

By: VanDeaver, Metcalf, Guillen, Bernal,
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H.B. No. 3668

Substitute the following for H.B. No. 3668:

By: Dutton

C.S.H.B. No. 3668

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of assessment instruments in public
3 schools, eliminating the requirement to use public school
4 assessment instruments as a criterion for promotion or graduation,
5 and the temporary suspension of certain accountability
6 determinations for a school district or campus in a school year in
7 which the operations of the district or campus are disrupted as a
8 result of a declared disaster.

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

10 SECTION 1. Section 18.005(c), Education Code, is amended to
11 read as follows:

12 (c) A Job Corps diploma program shall:

13 (1) develop educational programs specifically
14 designed for persons eligible for enrollment in a Job Corps
15 training program established by the United States Department of
16 Labor;

17 (2) coordinate educational programs and services in
18 the diploma program with programs and services provided by the
19 United States Department of Labor and other federal and state
20 agencies and local political subdivisions and by persons who
21 provide programs and services under contract with the United States
22 Department of Labor;

23 (3) provide a course of instruction that includes the
24 required curriculum under Subchapter A, Chapter 28; and

1 (4) [~~require that students enrolled in the diploma~~
2 ~~program satisfy the requirements of Section 39.025 before receiving~~
3 ~~a diploma under this chapter, and~~

4 [~~(5)~~] comply with a requirement imposed under this
5 title or a rule adopted under this title relating to the Public
6 Education Information Management System (PEIMS) to the extent
7 necessary to determine compliance with this chapter, as determined
8 by the commissioner.

9 SECTION 2. Section 19.0043(b), Education Code, is amended
10 to read as follows:

11 (b) A student may graduate and receive a diploma from a
12 Windham School District educational program if:

13 (1) the student successfully completes the curriculum
14 requirements identified by the State Board of Education under
15 Section 28.025(a) [~~and complies with Section 39.025~~]; or

16 (2) the student successfully completes the curriculum
17 requirements under Section 28.025(a) as modified by an
18 individualized education program developed under Section 29.005.

19 SECTION 3. Section 25.005(b), Education Code, is amended to
20 read as follows:

21 (b) A reciprocity agreement must:

22 (1) address procedures for:

23 (A) transferring student records; and

24 (B) awarding credit for completed course work;

25 and

26 [~~(C) permitting a student to satisfy the~~
27 ~~requirements of Section 39.025 through successful performance on~~

1 ~~comparable end-of-course or other exit-level assessment~~
2 ~~instruments administered in another state; and]~~

3 (2) include appropriate criteria developed by the
4 agency.

5 SECTION 4. Section 28.021(c), Education Code, is amended to
6 read as follows:

7 (c) In determining promotion under Subsection (a), a school
8 district shall consider:

9 (1) the recommendation of the student's teacher;

10 (2) the student's grade in each subject or course; and

11 (3) ~~[the student's score on an assessment instrument~~
12 ~~administered under Section 39.023(a), (b), or (1), to the extent~~
13 ~~applicable; and~~

14 ~~[(4)]~~ any other necessary academic information, as
15 determined by the district.

16 SECTION 5. The heading to Section 28.0211, Education Code,
17 is amended to read as follows:

18 Sec. 28.0211. ~~[SATISFACTORY PERFORMANCE ON ASSESSMENT~~
19 ~~INSTRUMENTS REQUIRED.]~~ ACCELERATED INSTRUCTION.

20 SECTION 6. Sections 28.0211(a-1), (b), (c), (d), (g), and
21 (i), Education Code, are amended to read as follows:

22 (a-1) Each time a student fails to perform satisfactorily on
23 an assessment instrument administered under Section 39.023(a) ~~[in~~
24 ~~the third, fourth, fifth, sixth, seventh, or eighth grade]~~, the
25 school district in which the student attends school shall provide
26 to the student accelerated instruction in the applicable subject
27 area. Accelerated instruction may require participation of the

1 student before or after normal school hours and may include
2 participation at times of the year outside normal school
3 operations.

