- 9 (2) include appropriate criteria developed by the
- 10 agency.

11 SECTION 5. Section 28.006(j), Education Code, is amended to

12 read as follows:

13 (j) No more than 15 percent of the funds certified by the

14 commissioner under Subsection (i) may be spent on indirect costs.

15 The commissioner shall evaluate the programs that fail to meet the

16 standard of performance under Section 39.301(c)(6) [~~39.301(c)(5)~~]

17 and may implement interventions or sanctions under Chapter 39A.

18 The commissioner may audit the expenditures of funds appropriated

19 for purposes of this section. The use of the funds appropriated for

20 purposes of this section shall be verified as part of the district

21 audit under Section 44.008.

22 SECTION 6. Section 28.021(c), Education Code, is amended to

23 read as follows:

24 (c) In determining promotion under Subsection (a), a school

25 district shall consider:

- 26 (1) the recommendation of the student's teacher;
- 27 (2) the student's grade in each subject or course; and

1 (3) ~~[the student's score on an assessment instrument~~
2 ~~administered under Section 39.023(a), (b), or (l), to the extent~~
3 ~~applicable, and~~

4 ~~[(4)]~~ any other necessary academic information, as
5 determined by the district.

6 SECTION 7. The heading to Section 28.0211, Education Code,
7 is amended to read as follows:

8 Sec. 28.0211. ~~[SATISFACTORY PERFORMANCE ON ASSESSMENT~~
9 ~~INSTRUMENTS REQUIRED.]~~ ACCELERATED INSTRUCTION.

10 SECTION 8. Sections 28.0211(a-1), (c), (d), (g), (i), and
11 (k), Education Code, are amended to read as follows:

12 (a-1) Each time a student fails to perform satisfactorily on
13 an assessment instrument administered under Section 39.023(a) ~~[in~~
14 ~~the third, fourth, fifth, sixth, seventh, or eighth grade]~~, the
15 school district in which the student attends school shall provide
16 to the student accelerated instruction in the applicable subject
17 area. Accelerated instruction may require participation of the
18 student before or after normal school hours and may include
19 participation at times of the year outside normal school
20 operations.

21 (c) ~~[Each time a student fails to perform satisfactorily on~~
22 ~~an assessment instrument specified under Subsection (a), the school~~
23 ~~district in which the student attends school shall provide to the~~
24 ~~student accelerated instruction in the applicable subject area,~~
25 ~~including reading instruction for a student who fails to perform~~
26 ~~satisfactorily on a reading assessment instrument. After a student~~
27 ~~fails to perform satisfactorily on an assessment instrument a~~

1 ~~second time, a grade placement committee shall be established to~~
2 ~~prescribe the accelerated instruction the district shall provide to~~
3 ~~the student before the student is administered the assessment~~
4 ~~instrument the third time. The grade placement committee shall be~~
5 ~~composed of the principal or the principal's designee, the~~
6 ~~student's parent or guardian, and the teacher of the subject of an~~
7 ~~assessment instrument on which the student failed to perform~~
8 ~~satisfactorily. The district shall notify the parent or guardian~~
9 ~~of the time and place for convening the grade placement committee~~
10 ~~and the purpose of the committee.]~~ An accelerated instruction
11 group administered by a school district under this section may not
12 have a ratio of more than 10 students for each teacher.

13 (d) In addition to providing accelerated instruction to a
14 student under Subsection (a-1) [~~(c)~~], the district shall notify the
15 student's parent or guardian of:

16 (1) the student's failure to perform satisfactorily on
17 the assessment instrument; and

18 (2) the accelerated instruction program to which the
19 student is assigned[~~, and~~

20 [~~(3) the possibility that the student might be~~
21 ~~retained at the same grade level for the next school year].~~

22 (g) This section does not preclude the retention at a grade
23 level, in accordance with state law or school district policy, of a
24 student who performs satisfactorily on an assessment instrument
25 [~~specified under Subsection (a)~~].

