By:  Bell of Kaufman H.B. No. 4402

A BILL TO BE ENTITLED

AN ACT

relating to the changes to the high school graduation requirements and accountability rating system for assessing campus and district performance.

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

SECTION 1.  Section 11.186, Education Code, is amended by amending Subsection (b) to read as follows:

(b)  Each plan adopted under Subsection (a) must:

(1)  identify annual goals for students in each group evaluated under the closing the gaps domain under Section 39.053(c)(3);

(2)  include annual goals for aggregate student growth on college, career, and military readiness indicators evaluated [~~under the student achievement domain~~] under Section 39.053(c)(1) and Section 39.053(c)(3);

(3)  assign at least one district-level administrator or employee of the regional education service center for the district's region to:

(A)  coordinate implementation of the plan;

(B)  submit an annual report to the board of trustees on the district's progress toward the goals set under the plan; and

(4)  be reviewed annually by the board of trustees at a public meeting.

SECTION 2.  Section 12.104, Education Code, is amended by amending Subsection (b-3) to read as follows:

(b-3)  An open-enrollment charter school is subject to the graduation qualification procedure established by the commissioner under Section 28.02511 [~~28.02541~~].

SECTION 3.  Section 12.257, Education Code, is amended by amending Subsection (b) to read as follows:

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

(2)  establish specific, objective standards for receiving a high school diploma, including[~~:~~

~~(A)~~] successful completion of:

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

(B) [~~(ii)~~]  the appropriate curriculum requirements applicable to the program participant.[~~; and~~]

[~~(B)  satisfactory performance on the standardized secondary exit-level assessment instrument described by Section 12.260.~~]

SECTION 4.  Section 12.258, Education Code, is amended by amending Subsection (a) to read as follows:

(a)  A person who is at least 18 years of age and not more than 50 years of age is eligible to enroll in an adult education program operated under a charter granted under this subchapter if the person[:]

~~[(1)]~~has failed to complete the curriculum requirements for high school graduation.[; or]

~~[(2)  has failed to perform satisfactorily on an assessment instrument required for high school graduation.]~~

SECTION 5.  Section 12.260, Education Code, is amended by amending Subsection (b) to read as follows:

(b)  The commissioner, in cooperation with the advisory committee established under Section 12.254, shall determine the level of performance considered to be satisfactory on the secondary exit-level assessment instrument adopted under Subsection (a). Satisfactory performance on the assessment under Subsection (a) is not required for receipt of a high school diploma by a program participant in an adult education program operated under a charter granted under this subchapter.

SECTION 6.  The heading for Section 19.0043, Education Code, is amended to read as follows:

Sec. 19.0043.  CREDIT FOR COMPLETION OF EDUCATIONAL PROGRAMS; HIGH SCHOOL DIPLOMA ~~[AND CERTIFICATE~~].

SECTION 7.  Section 19.0043, Education Code, is amended by amending Subsection (b) to read as follows:

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

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

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

SECTION 8.  Section 25.005, Education Code, is amended by amending Subsection (b) to read as follows:

(b)  A reciprocity agreement must:

(1)  address procedures for:

(A)  transferring student records; and

(B)  awarding credit for completed course work; and

~~[(C)  permitting a student to satisfy the requirements of Section 39.025 through successful performance on comparable end-of-course or other exit-level assessment instruments administered in another state; and~~]

(2)  include appropriate criteria developed by the agency.

SECTION 9.  The heading to Section 28.025, Education Code, is amended to read as follows:

Sec. 28.025.  HIGH SCHOOL DIPLOMA [~~AND CERTIFICATE~~]; ACADEMIC ACHIEVEMENT RECORD.

SECTION 10.  Section 28.025, Education Code, is amended by amending Subsection (e) to read as follows:

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

SECTION 11.  Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02511 to read as follows:

Sec. 28.02511.  HIGH SCHOOL DIPLOMA FOR CERTAIN STUDENTS WHO FAILED TO GRADUATE PRIOR TO 2023-2024 SCHOOL YEAR.

(a)  A person no longer attending a public school who failed to graduate solely due to failure to perform satisfactorily on an end-of-course assessment or a state assessment previously required for graduation, and who otherwise met all applicable requirements for graduation, qualifies to receive a high school diploma.

(b)  A school district or open-enrollment charter school must provide a high school diploma if requested by a former student of the school district or open-enrollment charter school who qualifies under this section. The agency may adopt policies and procedures under this section if the agency determines that policies and procedures are necessary to ensure availability of the option under this section.

SECTION 12.  Section 28.0255, Education Code, is amended by amending Subsection (g) to read as follows[:]

(g)  A student is entitled to a high school diploma if the student[:]

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

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

SECTION 13.  Section 29.187, Education Code, is amended by amending Subsection (b) to read as follows:

(b)  An award granted under this section is not in lieu of a diploma [~~or certificate of coursework completion~~] issued under Section 28.025.