4 (b) A school district shall provide to a student who
5 initially fails to perform satisfactorily on an assessment
6 instrument administered [~~specified~~] under Section 39.023(a)
7 [~~Subsection (a)~~] at least two additional opportunities to take the
8 assessment instrument. A school district may administer an
9 alternate assessment instrument to a student who has failed an
10 assessment instrument administered [~~specified~~] under Section
11 39.023(a) [~~Subsection (a)~~] on the previous two opportunities.
12 [~~Notwithstanding any other provision of this section, a student may~~
13 ~~be promoted if the student performs at grade level on an alternate~~
14 ~~assessment instrument under this subsection that is appropriate for~~
15 ~~the student's grade level and approved by the commissioner.~~]

16 (c) [~~Each time a student fails to perform satisfactorily on~~
17 ~~an assessment instrument specified under Subsection (a), the school~~
18 ~~district in which the student attends school shall provide to the~~
19 ~~student accelerated instruction in the applicable subject area,~~
20 ~~including reading instruction for a student who fails to perform~~
21 ~~satisfactorily on a reading assessment instrument. After a student~~
22 ~~fails to perform satisfactorily on an assessment instrument a~~
23 ~~second time, a grade placement committee shall be established to~~
24 ~~prescribe the accelerated instruction the district shall provide to~~
25 ~~the student before the student is administered the assessment~~
26 ~~instrument the third time. The grade placement committee shall be~~
27 ~~composed of the principal or the principal's designee, the~~

1 ~~student's parent or guardian, and the teacher of the subject of an~~
2 ~~assessment instrument on which the student failed to perform~~
3 ~~satisfactorily. The district shall notify the parent or guardian~~
4 ~~of the time and place for convening the grade placement committee~~
5 ~~and the purpose of the committee.]~~ An accelerated instruction
6 group administered by a school district under this section may not
7 have a ratio of more than 10 students for each teacher.

8 (d) In addition to providing accelerated instruction to a
9 student under Subsection (a-1) [~~(c)~~], the district shall notify the
10 student's parent or guardian of:

11 (1) the student's failure to perform satisfactorily on
12 the assessment instrument; and

13 (2) the accelerated instruction program to which the
14 student is assigned[~~, and~~

15 [~~(3) the possibility that the student might be~~
16 ~~retained at the same grade level for the next school year].~~

17 (g) This section does not preclude the retention at a grade
18 level, in accordance with state law or school district policy, of a
19 student who performs satisfactorily on an assessment instrument
20 [~~specified under Subsection (a)~~].

21 (i) The admission, review, and dismissal committee of a
22 student who participates in a district's special education program
23 under Subchapter **A**, Chapter **29**, and who does not perform
24 satisfactorily on an assessment instrument [~~specified under~~
25 ~~Subsection (a) and~~] administered under Section **39.023**(a) or (b)
26 must meet before the student is administered the assessment
27 instrument for the second time. The committee shall determine[~~+~~

1 ~~[(1)]~~ the manner in which the student will participate
2 in an accelerated instruction program under this section~~[, and~~
3 ~~[(2) whether the student will be promoted in~~
4 ~~accordance with Subsection (i-1) or retained under this section].~~

5 SECTION 7. Sections 28.025(b-7), (c), and (e), Education
6 Code, are amended to read as follows:

7 (b-7) The State Board of Education, in coordination with the
8 Texas Higher Education Coordinating Board, shall adopt rules to
9 ensure that a student may comply with the curriculum requirements
10 under the foundation high school program or for an endorsement
11 under Subsection (c-1) by successfully completing appropriate
12 courses in the core curriculum of an institution of higher
13 education under Section 61.822. Notwithstanding Subsection (b-15)
14 or (c) ~~[of this section, Section 39.025,]~~ or any other provision of
15 this code and notwithstanding any school district policy, a student
16 who has completed the core curriculum of an institution of higher
17 education under Section 61.822, as certified by the institution in
18 accordance with commissioner rule, is considered to have earned a
19 distinguished level of achievement under the foundation high school
20 program and is entitled to receive a high school diploma from the
21 appropriate high school as that high school is determined in
22 accordance with commissioner rule. A student who is considered to
23 have earned a distinguished level of achievement under the
24 foundation high school program under this subsection may apply for
25 admission to an institution of higher education for the first
26 semester or other academic term after the semester or other
27 academic term in which the student completes the core curriculum.