26 (i) The admission, review, and dismissal committee of a
27 student who participates in a district's special education program

1 under Subchapter A, Chapter 29, and who does not perform
2 satisfactorily on an assessment instrument [~~specified under~~
3 ~~Subsection (a) and~~] administered under Section 39.023(a) or (b)
4 must meet before the student is administered the assessment
5 instrument for the second time. The committee shall determine[+]

6 [(1)] the manner in which the student will participate
7 in an accelerated instruction program under this section[+and

8 [(2) whether the student will be promoted in
9 accordance with Subsection (i-1) or retained under this section].

10 (k) The commissioner shall adopt rules as necessary to
11 implement this section[~~, including rules concerning when school~~
12 ~~districts shall administer assessment instruments required under~~
13 ~~this section and which administration of the assessment instruments~~
14 ~~will be used for purposes of Section 39.054].~~

15 SECTION 9. Sections 28.025(b-7), (c), and (e), Education
16 Code, are amended to read as follows:

17 (b-7) The State Board of Education, in coordination with the
18 Texas Higher Education Coordinating Board, shall adopt rules to
19 ensure that a student may comply with the curriculum requirements
20 under the foundation high school program or for an endorsement
21 under Subsection (c-1) by successfully completing appropriate
22 courses in the core curriculum of an institution of higher
23 education under Section 61.822. Notwithstanding Subsection (b-15)
24 or (c) [~~of this section, Section 39.025,~~] or any other provision of
25 this code and notwithstanding any school district policy, a student
26 who has completed the core curriculum of an institution of higher
27 education under Section 61.822, as certified by the institution in

1 accordance with commissioner rule, is considered to have earned a
2 distinguished level of achievement under the foundation high school
3 program and is entitled to receive a high school diploma from the
4 appropriate high school as that high school is determined in
5 accordance with commissioner rule. A student who is considered to
6 have earned a distinguished level of achievement under the
7 foundation high school program under this subsection may apply for
8 admission to an institution of higher education for the first
9 semester or other academic term after the semester or other
10 academic term in which the student completes the core curriculum.

11 (c) A person may receive a diploma if the person is eligible
12 for a diploma under Section 28.0251. In other cases, a student may
13 graduate and receive a diploma only if:

14 (1) the student successfully completes the curriculum
15 requirements identified by the State Board of Education under
16 Subsection (a) ~~[and complies with Section 39.025]~~; or

17 (2) the student successfully completes an
18 individualized education program developed under Section 29.005.

19 (e) Each school district shall report the academic
20 achievement record of students who have completed the foundation
21 high school program on transcript forms adopted by the State Board
22 of Education. ~~[The transcript forms adopted by the board must be
23 designed to clearly identify whether a student received a diploma
24 or a certificate of coursework completion.]~~

25 SECTION 10. Section 28.0255(g), Education Code, is amended
26 to read as follows:

27 (g) A student is entitled to a high school diploma if the

1 student[+]

2 ~~[(1)]~~ successfully complies with the curriculum
3 requirements specified under Subsection (e) [~~+~~ and

4 ~~[(2)]~~ ~~performs satisfactorily, as determined by the~~
5 ~~commissioner under Subsection (h), on end-of-course assessment~~
6 ~~instruments listed under Section 39.023(c) for courses in which the~~
7 ~~student was enrolled].~~

8 SECTION 11. Section 29.062(a), Education Code, is amended
9 to read as follows:

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

18 SECTION 12. Section 29.081(b-1), Education Code, is amended
19 to read as follows:

20 (b-1) Each school district shall offer before the next
21 scheduled administration of the assessment instrument, without
22 cost to the student, additional accelerated instruction to each
23 student in any subject in which the student failed to perform
24 satisfactorily on an end-of-course assessment instrument listed in
25 Section 39.023(c) [~~+~~ ~~required for graduation~~].

