

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

1 performance ratings and the commissioner has not assigned a campus
2 an overall performance rating of performance that needs improvement
3 or unacceptable performance [~~D or F~~], the commissioner shall assign
4 the campus an overall performance rating based on the school
5 district assigned performance rating under Section 39.0544. A
6 reference in law to an acceptable rating or acceptable performance
7 includes an overall or domain performance rating of [~~A, B, C, or D~~
8 ~~or~~] performance that is exemplary, recognized, or acceptable
9 performance or performance that needs improvement.

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

13 (1) consider either the district's or campus's
14 performance rating under the student achievement domain under
15 Section 39.053(c)(1) or the school progress domain under Section
16 39.053(c)(2), whichever performance rating is higher, unless the
17 district or campus received a performance rating of unacceptable
18 performance [~~F~~] in either domain, in which case the district or
19 campus may not be assigned a performance rating higher than
20 recognized performance [~~A-B~~] for the composite for the two domains;
21 and

22 (2) attribute not less than 30 percent of the
23 performance rating to the closing the gaps domain under Section
24 39.053(c)(3).

25 (a-2) The commissioner by rule may adopt procedures to
26 ensure that a repeated performance rating of performance that needs
27 improvement [~~D or F~~] or unacceptable performance in one domain,

1 particularly performance that is not significantly improving, is
2 reflected in the overall performance rating of a district or campus
3 under this section or a campus under Section 39.0544 and is not
4 compensated for by a performance rating of exemplary, recognized,
5 or acceptable performance [~~A, B, or C~~] in another domain.

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

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

14 (a) The commissioner shall adopt rules regarding the
15 assignment of campus performance ratings by school districts and
16 open-enrollment charter schools. The rules:

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

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

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

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

1 performance rating;

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

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

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

11 (C) meets standards for reliability and
12 validity;

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

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

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

22 (e) A school district or open-enrollment charter school
23 authorized under this section to assign campus performance ratings
24 shall evaluate the performance of each campus as provided by this
25 section and assign each campus a performance rating of exemplary
26 performance, recognized performance, acceptable performance,
27 performance that needs improvement, or unacceptable performance

1 ~~[A, B, C, D, or F]~~ for overall performance and for each locally
2 developed domain or set of accountability measures. Not later than
3 a date established by the commissioner, the district or school
4 shall:

- 5 (1) report the performance ratings to the agency; and
6 (2) make the performance ratings available to the
7 public as provided by commissioner rule.

8 SECTION 3. Section 39.101, Education Code, as added by
9 Chapter 807 (H.B. 22), Acts of the 85th Legislature, Regular
10 Session, 2017, is transferred to Subchapter B, Chapter 39A,
11 Education Code, redesignated as Section 39A.0545, Education Code,
12 amended to conform to the repeal of Subchapter E, Chapter 39,
13 Education Code, by Article 21, Chapter 324 (S.B. 1488), Acts of the
14 85th Legislature, Regular Session, 2017, and further amended to
15 read as follows:

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

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

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

27 (b) The interventions and sanctions provided by this

1 chapter [~~subchapter~~] based on failure to satisfy performance
2 standards under Section 39.054(e) apply to a district or campus
3 ordered to develop and implement a targeted improvement plan under
4 Subsection (a) only if the district or campus is assigned:

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

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

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

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

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

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

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

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

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

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

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