1 (c) A person may receive a diploma if the person is eligible
2 for a diploma under Section 28.0251. In other cases, a student may
3 graduate and receive a diploma only if:

4 (1) the student successfully completes the curriculum
5 requirements identified by the State Board of Education under
6 Subsection (a) and complies with Section [~~Sections~~] 28.0256 [~~and~~
7 ~~39.025~~]; or

8 (2) the student successfully completes an
9 individualized education program developed under Section 29.005.

10 (e) Each school district shall report the academic
11 achievement record of students who have completed the foundation
12 high school program on transcript forms adopted by the State Board
13 of Education. [~~The transcript forms adopted by the board must be~~
14 ~~designed to clearly identify whether a student received a diploma~~
15 ~~or a certificate of coursework completion.~~]

16 SECTION 8. Sections 28.02541(a) and (d), Education Code,
17 are amended to read as follows:

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

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

21 (2) successfully completed the curriculum
22 requirements for high school graduation applicable to the student
23 when the student entered the ninth grade[~~+~~

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

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

4 (d) In adopting rules under Subsection (c)(2), the
5 commissioner may authorize as an alternative requirement:

6 (1) ~~[an alternative assessment instrument and~~
7 ~~performance standard for that assessment instrument,~~

8 ~~[(2)]~~ work experience; or

9 (2) ~~[(3)]~~ military or other relevant life experience.

10 SECTION 9. Section 28.0255(g), Education Code, is amended
11 to read as follows:

12 (g) A student is entitled to a high school diploma if the
13 student~~+~~

14 ~~[(1)]~~ successfully complies with the curriculum
15 requirements specified under Subsection (e) ~~[, and~~

16 ~~[(2) performs satisfactorily, as determined by the~~
17 ~~commissioner under Subsection (h), on end-of-course assessment~~
18 ~~instruments listed under Section 39.023(c) for courses in which the~~
19 ~~student was enrolled].~~

20 SECTION 10. Section 28.02591(a), Education Code, is amended
21 to read as follows:

22 (a) The Texas Higher Education Coordinating Board, in
23 coordination with the agency, shall collect longitudinal data
24 relating to the post-graduation pursuits of each student who is
25 awarded a diploma based on the determination of an individual
26 graduation committee under former Section 28.0258, as that section
27 existed on January 1, 2021 ~~[before September 1, 2023]~~, including

1 whether the student:

2 (1) enters the workforce;

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

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

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

9 SECTION 11. Section 29.081(b-1), Education Code, is amended
10 to read as follows:

11 (b-1) Each school district shall offer before the next
12 scheduled administration of the assessment instrument, without
13 cost to the student, additional accelerated instruction to each
14 student in any subject in which the student failed to perform
15 satisfactorily on an end-of-course assessment instrument listed in
16 Section 39.023(c) [required for graduation].

17 SECTION 12. Sections 29.259(c), (g), and (i), Education
18 Code, are amended to read as follows:

19 (c) The agency shall adopt and administer a standardized
20 secondary exit-level assessment instrument appropriate for
21 assessing adult education program participants who successfully
22 complete high school curriculum requirements under a program
23 provided under this section. The commissioner shall determine the
24 level of performance considered to be satisfactory on the secondary
25 exit-level assessment instrument [~~for receipt of a high school~~
26 ~~diploma by an adult education program participant in a program~~
27 ~~provided under this section]~~.

1 (g) A person who is at least 18 years of age and not more
2 than 50 years of age is eligible to enroll in the adult education
3 program under this section if the person:

4 (1) has failed to complete the curriculum requirements
5 for high school graduation; or

6 (2) has failed to perform satisfactorily on an
7 assessment instrument that, before the 2021-2022 school year, was
8 required for high school graduation.