26 SECTION 13. Section 29.087(1), Education Code, is amended
27 to read as follows:

1 (1) The commissioner may revoke a school district's or
2 open-enrollment charter school's authorization under this section
3 after consideration of relevant factors, including [~~performance of~~
4 ~~students participating in the district's or school's program on~~
5 ~~assessment instruments required under Chapter 39,~~] the percentage
6 of students participating in the district's or school's program who
7 complete the program and perform successfully on the high school
8 equivalency examination[~~7~~] and other criteria adopted by the
9 commissioner. A decision by the commissioner under this subsection
10 is final and may not be appealed.

11 SECTION 14. Sections 29.259(g), (i), and (o), Education
12 Code, are amended to read as follows:

13 (g) A person who is at least 19 years of age and not more
14 than 50 years of age is eligible to enroll in the adult education
15 program under this section if the person has not earned a high
16 school equivalency certificate and:

17 (1) has failed to complete the curriculum requirements
18 for high school graduation; or

19 (2) has failed to perform satisfactorily on an
20 assessment instrument that, before the 2019-2020 school year, was
21 required for high school graduation.

22 (i) A charter granted under this section must:

23 (1) include a description of the adult education
24 program to be offered under this section; and

25 (2) establish specific, objective standards for
26 receiving a high school diploma, including[+

27 [~~A~~] successful completion of:

1 (A) [~~(i)~~] if applicable to the program
2 participant, the curriculum requirements under Section 28.025; or
3 (B) [~~(ii)~~] the appropriate curriculum
4 requirements applicable to the program participant ~~[, and~~
5 ~~[(B) satisfactory performance on the~~
6 ~~standardized secondary exit-level assessment instrument described~~
7 ~~by Subsection (c)].~~

8 (o) The commissioner shall develop and adopt performance
9 frameworks that establish standards by which to measure the
10 performance of an adult high school program operated under a
11 charter granted under this section in a manner consistent with the
12 requirements provided for an open-enrollment charter school under
13 Sections 12.1181(a) and (b). The commissioner shall include in the
14 performance frameworks adopted under this subsection the following
15 performance indicators:

16 ~~(1) [the percentage of program participants who~~
17 ~~performed satisfactorily on the standardized secondary exit-level~~
18 ~~assessment instrument described by Subsection (c)],~~

19 ~~(2)~~ the percentage of program participants who
20 successfully completed the high school program and earned a high
21 school diploma;

22 (2) [~~(3)~~] the percentage of program participants who
23 successfully completed career and technology education courses and
24 obtained industry certification;

25 (3) [~~(4)~~] the percentage of program participants who
26 have enrolled in an institution of higher education or private or
27 independent institution of higher education, as those terms are

1 defined under Section 61.003; and

2 (4) [~~(5)~~] the percentage of program participants who
3 earned a wage, salary, or other income increase that was
4 significant as determined and reported by the Texas Workforce
5 Commission.

6 SECTION 15. Section 29.402(c), Education Code, is amended
7 to read as follows:

8 (c) A public junior college under this section shall:

9 (1) design a dropout recovery curriculum that includes
10 career and technology education courses that lead to industry or
11 career certification;

12 (2) integrate into the dropout recovery curriculum
13 research-based strategies to assist students in becoming able
14 academically to pursue postsecondary education, including:

15 (A) high quality, college readiness instruction
16 with strong academic and social supports;

17 (B) secondary to postsecondary bridging that
18 builds college readiness skills, provides a plan for college
19 completion, and ensures transition counseling; and

20 (C) information concerning appropriate supports
21 available in the first year of postsecondary enrollment to ensure
22 postsecondary persistence and success, to the extent funds are
23 available for the purpose;

24 (3) offer advanced academic and transition
25 opportunities, including dual credit courses and college
26 preparatory courses, such as advanced placement courses; and

27 (4) coordinate with each partnering school district to

1 provide in the articulation agreement that the district retains
2 accountability for student attendance and~~[,]~~ student completion of
3 high school course requirements~~[, and student performance on~~
4 ~~assessment instruments]~~ as necessary for the student to receive a
5 diploma from a high school of the partnering school district.

