

By: West

S.B. No. 1966

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Texas Commission on Assessment and Accountability.

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

SECTION 1. Chapter 39A, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. TEXAS COMMISSION ON ASSESSMENT AND ACCOUNTABILITY

Sec. 39A.351. DEFINITION. In this subchapter, "commission" means the Texas Commission on Assessment and Accountability.

Sec. 39A.352. TEXAS COMMISSION ON ASSESSMENT AND ACCOUNTABILITY. (a) The commission is established to develop and make recommendations for improvements to the current public school assessment and accountability systems.

(b) The commission is composed of 19 members, consisting of:

(1) four members appointed by the governor;

(2) seven members appointed by the lieutenant governor;

(3) seven members appointed by the speaker of the house of representatives; and

(4) a member of the State Board of Education, as designated by the chair of that board.

(c) The members appointed by the governor must have an interest in public education and include at least:

(1) one person who is a current classroom teacher:

1 (A) in a grade and subject for which an
2 assessment instrument required under Section 39.023 is
3 administered; and

4 (B) with at least 10 years of teaching experience
5 at a Title 1 campus;

6 (2) one person who is a member of the business
7 community; and

8 (3) one person who is a member of the civic community.

9 (d) The appointments made by the lieutenant governor and the
10 speaker of the house of representatives must each consist of:

11 (1) three members of the applicable legislative
12 chamber;

13 (2) a superintendent in the public school system;

14 (3) an elected member of the board of trustees of a
15 school district;

16 (4) a parent of a student in the public school system;
17 and

18 (5) a public school district staff member who serves
19 on the Accountability Technical Advisory Committee established by
20 rule.

21 (e) In making appointments under Subsections (b)(1), (2),
22 and (3), the governor, lieutenant governor, and speaker of the
23 house of representatives shall coordinate to ensure that the
24 membership of the commission reflects, to the extent possible, the
25 ethnic and geographic diversity of this state.

26 Sec. 39A.353. PRESIDING OFFICER AND MEMBERS. (a) The
27 governor shall designate the presiding officer of the commission.

1 (b) A commission member may not be an employee, contractor,
2 consultant, or vendor of the agency or a regional education service
3 center.

4 Sec. 39A.354. COMPENSATION AND REIMBURSEMENT. A member of
5 the commission is not entitled to compensation for service on the
6 commission but is entitled to reimbursement for actual and
7 necessary expenses incurred in performing commission duties.

8 Sec. 39A.355. ADMINISTRATIVE SUPPORT AND FUNDING. (a) The
9 agency shall provide administrative support for the commission.
10 The agency, with assistance as necessary from the Texas Higher
11 Education Coordinating Board, shall provide data and analysis as
12 requested by the commission, including data available in the
13 education research centers established under Section 1.005.

14 (b) Funding for the administrative and operational expenses
15 of the commission shall be provided by legislative appropriation
16 made to the agency for that purpose.

17 Sec. 39A.356. RECOMMENDATIONS. (a) The commission shall
18 develop recommendations under this subchapter to address issues
19 related to the public school statewide assessment system,
20 including:

21 (1) test construction and administration methods that
22 ensure validity, readability, and fairness for all students;

23 (2) assessment options to inform instruction
24 throughout the school year;

25 (3) any disproportionate impact of assessments on
26 students receiving each tier of the compensatory education
27 allotment and other special populations, and appropriate policy

1 responses;

2 (4) the costs and instructional time devoted to the
3 administration of state-required assessment instruments, and
4 options for minimizing those costs and that time by combining
5 assessments and classroom instruction; and

6 (5) privacy, security, and confidentiality protocols
7 regarding the student information of a student receiving online
8 instruction or assessment.

9 (b) The commission shall develop recommendations under this
10 subchapter to address issues related to the public school academic
11 accountability rating system, including:

12 (1) characteristics and measures of effective schools
13 beyond state-required assessment instruments and ways to
14 incorporate those characteristics and measures into a fairer
15 accountability system;

16 (2) the correlation of accountability results with
17 special student populations, including educationally disadvantaged
18 students and students who are not educationally disadvantaged, for
19 each domain rating and overall rating, and the effect of enrollment
20 in open-enrollment charter schools and magnet or other voluntary
21 programs on the composition of student populations of district
22 campuses and the application of accountability measures; and

23 (3) the appropriateness and effectiveness of current
24 district and campus sanctions and any correlation between sanctions
25 imposed and campuses or districts serving particular student
26 populations.

27 (c) The commission shall include and consider

1 recommendations made by the existing Accountability Technical
2 Advisory Committee and Accountability Policy Advisory Committee
3 established by rule.

4 (d) The commission may establish one or more working groups
5 composed of not more than five members of the commission to study,
6 discuss, and address specific policy issues and recommendations to
7 refer to the commission for consideration.

8 Sec. 39A.357. REPORT. Not later than December 31, 2022, the
9 commission shall prepare and deliver a report to the governor and
10 the legislature that recommends statutory changes to improve the
11 public school assessment and accountability systems.

12 Sec. 39A.358. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a)
13 The commission may hold public meetings as needed to fulfill its
14 duties under this subchapter.

15 (b) The commission is subject to Chapters 551 and 552,
16 Government Code.

17 SECTION 2. Notwithstanding any other law, the commissioner
18 of education may not assign A through F ratings to an independent
19 school district or district campus under Chapter 39A, Education
20 Code, following the 2020-2021 school year. Sanctions in effect
21 under Chapter 39A, Education Code, continue in effect after the
22 effective date of this Act but may not be increased, and additional
23 sanctions may not be imposed.

24 SECTION 3. For purposes of a sanction imposed by the
25 commissioner of education on an independent school district or a
26 district campus under Chapter 39A, Education Code, based on
27 multi-year performance measures, the 2020-2021 school year does not

1 interrupt a series of measures continuing in effect from the
2 2019-2020 school year.

3 SECTION 4. Nothing in this Act prohibits the commissioner
4 of education from reducing or suspending an existing sanction based
5 on meeting performance standards adopted by rule or under Section
6 [11.174](#), Education Code.

7 SECTION 5. (a) The commissioner of education shall apply to
8 the federal government for appropriate waivers or amendments to the
9 application of federal law as necessary to allow implementation of
10 this Act.

11 (b) The commissioner of education may take appropriate
12 measures to assess students and evaluate academic performance
13 following the 2020-2021 school year only to the extent required by
14 federal law.

15 (c) For purposes of district or campus sanction based on
16 multi-year performance measures, the 2020-2021 school year may not
17 be considered but will not interrupt a series of measures
18 continuing from the 2019-2020 school year.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section [39](#), Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.