9 (i) A charter granted under this section must:

10 (1) include a description of the adult education
11 program to be offered under this section; and

12 (2) establish specific, objective standards for
13 receiving a high school diploma, including[+]

14 [~~(A)~~] successful completion of:

15 (A) [~~(i)~~] if applicable to the program
16 participant, the curriculum requirements under Section 28.025; or

17 (B) [~~(ii)~~] the appropriate curriculum
18 requirements applicable to the program participant[~~, and~~

19 [~~(B) satisfactory performance on the~~
20 ~~standardized secondary exit-level assessment instrument described~~
21 ~~by Subsection (c)].~~

22 SECTION 13. Section 29.402(c), Education Code, is amended
23 to read as follows:

24 (c) A public junior college under this section shall:

25 (1) design a dropout recovery curriculum that includes
26 career and technology education courses that lead to industry or
27 career certification;

1 (2) integrate into the dropout recovery curriculum
2 research-based strategies to assist students in becoming able
3 academically to pursue postsecondary education, including:

4 (A) high quality, college readiness instruction
5 with strong academic and social supports;

6 (B) secondary to postsecondary bridging that
7 builds college readiness skills, provides a plan for college
8 completion, and ensures transition counseling; and

9 (C) information concerning appropriate supports
10 available in the first year of postsecondary enrollment to ensure
11 postsecondary persistence and success, to the extent funds are
12 available for the purpose;

13 (3) offer advanced academic and transition
14 opportunities, including dual credit courses and college
15 preparatory courses, such as advanced placement courses; and

16 (4) coordinate with each partnering school district to
17 provide in the articulation agreement that the district retains
18 accountability for student attendance and~~[,]~~ student completion of
19 high school course requirements~~[, and student performance on~~
20 ~~assessment instruments]~~ as necessary for the student to receive a
21 diploma from a high school of the partnering school district.

22 SECTION 14. Section 30.021(e), Education Code, is amended
23 to read as follows:

24 (e) The school shall cooperate with public and private
25 agencies and organizations serving students and other persons with
26 visual impairments in the planning, development, and
27 implementation of effective educational and rehabilitative service

1 delivery systems associated with educating students with visual
2 impairments. To maximize and make efficient use of state
3 facilities, funding, and resources, the services provided in this
4 area may include conducting a cooperative program with other
5 agencies to serve students who have graduated from high school by
6 completing all academic requirements applicable to students in
7 regular education[~~, excluding satisfactory performance under~~
8 ~~Section 39.025,~~] who are younger than 22 years of age on September 1
9 of the school year and who have identified needs related to
10 vocational training, independent living skills, orientation and
11 mobility, social and leisure skills, compensatory skills, or
12 remedial academic skills.

13 SECTION 15. Section 30.104(b), Education Code, is amended
14 to read as follows:

15 (b) A student may graduate and receive a diploma from a
16 department educational program if:

17 (1) the student successfully completes the curriculum
18 requirements identified by the State Board of Education under
19 Section 28.025(a) [~~and complies with Section 39.025~~]; or

20 (2) the student successfully completes the curriculum
21 requirements under Section 28.025(a) as modified by an
22 individualized education program developed under Section 29.005.

23 SECTION 16. Section 32.258(b), Education Code, is amended
24 to read as follows:

25 (b) The system established under Subsection (a) shall
26 provide a means for a student or the student's parent or other
27 person standing in parental relationship to track the student's

1 progress on assessment instruments administered under Section
2 39.023 [~~instrument requirements for graduation~~].

3 SECTION 17. Section 39.023(a), Education Code, as effective
4 until September 1, 2021, is amended to read as follows:

5 (a) The agency shall adopt or develop appropriate
6 criterion-referenced assessment instruments designed to assess
7 essential knowledge and skills in reading, [~~writing,~~] mathematics,
8 [~~social studies,~~] and science. Except as provided by Subsection
9 (a-2), all students, other than students assessed under Subsection
10 (b) or (1) or exempted under Section 39.027, shall be assessed in:

11 (1) mathematics, annually in grades three through
12 eight;

13 (2) reading, annually in grades three through eight;
14 and

15 (3) [~~writing, including spelling and grammar, in~~
16 ~~grades four and seven,~~

17 [~~(4) social studies, in grade eight,~~

18 [~~(5)] science, in grades five and eight[, and~~

19 [~~(6) any other subject and grade required by federal~~
20 ~~law~~].

