

BILL ANALYSIS

C.S.H.B. 353
By: Dutton
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A study by the Schott Foundation for Public Education resulted in a bleak analysis of the academic achievement gap for African American and Hispanic students, highlighting the fact that nearly two-thirds of African American male students in Texas failed to graduate from high school with their peers. The Schott study also pointed to a systemic lack of equity in the quality of education supports and resources for African American and Hispanic students, which creates barriers to these students' opportunities to learn and succeed. C.S.H.B. 353 seeks to address the opportunity gap that underlies the disparities in graduation rates by improving related statistical measurements associated with the public school accountability system. The bill specifically requires data used to demonstrate differentials among students from different racial and ethnic groups to include certain student populations and to be disaggregated by sex for purposes of certain performance indicators.

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. 353 amends the Education Code to specify that the data used to demonstrate the differentials among students from different racial and ethnic groups in the closing the gaps domain under the public school accountability system includes data relating to students who are African American, Hispanic, white, American Indian, Asian, Pacific Islander, and of two or more races and that the data must be both considered as a whole and disaggregated by sex.

C.S.H.B. 353 establishes that applicable data relating to different racial and ethnic groups may only be used by the Texas Education Agency (TEA) for purposes of a performance-based monitoring analysis system or results-driven accountability system adopted or implemented by TEA if there is a conflict between the use of that data prescribed by the bill and a federal law or regulation and the commissioner of education is unable to obtain the necessary waiver. The bill requires the commissioner, on obtaining any necessary waiver or receiving written notification from the U.S. Department of Education that a waiver is not required, to certify that fact and publish notice in the Texas Register as soon as practicable.

C.S.H.B. 353 prohibits TEA from using the information disaggregated by sex for accountability purposes before the accountability ratings assigned for the 2024-2025 school year. This

prohibition expires September 1, 2025. The bill applies beginning with the first school year that begins after the bill's effective date.

EFFECTIVE DATE

Any date not later than September 1, 2023, on which the commissioner of education obtains any necessary federal waiver or receives written notification from the U.S. Department of Education that a waiver is not required.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 353 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 specifies that the data used to demonstrate differentials among students from different racial and ethnic groups includes data relating to student populations who are white, American Indian, Asian, Pacific Islander, and of two or more races.

The substitute includes a provision limiting the use of the information relating to racial and ethnic groups if the commissioner of education is unable to obtain a necessary waiver in case of a conflict with a federal law or regulation and includes a related requirement for the commissioner to certify and publish in the Texas Register the receipt of such a waiver or receipt of notice that a waiver is not required.

The substitute changes the bill's effective date from on passage or September 1, 2021, if the bill does not receive the necessary vote for immediate effect to on any date not later than September 1, 2023, on which the commissioner obtains any necessary federal waiver or receives notification that a waiver is not required.

The substitute changes the first school year from which its provisions apply from the 2021-2022 school year to the first school year that begins after the bill's effective date.