6 SECTION 16. Section 30.021(e), Education Code, is amended
7 to read as follows:

8 (e) The school shall cooperate with public and private
9 agencies and organizations serving students and other persons with
10 visual impairments in the planning, development, and
11 implementation of effective educational and rehabilitative service
12 delivery systems associated with educating students with visual
13 impairments. To maximize and make efficient use of state
14 facilities, funding, and resources, the services provided in this
15 area may include conducting a cooperative program with other
16 agencies to serve students who have graduated from high school by
17 completing all academic requirements applicable to students in
18 regular education~~[, excluding satisfactory performance under~~
19 ~~Section 39.025,]~~ who are younger than 22 years of age on September 1
20 of the school year and who have identified needs related to
21 vocational training, independent living skills, orientation and
22 mobility, social and leisure skills, compensatory skills, or
23 remedial academic skills.

24 SECTION 17. Section 30.104(b), Education Code, is amended
25 to read as follows:

26 (b) A student may graduate and receive a diploma from a
27 department educational program if:

1 (1) the student successfully completes the curriculum
2 requirements identified by the State Board of Education under
3 Section 28.025(a) [~~and complies with Section 39.025~~]; or

4 (2) the student successfully completes the curriculum
5 requirements under Section 28.025(a) as modified by an
6 individualized education program developed under Section 29.005.

7 SECTION 18. Section 32.258(b), Education Code, is amended
8 to read as follows:

9 (b) The system established under Subsection (a) shall
10 provide a means for a student or the student's parent or other
11 person standing in parental relationship to track the student's
12 progress on end-of-course assessment instruments administered
13 under Section 39.023(c) [~~instrument requirements for graduation~~].

14 SECTION 19. Section 37.008(m), Education Code, is amended
15 to read as follows:

16 (m) The commissioner shall adopt rules necessary to
17 evaluate annually the performance of each district's disciplinary
18 alternative education program established under this subchapter.
19 The evaluation required by this section shall be based on
20 indicators defined by the commissioner [~~, but must include student~~
21 ~~performance on assessment instruments required under Sections~~
22 ~~39.023(a) and (c)~~]. Academically, the mission of disciplinary
23 alternative education programs shall be to enable students to
24 perform at grade level.

25 SECTION 20. Section 39.023(c-2), Education Code, is amended
26 to read as follows:

27 (c-2) The agency may adopt end-of-course assessment

1 instruments for courses not listed in Subsection (c). A student's
2 performance on an end-of-course assessment instrument adopted
3 under this subsection is not subject to any ~~[the]~~ performance
4 requirements ~~[established under Subsection (c) or Section 39.025]~~.

5 SECTION 21. The heading to Section 39.025, Education Code,
6 is amended to read as follows:

7 Sec. 39.025. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT
8 ~~[SECONDARY-LEVEL PERFORMANCE REQUIRED]~~.

9 SECTION 22. Section 39.025(a), Education Code, is amended
10 to read as follows:

11 (a) The commissioner shall adopt rules requiring a student
12 in the foundation high school program under Section 28.025 to be
13 administered an end-of-course assessment instrument listed in
14 Section 39.023(c) only for a course in which the student is enrolled
15 and for which an end-of-course assessment instrument is
16 administered. Each student's performance on an end-of-course
17 assessment instrument shall be evaluated to determine whether the
18 [A] student achieved [is required to achieve] a scale score that
19 indicates satisfactory performance, as determined by the
20 commissioner under Section 39.0241(a) [, on each end-of-course
21 assessment instrument administered to the student]. The results of
22 the administration of an end-of-course assessment instrument
23 required under this subsection may not be used as criteria for
24 graduation. The results may be used only for the purpose of
25 diagnosing the academic strengths and deficiencies of a student and
26 guiding specific instruction to the student. [For each scale score
27 required under this subsection that is not based on a 100-point