21 SECTION 18. Section 39.023(a), Education Code, as effective
22 September 1, 2021, is amended to read as follows:

23 (a) The agency shall adopt or develop appropriate
24 criterion-referenced assessment instruments designed to assess
25 essential knowledge and skills in reading, mathematics, [~~social~~
26 ~~studies,~~] and science. Except as provided by Subsection (a-2), all
27 students, other than students assessed under Subsection (b) or (1)

1 or exempted under Section 39.027, shall be assessed in:

2 (1) mathematics, annually in grades three through
3 eight;

4 (2) reading, annually in grades three through eight;
5 and

6 (3) ~~[social studies, in grade eight,~~

7 ~~[(4)] science, in grades five and eight[, and~~

8 ~~[(5) any other subject and grade required by federal~~
9 ~~law].~~

10 SECTION 19. Section 39.023, Education Code, is amended by
11 amending Subsections (c) and (c-2) and adding Subsection (q) to
12 read as follows:

13 (c) The agency shall also adopt end-of-course assessment
14 instruments for secondary-level courses in reading, mathematics,
15 and science only as necessary to comply with the Every Student
16 Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered
17 only as necessary to meet the minimum requirements of that Act
18 ~~[Algebra I, biology, English I, English II, and United States~~
19 ~~history. The Algebra I end-of-course assessment instrument must~~
20 ~~be administered with the aid of technology, but may include one or~~
21 ~~more parts that prohibit the use of technology. The English I and~~
22 ~~English II end-of-course assessment instruments must each assess~~
23 ~~essential knowledge and skills in both reading and writing and must~~
24 ~~provide a single score]. A school district shall comply with State~~

25 Board of Education rules regarding administration of the assessment
26 instruments adopted under ~~[listed in]~~ this subsection. If a
27 student is in a special education program under Subchapter A,

1 Chapter 29, the student's admission, review, and dismissal
2 committee shall determine whether any allowable modification is
3 necessary in administering to the student an assessment instrument
4 required under this subsection. The State Board of Education shall
5 administer the assessment instruments. An end-of-course
6 assessment instrument may be administered in multiple parts over
7 more than one day. ~~[The State Board of Education shall adopt a
8 schedule for the administration of end-of-course assessment
9 instruments that complies with the requirements of Subsection
10 (c-3).]~~

11 (c-2) The agency may adopt end-of-course assessment
12 instruments for courses for which end-of-course assessment
13 instruments are not adopted under ~~[not listed in]~~ Subsection
14 (c). A student's performance on an end-of-course assessment
15 instrument adopted under this subsection is not subject to the
16 performance requirements established under Subsection (c) or
17 Section 39.025.

18 (g) Notwithstanding any provision of this section or other
19 law, if changes made to the Every Student Succeeds Act (20 U.S.C.
20 Section 6301 et seq.) reduce the number or frequency of assessment
21 instruments required to be administered to students, the State
22 Board of Education shall adopt rules reducing the number or
23 frequency of assessment instruments administered to students under
24 state law, and the commissioner shall ensure that students are not
25 assessed in subject areas or in grades that are no longer required
26 to meet the minimum requirements of that Act.

27 SECTION 20. Subchapter B, Chapter 39, Education Code, is

1 amended by adding Section 39.0239 to read as follows:

2 Sec. 39.0239. ADMINISTRATION OF ASSESSMENT INSTRUMENTS AND
3 TEMPORARY SUSPENSION OF CERTAIN ACCOUNTABILITY MEASURES DURING
4 DISASTER. (a) If a school district is located wholly or partly in
5 the area of a disaster declared by the president of the United
6 States under the Robert T. Stafford Disaster Relief and Emergency
7 Assistance Act (42 U.S.C. Section 5121 et seq.) or by the governor
8 under Chapter 418, Government Code, during a school year in which
9 district operations, including in-person attendance, are
10 disrupted, the commissioner shall apply to the United States
11 Department of Education for a waiver of the requirement under the
12 Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to
13 administer assessment instruments during that school year for the
14 affected district.

15 (b) If the United States Department of Education fails to
16 grant a waiver requested under Subsection (a), the assessment
17 instruments shall be administered as required under Section 39.023
18 during the applicable school year, but, notwithstanding any other
19 law, the commissioner may not consider the results of the
20 assessment instruments for purposes of evaluating school district
21 or campus performance under this chapter for the affected district
22 for the applicable school year, including in determining:

23 (1) the accreditation status of a district under
24 Section 39.051;

25 (2) the performance rating to assign to the district
26 or the district's campuses under Section 39.054; or

27 (3) whether to impose any intervention or sanction

1 authorized by Chapter 39A after the applicable school year on the
2 district or the district's campuses.

