88R6139 JES-D

By:  Rosenthal H.B. No. 2661

A BILL TO BE ENTITLED

AN ACT

relating to eliminating the requirement to use public school assessment instruments as indicators of achievement under the public school accountability system.

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

SECTION 1.  Section 28.0258(j), Education Code, is amended to read as follows:

(j)  Notwithstanding any action taken by an individual graduation committee under this section, a school district shall administer an end-of-course assessment instrument to any student who fails to perform satisfactorily on an end-of-course assessment instrument as provided by Section 39.025(b). [~~For purposes of Section 39.053(c)(1), an assessment instrument administered as provided by this subsection is considered an assessment instrument required for graduation retaken by a student.~~]

SECTION 2.  Section 29.062(a), Education Code, is amended to read as follows:

(a)  The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the achievement indicators adopted under Section 39.053(c)[~~, including the results of assessment instruments~~]. The agency may combine evaluations under this section with federal accountability measures concerning emergent bilingual students.

SECTION 3.  Section 29.190(a), Education Code, is amended to read as follows:

(a)  A student is entitled to a subsidy under this section if:

(1)  the student:

(A)  successfully completes the career and technology program of a school district in which the student receives training and instruction for employment; or

(B)  is enrolled in a special education program under Subchapter A; and

(2)  the student passes a certification examination to qualify for a license or certificate that is an industry certification for purposes of Section 39.053(c)(1)(C) [~~39.053(c)(1)(B)(v)~~], administered while the student is enrolled in a school district.

SECTION 4.  Section 39.033(b), Education Code, is amended to read as follows:

(b)  An agreement under this section must require the private school to:

(1)  as determined appropriate by the commissioner, provide to the commissioner the information described by Section [~~Sections 39.053(c) and~~] 39.301(c); and

(2)  maintain confidentiality in compliance with Section 39.030.

SECTION 5.  Sections 39.053(c), (g), (g-1), (g-2), (g-3), and (g-4), Education Code, are amended 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:

(A)  [~~(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;

(B) [~~(iv)~~]  students who enlist in the armed forces of the United States or the Texas National Guard;

(C) [~~(v)~~]  students who earn industry certifications;

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

(E) [~~(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;

(F) [~~(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;

(G) [~~(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), (g-3), and (g-4);

(H) [~~(x)~~]  students who successfully completed an OnRamps dual enrollment course;

(I) [~~(xi)~~]  students who successfully completed a practicum or internship approved by the State Board of Education;

(J) [~~(xii)~~]  students who are awarded an associate degree; and

(K) [~~(xiii)~~]  students who successfully completed a program of study in career and technical education;

(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, by comparing 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 from different racial and ethnic groups, socioeconomic backgrounds, and other factors, including:

(A)  students formerly receiving special education services;

(B)  students continuously enrolled; and

(C)  students who are mobile.

(g)  In computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(G) [~~(c)(1)(B)(ix)~~], the commissioner may not consider as a dropout a student whose failure to attend school results from:

(1)  the student's expulsion under Section 37.007; and

(2)  as applicable:

(A)  adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or

(B)  conviction of and sentencing for an offense under the Penal Code.

(g-1)  In computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(G) [~~(c)(1)(B)(ix)~~], the commissioner shall exclude:

(1)  students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;

(2)  students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

(3)  students in attendance who are not in membership for purposes of average daily attendance;

(4)  students whose initial enrollment in a school in the United States in grades 7 through 12 was as an unschooled asylee or refugee as defined by Section 39.027(a-1);

(5)  students who are detained at a county pre-adjudication or post-adjudication juvenile detention facility and:

(A)  in the district exclusively as a function of having been detained at the facility but are otherwise not students of the district in which the facility is located; or

(B)  provided services by an open-enrollment charter school exclusively as the result of having been detained at the facility;

(6)  students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults; and

(7)  students who have suffered a condition, injury, or illness that requires substantial medical care and leaves the student:

(A)  unable to attend school; and

(B)  assigned to a medical or residential treatment facility.

(g-2)  In computing completion rates such as high school graduation rates under Subsection (c)(1)(G) [~~(c)(1)(B)(ix)~~], the commissioner shall exclude students who:

(1)  are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;

(2)  have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(3)  are enrolled and receiving individualized education program services.

(g-3)  In the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(G) [~~(c)(1)(B)(ix)~~], a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.

(g-4)  For purposes of the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(G) [~~(c)(1)(B)(ix)~~], the commissioner shall exclude a student who was reported as having dropped out of school under Section 48.009(b-4), and the student may not be considered to have dropped out from the school district or campus in which the student was last enrolled.

SECTION 6.  Sections 39.0548(b) and (c), Education Code, are amended to read as follows:

(b)  Notwithstanding Section 39.053(c)(1)(G) [~~39.053(c)(1)(B)(ix)~~], the commissioner shall use the alternative completion rate under this subsection to determine the graduation rate indicator under Section 39.053(c)(1)(G) [~~39.053(c)(1)(B)(ix)~~] for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c)  Notwithstanding Section 39.053(c)(1)(G) [~~39.053(c)(1)(B)(ix)~~], in determining the performance rating under Section 39.054 of a dropout recovery school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.

SECTION 7.  Section 39.055, Education Code, is amended to read as follows:

Sec. 39.055.  STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.053(g-3), for purposes of determining the performance of a school district, campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an [~~assessment instrument or other~~] achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

SECTION 8.  Section 39.0552, Education Code, is amended to read as follows:

Sec. 39.0552.  MEMORANDUM OF UNDERSTANDING BETWEEN SCHOOL DISTRICT AND STATE HOSPITAL FOR ACCOUNTABILITY PURPOSES. A memorandum of understanding between a school district and a state hospital under which the district provides educational services to a student who resides in the state hospital must provide that the school district include the performance of the student on an [~~assessment instrument or other~~] achievement indicator adopted under Section 39.053 or a reporting indicator adopted under Section 39.301 in determining the performance of that school district.

SECTION 9.  The following provisions of the Education Code are repealed:

(1)  Sections 39.053(c-2), (c-3), (d), and (d-1); and

(2)  Section 39.0548(d).

SECTION 10.  This Act applies beginning with the 2024-2025 school year.

SECTION 11.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.