1 ~~scale scoring system, the commissioner shall provide for~~
2 ~~conversion, in accordance with commissioner rule, of the scale~~
3 ~~score to an equivalent score based on a 100-point scale scoring~~
4 ~~system. A student may not receive a high school diploma until the~~
5 ~~student has performed satisfactorily on end-of-course assessment~~
6 ~~instruments in the manner provided under this subsection. This~~
7 ~~subsection does not require a student to demonstrate readiness to~~
8 ~~enroll in an institution of higher education.]~~

9 SECTION 23. Section 39.034(d), Education Code, is amended
10 to read as follows:

11 (d) The agency shall determine the necessary annual
12 improvement required each year for a student to be prepared to
13 perform satisfactorily on, as applicable:

- 14 (1) the grade five assessment instruments;
15 (2) the grade eight assessment instruments; and
16 (3) the end-of-course assessment instruments listed
17 in Section 39.023(c) [~~required under this subchapter for~~
18 ~~graduation~~].

19 SECTION 24. Section 39.053(c), Education Code, as amended
20 by Chapters 807 (H.B. 22), 842 (H.B. 2223), and 1088 (H.B. 3593),
21 Acts of the 85th Legislature, Regular Session, 2017, is reenacted
22 and amended to read as follows:

23 (c) School districts and campuses must be evaluated based on
24 three domains of indicators of achievement adopted under this
25 section that include:

- 26 (1) in the student achievement domain, indicators of
27 student achievement that must include:

1 (A) for evaluating the performance of districts
2 and campuses generally, ~~and~~

3 ~~[(i)] an indicator that accounts for the~~
4 ~~percentage of students promoted to the next grade level [results of~~
5 ~~assessment instruments required under Sections 39.023(a), (c), and~~
6 ~~(l), as applicable for the district and campus, including the~~
7 ~~results of assessment instruments required for graduation retaken~~
8 ~~by a student, aggregated across grade levels by subject area,~~
9 ~~including:~~

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

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

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

27 (B) for evaluating the performance of high school

1 campuses and districts that include high school campuses,
2 indicators that account for:

3 (i) students who satisfy the Texas Success
4 Initiative (TSI) college readiness benchmarks prescribed by the
5 Texas Higher Education Coordinating Board under Section [51.334](#) on
6 an assessment instrument in reading or mathematics designated by
7 the coordinating board under that section;

8 (ii) students who satisfy relevant
9 performance standards on advanced placement tests or similar
10 assessments;

11 (iii) students who earn dual course credits
12 in the dual credit courses;

13 (iv) students who enlist in the armed
14 forces of the United States;

15 (v) students who earn industry
16 certifications;

17 (vi) students admitted into postsecondary
18 industry certification programs that require as a prerequisite for
19 entrance successful performance at the secondary level;

20 (vii) students whose successful completion
21 of a course or courses under Section [28.014](#) indicates the student's
22 preparation to enroll and succeed, without remediation, in an
23 entry-level general education course for a baccalaureate degree or
24 associate degree;

25 (viii) students who successfully met
26 standards on a composite of indicators that through research
27 indicates the student's preparation to enroll and succeed, without

1 remediation, in an entry-level general education course for a
2 baccalaureate degree or associate degree;

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

8 (x) students who successfully completed an
9 OnRamps dual enrollment course; ~~and~~

10 (xi) ~~[the percentage of]~~ students who
11 successfully completed a practicum or internship approved by the
12 State Board of Education; and

13 (xii) students who are awarded an associate
14 ~~[associate's]~~ degree;

15 (2) in the school progress domain, indicators for
16 effectiveness in promoting student learning, which must include ~~[+~~

17 ~~[(A) for assessment instruments, including~~
18 ~~assessment instruments under Subdivisions (1)(A)(i) and (ii), the~~
19 ~~percentage of students who met the standard for improvement, as~~
20 ~~determined by the commissioner, and~~

21 ~~[(B) for evaluating relative performance,]~~ the
22 performance of districts and campuses compared to similar districts
23 or campuses; and

24 (3) in the closing the gaps domain, the use of
25 disaggregated data to demonstrate the differentials among students
26 from different racial and ethnic groups, socioeconomic
27 backgrounds, and other factors, including:

- 1 (A) students formerly receiving special
- 2 education services;
- 3 (B) students continuously enrolled; and
- 4 (C) students who are mobile.