3 SECTION 21. The heading to Section 39.025, Education Code,
4 is amended to read as follows:

5 Sec. 39.025. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT
6 [~~SECONDARY-LEVEL PERFORMANCE REQUIRED~~].

7 SECTION 22. Section 39.025(a), Education Code, is amended
8 to read as follows:

9 (a) The commissioner shall adopt rules requiring a student
10 in the foundation high school program under Section 28.025 to be
11 administered an end-of-course assessment instrument listed in
12 Section 39.023(c) only for a course in which the student is enrolled
13 and for which an end-of-course assessment instrument is
14 administered. Each student's performance on an end-of-course
15 assessment instrument shall be evaluated to determine whether the
16 [A] student achieved [is required to achieve] a scale score that
17 indicates satisfactory performance, as determined by the
18 commissioner under Section 39.0241(a) [, on each end-of-course
19 assessment instrument administered to the student]. The results of
20 the administration of an end-of-course assessment instrument
21 required under this subsection may not be used as criteria for
22 graduation. The results may be used only for the purpose of
23 diagnosing the academic strengths and deficiencies of a student and
24 guiding specific instruction to the student. [For each scale score
25 required under this subsection that is not based on a 100-point
26 scale scoring system, the commissioner shall provide for
27 conversion, in accordance with commissioner rule, of the scale

1 ~~score to an equivalent score based on a 100-point scale scoring~~
2 ~~system. A student may not receive a high school diploma until the~~
3 ~~student has performed satisfactorily on end-of-course assessment~~
4 ~~instruments in the manner provided under this subsection.] This~~
5 subsection does not require a student to demonstrate readiness to
6 enroll in an institution of higher education.

7 SECTION 23. Section 39.034(d), Education Code, is amended
8 to read as follows:

9 (d) The agency shall determine the necessary annual
10 improvement required each year for a student to be prepared to
11 perform satisfactorily on, as applicable:

- 12 (1) the grade five assessment instruments;
- 13 (2) the grade eight assessment instruments; and
- 14 (3) the end-of-course assessment instruments listed
15 in Section 39.023(c) [~~required under this subchapter for~~
16 ~~graduation~~].

17 SECTION 24. Section 39.053(c), Education Code, is amended
18 to read as follows:

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

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

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

26 (i) an indicator that accounts for the
27 results of assessment instruments required under Sections

1 39.023(a), (c), and (l), as applicable for the district and campus,
2 including the results of those assessment instruments [~~required for~~
3 ~~graduation~~] retaken by a student, aggregated across grade levels by
4 subject area, including:

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

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

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

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

25 (i) students who satisfy the Texas Success
26 Initiative (TSI) college readiness benchmarks prescribed by the
27 Texas Higher Education Coordinating Board under Section 51.334 on

1 an assessment instrument in reading or mathematics designated by
2 the coordinating board under that section;

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

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

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

10 (v) students who earn industry
11 certifications;

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

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

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

25 (ix) high school graduation rates, computed
26 in accordance with standards and definitions adopted in compliance
27 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)

1 subject to the exclusions provided by Subsections (g), (g-1),
2 (g-2), and (g-3);

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

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

8 (xii) students who are awarded an associate
9 degree;

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

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

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

19 (3) in the closing the gaps domain, the use of
20 disaggregated data to demonstrate the differentials among students
21 from different racial and ethnic groups, socioeconomic
22 backgrounds, and other factors, including:

23 (A) students formerly receiving special
24 education services;

25 (B) students continuously enrolled; and

26 (C) students who are mobile.

27 SECTION 25. Section [39.203\(c\)](#), Education Code, is amended

1 to read as follows:

2 (c) In addition to the distinction designations described
3 by Subsections (a) and (b), a campus that satisfies the criteria
4 developed under Section 39.204 shall be awarded a distinction
5 designation by the commissioner for outstanding performance in
6 academic achievement in reading [~~English language arts~~],
7 mathematics, or science [~~, or social studies~~].

