

By: Huberty

H.B. No. 3904

Substitute the following for H.B. No. 3904:

By: King of Hemphill

C.S.H.B. No. 3904

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to public school accountability, including certain  
3 performance standards and sanctions, and to providing alternative  
4 methods to satisfy certain public high school graduation  
5 requirements.

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

7 ARTICLE 1. PUBLIC SCHOOL ACCOUNTABILITY

8 SECTION 1.01. Section 11.174(f), Education Code, is amended  
9 to read as follows:

10 (f) This subsection applies only to a district campus  
11 subject to a contract described by Subsection (a) that received an  
12 overall performance rating of unacceptable under Subchapter C,  
13 Chapter 39, for the school year before operation of the district  
14 campus under the contract began. The commissioner may not impose a  
15 sanction or take action against the campus under Chapter 39A  
16 [~~Section 39.107(a) or (e)~~] for failure to satisfy academic  
17 performance standards during the first two school years of  
18 operation of a district campus under Subsection (a). The overall  
19 performance rating received by the campus during those first two  
20 school years is not included in calculating consecutive school  
21 years and is not considered a break in consecutive school years  
22 under Chapter 39A. The performance of a campus subject to this  
23 subsection may not be included in determining the performance of  
24 the district during the period the campus is exempt from sanctions

1 under Chapter 39A [Section 39.107(a) or (e)].

2 SECTION 1.02. Section 39.0241, Education Code, is amended  
3 by adding Subsection (a-2) to read as follows:

4 (a-2) This subsection applies only to an assessment  
5 instrument authorized under Section 39.025(a-2) for use as a  
6 substitute assessment instrument for purposes of satisfying the  
7 requirements concerning an end-of-course assessment instrument.  
8 The commissioner shall designate for student performance on each  
9 substitute assessment instrument subject to this subsection a level  
10 of performance considered to be satisfactory and a level of  
11 performance necessary to indicate college readiness in the same  
12 manner as the commissioner designates those standards for student  
13 performance on each end-of-course assessment instrument listed in  
14 Section 39.023(c). The commissioner shall designate the level of  
15 performance that indicates college readiness on a substitute  
16 assessment as "masters grade-level performance."

17 SECTION 1.03. Section 39.053(c), Education Code, as amended  
18 by Chapters 807 (H.B. 22), 842 (H.B. 2223), and 1088 (H.B. 3593),  
19 Acts of the 85th Legislature, Regular Session, 2017, is reenacted  
20 and amended to read as follows:

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

24 (1) in the student achievement domain, indicators of  
25 student achievement that must include:

26 (A) for evaluating the performance of districts  
27 and campuses generally:

1 (i) an indicator that accounts for the  
2 results of assessment instruments required under Sections  
3 39.023(a), (c), and (l), as applicable for the district and campus,  
4 including the results of assessment instruments required for  
5 graduation retaken by a student, aggregated across grade levels by  
6 subject area, including:

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

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

17 (ii) an indicator that accounts for the  
18 results of assessment instruments required under Section  
19 39.023(b), as applicable for the district and campus, including the  
20 percentage of students who performed satisfactorily on the  
21 assessment instruments, as determined by the performance standard  
22 adopted by the agency, aggregated across grade levels by subject  
23 area; ~~and~~

24 (B) for evaluating the performance of high school  
25 campuses and districts that include high school campuses,  
26 indicators that account for:

27 (i) students who satisfy the Texas Success

1 Initiative (TSI) college readiness benchmarks prescribed by the  
2 Texas Higher Education Coordinating Board under Section 51.334 on  
3 an assessment instrument in reading or mathematics designated by  
4 the coordinating board under that section;

5 (ii) students who satisfy relevant  
6 performance standards on advanced placement tests or similar  
7 assessments;

8 (iii) students who earn a three-hour ~~[dual]~~  
9 course credit ~~[credits]~~ in a ~~[the]~~ dual credit course in any subject  
10 ~~[courses]~~;

11 (iv) students who enlist in the armed  
12 forces of the United States;

13 (v) students who complete coherent  
14 sequences of courses required to earn industry certifications;

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

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

23 (viii) students who successfully met  
24 standards on a composite of indicators that through research  
25 indicates the student's preparation to enroll and succeed, without  
26 remediation, in an entry-level general education course for a  
27 baccalaureate degree or associate degree;

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

6 (x) students who successfully completed an  
7 OnRamps dual enrollment course; ~~and~~

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

11 (xii) students who are awarded an associate  
12 [associate's] degree;

13 (xiii) students who participate in  
14 extracurricular activities, including University Interscholastic  
15 League A+ academic events and foreign language, chess, and robotics  
16 clubs; and

17 (xiv) ninth grade students who are  
18 academically on track to graduate with their ninth grade cohort;  
19 and

20 (C) for evaluating the performance of middle and  
21 junior high school and elementary school campuses and districts  
22 that include those campuses, indicators that account for:

23 (i) students who participate in full-day  
24 prekindergarten programs;

25 (ii) students who participate in  
26 elementary literacy and mathematics academies; and

27 (iii) students who participate in

1 extracurricular activities, including University Interscholastic  
2 League A+ academic events and foreign language, chess, and robotics  
3 clubs;

4 (2) in the school progress domain, indicators for  
5 effectiveness in promoting student learning, which must include:

6 (A) for assessment instruments, including  
7 assessment instruments under Subdivisions (1)(A)(i) and (ii), the  
8 percentage of students who met the standard for improvement, as  
9 determined by the commissioner; and

10 (B) for evaluating relative performance, the  
11 performance of districts and campuses compared to similar districts  
12 or campuses; and

13 (3) in the closing the gaps domain, the use of  
14 disaggregated data to demonstrate the differentials among students  
15 from different racial and ethnic groups, socioeconomic  
16 backgrounds, and other factors, including:

17 (A) students formerly receiving special  
18 education services;

19 (B) students continuously enrolled; and

20 (C) students who are mobile.

21 SECTION 1.04. Section 39.053, Education Code, is amended by  
22 adding Subsection (c-4) to read as follows:

23 (c-4) The commissioner shall determine a method by which:

24 (1) a student's performance under Subsection  
25 (c)(1)(B)(v) may be included in determining the performance of a  
26 district or campus under Section 39.054 if the student successfully  
27 completed the courses but did not receive the industry

1 certification until after the student graduated; and

2 (2) a student's performance described by Subdivision  
3 (1) is assigned equal credit under the college, career, and  
4 military readiness component calculation as a student who earned an  
5 industry certification before the student graduated.

6 SECTION 1.05. Section 39.054, Education Code, is amended by  
7 adding Subsections (a-5) and (a-6) to read as follows:

8 (a-5) For purposes of assigning each district and campus a  
9 domain performance rating under Section 39.053(c), the  
10 commissioner may not attribute more than 50 percent of any domain  
11 performance rating to the results of assessment instruments  
12 required under Sections 39.023(a), (b), (c), and (l).

13 (a-6) For purposes of assigning each district and campus a  
14 domain performance rating for the student achievement domain under  
15 Section 39.053(c)(1), the commissioner shall attribute:

16 (1) 30 percent of the performance rating to the  
17 indicators under Section 39.053(c)(1)(A) relating to assessment  
18 instrument results;

19 (2) 40 percent of the performance rating to the  
20 indicator under Section 39.053(c)(1)(B)(ix) relating to high  
21 school graduation rates; and

22 (3) 30 percent of the performance rating to the  
23 indicators under Section 39.053(c)(1)(B) relating to college,  
24 career, and military readiness.

25 SECTION 1.06. Section 39.0548, Education Code, is amended  
26 by amending Subsections (a) and (d) and adding Subsections (a-1),  
27 (e), (f), (g), and (h) to read as follows:

1 (a) For purposes of evaluating performance under Section  
2 39.053(c), the commissioner shall designate as a dropout recovery  
3 school a school district or an open-enrollment charter school or a  
4 campus of a district or of an open-enrollment charter school:

5 (1) that serves students in grades 9 through 12 and has  
6 an enrollment of which at least 50 percent of the students are 17  
7 years of age or older as of September 1 of the school year as  
8 reported for the fall semester Public Education Information  
9 Management System (PEIMS) submission; and

10 (2) that ~~[meets the eligibility requirements for and]~~  
11 is registered under alternative education accountability  
12 procedures adopted by the commissioner.

13 (a-1) For purposes of assigning performance ratings under  
14 Section 39.054, the commissioner shall evaluate a dropout recovery  
15 school under alternative education accountability procedures  
16 adopted by the commissioner.

17 (d) For ~~[Notwithstanding Section 39.053(c), for]~~ purposes  
18 of evaluating a dropout recovery school under the alternative  
19 education accountability procedures adopted by the commissioner  
20 ~~[to determine the performance rating of the school under Section~~  
21 ~~39.054]~~, only the best result from the primary administration or  
22 any retake of an assessment instrument administered to a student in  
23 the school year evaluated may be considered in assigning  
24 performance ratings for the school under Section 39.054.

25 (e) For purposes of evaluating performance of a dropout  
26 recovery school under the student achievement domain under Section  
27 39.053(c)(1) and assigning a domain performance rating under



1 Section 39.054, the commissioner shall consider student  
2 performance based only on the "approaches grade level" performance  
3 standard. Any evaluation of student performance based on a higher  
4 performance standard may not be considered to negatively affect the  
5 domain performance rating or a performance target score of the  
6 school.

7 (f) For purposes of evaluating performance of a dropout  
8 recovery school under the school progress domain under Section  
9 39.053(c)(2) and assigning a domain performance rating under  
10 Section 39.054, the commissioner shall award credit for academic  
11 growth based only on a student reaching the "approaches grade  
12 level" performance standard. Any evaluation of student performance  
13 based on reaching a higher academic growth performance standard may  
14 not be considered to negatively affect the amount of credit awarded  
15 to the school or the domain performance rating or a performance  
16 target score of the school.