5 SECTION 25. Section 39.054(b-1), Education Code, is amended
6 to read as follows:

7 (b-1) Consideration of the effectiveness of district
8 programs under Section 39.052(b)(2)(B) or (C):

- 9 (1) must~~+~~
- 10 [~~(A)~~] be based on data collected through the
- 11 Public Education Information Management System (PEIMS) for
- 12 purposes of accountability under this chapter; and
- 13 [~~(B) include the results of assessments required~~
- 14 ~~under Section 39.023, and]~~

15 (2) may be based on the results of a special
16 accreditation investigation conducted under Section 39.057.

17 SECTION 26. Section 39.055, Education Code, is amended to
18 read as follows:

19 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT
20 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY
21 PURPOSES. Notwithstanding any other provision of this code except
22 to the extent otherwise provided under Section 39.053(g-3), for
23 purposes of determining the performance of a school district,
24 campus, or open-enrollment charter school under this chapter, a
25 student ordered by a juvenile court into a residential program or
26 facility operated by or under contract with the Texas Juvenile
27 Justice Department, a juvenile board, or any other governmental

1 entity or any student who is receiving treatment in a residential
2 facility is not considered to be a student of the school district in
3 which the program or facility is physically located or of an
4 open-enrollment charter school, as applicable. The performance of
5 such a student on an [~~assessment instrument or other~~] achievement
6 indicator adopted under Section 39.053 or reporting indicator
7 adopted under Section 39.301 shall be determined, reported, and
8 considered separately from the performance of students attending a
9 school of the district in which the program or facility is
10 physically located or an open-enrollment charter school, as
11 applicable.

12 SECTION 27. Sections 39.301(c) and (d), Education Code, are
13 amended to read as follows:

14 (c) Indicators for reporting purposes must include:

15 (1) the percentage of graduating students who meet the
16 course requirements established by State Board of Education rule
17 for:

18 (A) the foundation high school program;

19 (B) the distinguished level of achievement under
20 the foundation high school program; and

21 (C) each endorsement described by Section
22 28.025(c-1);

23 (2) the results of the SAT, ACT, and certified
24 workforce training programs described by Chapter 311, Labor Code;

25 (3) the percentage of students, aggregated by grade
26 level and subject area, who satisfy each performance standard under
27 Section 39.0241 on assessment instruments required under:

1 (A) Section 39.023(a); and

2 (B) Section 39.023(c);

3 (4) for students who have failed to perform
4 satisfactorily, under each performance standard under Section
5 39.0241, on an assessment instrument required under Section
6 39.023(a) or (c), the performance of those students on subsequent
7 assessment instruments required under those sections, aggregated
8 by grade level and subject area;

9 (5) [~~(4)~~] for each campus, the number of students,
10 disaggregated by major student subpopulations, that take courses
11 under the foundation high school program and take additional
12 courses to earn an endorsement under Section 28.025(c-1),
13 disaggregated by type of endorsement;

14 (6) [~~(5)~~] the percentage of students, aggregated by
15 grade level, provided accelerated instruction under Section
16 28.0211 [~~28.0211(c), the results of assessment instruments~~
17 ~~administered under that section, the percentage of students~~
18 ~~promoted through the grade placement committee process under~~
19 ~~Section 28.0211], the subject of the assessment instrument on which
20 each student failed to perform satisfactorily under each
21 performance standard under Section 39.0241, and the performance of
22 those students in the following school year [~~following that~~
23 ~~promotion~~] on the assessment instruments required under Section
24 39.023;~~

25 (7) [~~(6)~~] the percentage of students of limited
26 English proficiency exempted from the administration of an
27 assessment instrument under Sections 39.027(a)(1) and (2);

