87R17073 MEW-D

By:  Dutton H.B. No. 353

Substitute the following for H.B. No. 353:

By:  Dutton C.S.H.B. No. 353

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of certain student differentials based on racial and ethnic groups and sex under the public school accountability system.

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

SECTION 1.  Section 39.053, Education Code, is amended by amending Subsections (c) and (e) and adding Subsections (c-5) and (i-1) to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(v)  students who earn industry certifications;

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

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

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

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

(x)  students who successfully completed an OnRamps dual enrollment course;

(xi)  students who successfully completed a practicum or internship approved by the State Board of Education; and

(xii)  students who are awarded an associate degree;

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

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

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

(3)  in the closing the gaps domain, the use of disaggregated data to demonstrate the differentials among students:

(A)  from different:

(i)  racial and ethnic groups, including students who are African American, Hispanic, white, American Indian, Asian, Pacific Islander, and two or more races:

(a)  considered as a whole; and

(b)  disaggregated by sex; and

(ii)  socioeconomic backgrounds;[~~,~~] and

(B)  based on other relevant factors not described by Paragraph (A), including:

(i) [~~(A)~~]  students formerly receiving special education services;

(ii) [~~(B)~~]  students continuously enrolled; and

(iii) [~~(C)~~]  students who are mobile.

(c-5)  Notwithstanding Subsection (c)(3)(A)(i), if there is a conflict between that subsection and a federal law or regulation and the commissioner is unable to obtain the necessary waiver from the conflicting federal law or regulation, information reported under that subsection may only be used by the agency for purposes of a performance-based monitoring analysis system or results-driven accountability system adopted or implemented by the agency.

(e)  For purposes of Subsection (c)(3)(B)(i) [~~(c)(3)(A)~~], a student formerly receiving special education services means a student whose enrollment information:

(1)  for the preceding school year, as reported through the Public Education Information Management System (PEIMS), indicates the student was enrolled at the campus and was participating in a special education program; and

(2)  for the current school year, as reported through the Public Education Information Management System (PEIMS) and as reported on assessment instruments administered to the student under Section 39.023, indicates the student is enrolled at the campus and is not participating in a special education program.

(i-1)  Notwithstanding Subsection (c)(3)(A)(i)(b), information reported under that sub-subparagraph may not be used by the agency for accountability purposes before the accountability ratings assigned for the 2024-2025 school year. This subsection expires September 1, 2025.

SECTION 2.  (a) This Act takes effect on any date not later than September 1, 2023, on which the commissioner of education:

(1)  obtains any necessary waiver from the application of federal law or regulation conflicting with Section 39.053, Education Code, as amended by this Act; or

(2)  receives written notification from the United States Department of Education that a waiver is not required.

(b)  This Act applies beginning with the first school year that begins after the date on which this Act takes effect under Subsection (a) of this section.

(c)  If the commissioner of education obtains any necessary waiver or receives written notification as described by Subsection (a) of this section, the commissioner shall certify that the commissioner has obtained the waiver or received notification that a waiver is not required, as applicable, and shall publish notice of that fact in the Texas Register as soon as practicable after obtaining the waiver or receiving notification.