17 (g) For purposes of assigning an overall performance rating  
18 for a dropout recovery school under Section 39.054, the  
19 commissioner shall consider only the school's domain performance  
20 ratings under the student achievement domain under Section  
21 39.053(c)(1) or the school progress domain under Section  
22 39.053(c)(2).

23 (h) The performance of a dropout recovery school under the  
24 closing the gaps domain under Section 39.053(c)(3) shall be used  
25 for reporting purposes only.

26 SECTION 1.07. This article applies beginning with the  
27 2020-2021 school year.

ARTICLE 2. INDIVIDUAL GRADUATION COMMITTEES

SECTION 2.01. Sections 12.104(b-2) and (b-3), Education Code, are amended to read as follows:

(b-2) An open-enrollment charter school is subject to the requirement to establish an individual graduation committee under Section 28.0258. [~~This subsection expires September 1, 2019.~~]

(b-3) An open-enrollment charter school is subject to the graduation qualification procedure established by the commissioner under Section 28.02541. [~~This subsection expires September 1, 2019.~~]

SECTION 2.02. Section 28.025(c-6), Education Code, is amended to read as follows:

(c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section 28.0258. [~~This subsection expires September 1, 2019.~~]

SECTION 2.03. Effective September 1, 2019, Section 28.02541(a), Education Code, is amended to read as follows:

(a) This section applies only to a student who:

(1) entered the ninth grade before the 2011-2012 school year;

(2) successfully completed the curriculum requirements for high school graduation applicable to the student when the student entered the ninth grade;

(3) has not performed satisfactorily on an assessment instrument or a part of an assessment instrument required for high school graduation, including an alternate assessment instrument offered under Section 39.025(c-2) [~~39.025(c-1)~~]; and

1           (4) has been administered the assessment instrument or  
2 the part of the assessment instrument for which the student has not  
3 performed satisfactorily at least three times.

4           SECTION 2.04. Section 28.02591(a), Education Code, is  
5 amended to read as follows:

6           (a) The Texas Higher Education Coordinating Board, in  
7 coordination with the agency, shall collect longitudinal data  
8 relating to the post-graduation pursuits of each student who is  
9 awarded a diploma based on the determination of an individual  
10 graduation committee under Section 28.0258, [~~as that section~~  
11 ~~existed before September 1, 2019,~~] including whether the student:

12                   (1) enters the workforce;

13                   (2) enrolls in an associate degree or certificate  
14 program at a public or private institution of higher education;

15                   (3) enrolls in a bachelor's degree program at a public  
16 or private institution of higher education; or

17                   (4) enlists in the armed forces of the United States or  
18 the Texas National Guard.

19           SECTION 2.05. Section 39.025(a-2), Education Code, as added  
20 by Chapter 5 (S.B. 149), Acts of the 84th Legislature, Regular  
21 Session, 2015, is redesignated as Section 39.025(a-5), Education  
22 Code, and amended to read as follows:

23           (a-5) [~~(a-2)~~] Notwithstanding Subsection (a), a student who  
24 has failed to perform satisfactorily on end-of-course assessment  
25 instruments in the manner provided under this section may receive a  
26 high school diploma if the student has qualified for graduation  
27 under Section 28.0258. [~~This subsection expires September 1,~~

1 ~~2019.]~~

2 SECTION 2.06. Section 39.025(a-3), Education Code, is  
3 amended to read as follows:

4 (a-3) A student who, after retaking an end-of-course  
5 assessment instrument for Algebra I or English II, has failed to  
6 perform satisfactorily as required by Subsection (a), but who  
7 receives a score of proficient on the Texas Success Initiative  
8 (TSI) diagnostic assessment for the corresponding subject for which  
9 the student failed to perform satisfactorily on the end-of-course  
10 assessment instrument satisfies the requirement concerning the  
11 Algebra I or English II end-of-course assessment, as applicable.  
12 ~~[This subsection expires September 1, 2019.]~~

13 SECTION 2.07. Sections 28.02541(g), 28.0258(l), and  
14 28.0259(e), Education Code, are repealed.

15 ARTICLE 3. CONFLICTS PROVISION; EFFECTIVE DATE

16 SECTION 3.01. To the extent of any conflict, this Act  
17 prevails over another Act of the 86th Legislature, Regular Session,  
18 2019, relating to nonsubstantive additions to and corrections in  
19 enacted codes.

20 SECTION 3.02. Except as otherwise provided by this Act,  
21 this Act takes effect immediately if it receives a vote of  
22 two-thirds of all the members elected to each house, as provided by  
23 Section 39, Article III, Texas Constitution. If this Act does not  
24 receive the vote necessary for immediate effect, this Act takes  
25 effect on the 91st day after the last day of the legislative  
26 session.