1 (8) [~~(7)~~] the percentage of students in a special
2 education program under Subchapter A, Chapter 29, assessed through
3 assessment instruments developed or adopted under Section
4 39.023(b);

5 ~~[(8) the percentage of students who satisfy the~~
6 ~~college readiness measure,]~~

7 (9) the measure of progress toward dual language
8 proficiency under Section 39.034(b), for students of limited
9 English proficiency, as defined by Section 29.052;

10 (10) the percentage of students who are not
11 educationally disadvantaged;

12 (11) the percentage of students who enroll and begin
13 instruction at an institution of higher education in the school
14 year following high school graduation; and

15 (12) the percentage of students who successfully
16 complete the first year of instruction at an institution of higher
17 education without needing a developmental education course.

18 (d) Performance on the indicators described by Section
19 39.053(c) and Subsections (c)(3), (4), (5), and (9) must be based on
20 longitudinal student data that is disaggregated by the bilingual
21 education or special language program, if any, in which students of
22 limited English proficiency, as defined by Section 29.052, are or
23 former students of limited English proficiency were enrolled. If a
24 student described by this subsection is not or was not enrolled in
25 specialized language instruction, the number and percentage of
26 those students shall be provided.

27 SECTION 28. Section 39.305(b), Education Code, is amended

1 to read as follows:

2 (b) The report card shall include the following
3 information:

4 (1) where applicable, the achievement indicators
5 described by Section 39.053(c) and the reporting indicators
6 described by Sections 39.301(c)(1) through (6) ~~[(5)]~~;

7 (2) average class size by grade level and subject;

8 (3) the administrative and instructional costs per
9 student, computed in a manner consistent with Section 44.0071; and

10 (4) the district's instructional expenditures ratio
11 and instructional employees ratio computed under Section 44.0071,
12 and the statewide average of those ratios, as determined by the
13 commissioner.

14 SECTION 29. Section 39.332(b)(20), Education Code, is
15 amended to read as follows:

16 (20) The report must contain a comparison of the
17 performance of open-enrollment charter schools and school
18 districts on the achievement indicators described by Section
19 39.053(c) and ~~and~~ [7] the reporting indicators described by Section
20 39.301(c), ~~[and the accountability measures adopted under Section~~
21 ~~39.053(i)]~~ with a separately aggregated comparison of the
22 performance of open-enrollment charter schools predominantly
23 serving students at risk of dropping out of school, as described by
24 Section 29.081(d), with the performance of school districts.

25 SECTION 30. Effective September 1, 2019, the following
26 provisions of the Education Code are repealed:

27 (1) Section 19.0043(c);

- 1 (2) Section 21.4551(c);
- 2 (3) Sections 28.0211(a), (a-2), (b), (e), (f), (i-1),
- 3 (i-2), (n), (o), and (p);
- 4 (4) Section 28.025(d);
- 5 (5) Section 28.0255(h);
- 6 (6) Section 29.259(c);
- 7 (7) Section 30.104(c);
- 8 (8) Section 39.0231;
- 9 (9) Sections 39.025(a-1), (a-4), (b), (c), (c-1),
- 10 (c-2), (d), (e), (f), (f-1), (f-2), and (g);
- 11 (10) Section 39.025(a-2), as added by Chapter 1036
- 12 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015;
- 13 and
- 14 (11) Sections 39.053(c-2), (c-3), (d), and (d-1).

15 SECTION 31. To the extent of any conflict, this Act prevails
16 over another Act of the 86th Legislature, Regular Session, 2019,
17 relating to nonsubstantive additions to and corrections in enacted
18 codes.

19 SECTION 32. This Act applies beginning with the 2019-2020
20 school year.

21 SECTION 33. Except as otherwise provided by this Act, this
22 Act takes effect immediately if it receives a vote of two-thirds of
23 all the members elected to each house, as provided by Section 39,
24 Article III, Texas Constitution. If this Act does not receive the
25 vote necessary for immediate effect, this Act takes effect
26 September 1, 2019.