

By: Dutton

H.B. No. 353

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

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C.S.H.B. No. 353

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the consideration of certain student differentials
3 based on racial and ethnic groups and sex under the public school
4 accountability system.

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

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

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

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

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

16 (i) an indicator that accounts for the
17 results of assessment instruments required under Sections
18 39.023(a), (c), and (l), as applicable for the district and campus,
19 including the results of assessment instruments required for
20 graduation retaken by a student, aggregated across grade levels by
21 subject area, including:

22 (a) for the performance standard
23 determined by the commissioner under Section 39.0241(a), the
24 percentage of students who performed satisfactorily on the

1 assessment instruments, aggregated across grade levels by subject
2 area; and

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

8 (ii) an indicator that accounts for the
9 results of assessment instruments required under Section
10 39.023(b), as applicable for the district and campus, including the
11 percentage of students who performed satisfactorily on the
12 assessment instruments, as determined by the performance standard
13 adopted by the agency, aggregated across grade levels by subject
14 area; and

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

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

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

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

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

3 (v) students who earn industry
4 certifications;

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

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

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

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

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

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

27 and

1 (xii) students who are awarded an associate
2 degree;

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

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

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

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

15 (A) from different:

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

19 (a) considered as a whole; and

20 (b) disaggregated by sex; and

21 (ii) socioeconomic backgrounds;~~[7]~~ and

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

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

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

27 and

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

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

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

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

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

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

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

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

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

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

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