8 SECTION 26. Section 39.301(c), Education Code, is amended
9 to read as follows:

10 (c) Indicators for reporting purposes must include:

11 (1) the percentage of graduating students who meet the
12 course requirements established by State Board of Education rule
13 for:

14 (A) the foundation high school program;

15 (B) the distinguished level of achievement under
16 the foundation high school program; and

17 (C) each endorsement described by Section
18 28.025(c-1);

19 (2) the results of the SAT, ACT, and certified
20 workforce training programs described by Chapter 311, Labor Code;

21 (3) for students who have failed to perform
22 satisfactorily, under each performance standard under Section
23 39.0241, on an assessment instrument required under Section
24 39.023(a) or (c), the performance of those students on subsequent
25 assessment instruments required under those sections, aggregated
26 by grade level and subject area;

27 (4) for each campus, the number of students,

1 disaggregated by major student subpopulations, that take courses
2 under the foundation high school program and take additional
3 courses to earn an endorsement under Section 28.025(c-1),
4 disaggregated by type of endorsement;

5 (5) the percentage of students, aggregated by grade
6 level, provided accelerated instruction under Section 28.0211
7 [~~28.0211(c)~~], the results of assessment instruments administered
8 under that section, [~~the percentage of students promoted through~~
9 ~~the grade placement committee process under Section 28.0211,~~] the
10 subject of the assessment instrument on which each student failed
11 to perform satisfactorily under each performance standard under
12 Section 39.0241, and the performance of those students in the
13 following school year [~~following that promotion~~] on the assessment
14 instruments required under Section 39.023;

15 (6) the percentage of students of limited English
16 proficiency exempted from the administration of an assessment
17 instrument under Sections 39.027(a)(1) and (2);

18 (7) the percentage of students in a special education
19 program under Subchapter A, Chapter 29, assessed through assessment
20 instruments developed or adopted under Section 39.023(b);

21 (8) the percentage of students who satisfy the college
22 readiness measure;

23 (9) the measure of progress toward dual language
24 proficiency under Section 39.034(b), for students of limited
25 English proficiency, as defined by Section 29.052;

26 (10) the percentage of students who are not
27 educationally disadvantaged;

1 (11) the percentage of students who enroll and begin
2 instruction at an institution of higher education in the school
3 year following high school graduation; and

4 (12) the percentage of students who successfully
5 complete the first year of instruction at an institution of higher
6 education without needing a developmental education course.

7 SECTION 27. Effective September 1, 2021, the following
8 provisions of the Education Code are repealed:

9 (1) Section 12.104(b-2);

10 (2) Section 19.0043(c);

11 (3) Section 28.021(e);

12 (4) Sections 28.0211(a), (a-2), (e), (f), (i-1),
13 (i-2), (n), (o), and (p);

14 (5) Sections 28.025(c-6) and (d);

15 (6) Section 28.0255(h);

16 (7) Section 28.0258;

17 (8) Section 28.0259;

18 (9) Section 30.104(c);

19 (10) Section 39.023(c-3);

20 (11) Section 39.023(c-7), as added by Chapter 1282
21 (H.B. 1244), Acts of the 86th Legislature, Regular Session, 2019;

22 (12) Section 39.023(c-7), as added by Chapter 1315
23 (H.B. 3906), Acts of the 86th Legislature, Regular Session, 2019;

24 and

25 (13) Sections 39.025(a-1), (a-2), (a-3), (a-4),
26 (a-5), (b), (c), (c-1), (c-2), (d), (e), (f), (f-1), (f-2), and (g).

27 SECTION 28. (a) As soon as practicable, each school

1 district that provided notice to an eighth grade student during the
2 2020-2021 school year under Section 39.025(g), Education Code, as
3 that section existed before the repeal by this Act, shall send an
4 updated notice to that student informing the student of the
5 specific requirements applicable to the student under Sections
6 39.023(c) and 39.025(a), Education Code, as amended by this Act.

7 (b) As soon as practicable, the commissioner of education
8 shall determine the level of performance considered to be
9 satisfactory as required under Section 39.0241(a), Education Code,
10 on the assessment instrument required under Section 39.023(c),
11 Education Code, as amended by this Act.

12 SECTION 29. This Act applies beginning with the 2021-2022
13 school year.

14 SECTION 30. This Act takes effect immediately if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for immediate
18 effect, this Act takes effect September 1, 2021.