SECTION 14.  Section 29.402, Education Code, is amended by amending Subsections (b) and (c) to read as follows:

(b)  A person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the person[:]

[~~(1)~~]  must complete not more than three course credits to complete the curriculum requirements for the foundation high school program for high school graduation.[~~; or~~]

[~~(2)  has failed to perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.~~]

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

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

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

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

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

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

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

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

SECTION 15.  Section 30.021, Education Code, is amended by amending Subsection (e) to read as follows:

(e)  The school shall cooperate with public and private agencies and organizations serving students and other persons with visual impairments in the planning, development, and implementation of effective educational and rehabilitative service delivery systems associated with educating students with visual impairments. To maximize and make efficient use of state facilities, funding, and resources, the services provided in this area may include conducting a cooperative program with other agencies to serve students who have graduated from high school by completing all academic requirements applicable to students in regular education, [~~excluding satisfactory performance under Section 39.025,~~ ]who are younger than 22 years of age on September 1 of the school year and who have identified needs related to vocational training, independent living skills, orientation and mobility, social and leisure skills, compensatory skills, or remedial academic skills.

SECTION 16.  The heading to Section 30.104, Education Code, is amended to read as follows:

Sec. 30.104.  CREDIT FOR COMPLETION OF EDUCATIONAL PROGRAMS; HIGH SCHOOL DIPLOMA. [~~AND CERTIFICATE~~]

SECTION 17.  Section 30.104, Education Code, is amended by amending Subsection (b) to read as follows:

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

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

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

SECTION 18.  Section 32.258, Education Code, is amended by amending Subsection (b) to read as follows:

(b)  The system established under Subsection (a) shall provide a means for a student or the student's parent or other person standing in parental relationship to track the student's progress on assessment instruments [~~requirements for graduation~~].

SECTION 19.  Section 33.0812, Education Code, is amended by amending Subsection (a) to read as follows:

(a)  The commissioner [~~State Board of Education~~] by rule shall prohibit participation in a University Interscholastic League area, regional, or state competition[~~:~~]

[~~(1)~~]  on any day [~~Monday through Thursday~~] of the school week in which the primary administration of assessment instruments under Section 39.023(a), (c), or (l) is the only day on which that assessment instrument is administered [~~occurs~~].[~~; or~~]

[~~(2)  if the primary administration of the assessment instruments is completed before Thursday of the school week, beginning on Monday and ending on the last school day on which the assessment instruments are administered.~~]

SECTION 20.  Section 38.103, Education Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a)  A school district shall provide the results of individual student performance on the physical fitness assessment required by this subchapter to the agency. The agency may collect only that physical fitness data necessary to implement Section 39.053. [~~The results may not contain the names of individual students or teachers or a student's social security number or date of birth.~~]

(b)  The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law.

(c)  Prior to the start of the 2027-2028 school year, and for the purpose of evaluating school district and campus performance under Section 39.053(c)(1) beginning with the 2027-2028 school year, the agency shall:

(1)  adopt and incorporate an indicator that accounts for performance on physical fitness assessments administered and reported in accordance with this section;

(2)  require participation in a pilot of the indicator; and

(3)  require a school district or campus to implement components and report requested information necessary to develop and implement the indicator required under this section.

(d)  The commissioner shall adopt rules as necessary for the implementation and administration of this section.

SECTION 21.  Section 39.023, Education Code is amended by amending Subsections (a), (c), (c-1), (c-3), (e), (h), (i), and (o) to read as follows:

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

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

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

(3)  [~~social studies, in grade eight;~~]

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

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

(c)  The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, and English I [~~, English II, and United States history~~]. The Algebra I end-of-course assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I [~~and English II~~] end-of-course assessment instruments must [~~each~~] assess essential knowledge and skills in both reading and writing and must provide a single score. A school district shall comply with agency [~~State Board of Education~~] rules regarding administration of the assessment instruments listed in this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The agency [~~State Board of Education~~] shall administer the assessment instruments. An end-of-course assessment instrument may be administered in multiple parts over more than one day. The agency [~~State Board of Education~~] shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(c-1)  The agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) [~~and (d)~~].

(c-3)  Except as provided by Subsection (c-7) or as otherwise provided by this subsection, in adopting a schedule for the administration of assessment instruments under this section, the agency [~~State Board of Education~~] shall ensure that assessment instruments administered under Subsection (a) or (c) are not administered on the first instructional day of a week. On request by a school district or open-enrollment charter school, the commissioner may allow the district or school to administer an assessment instrument required under Subsection (a) or (c) on the first instructional day of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions.

(e)  Under rules adopted by the agency [~~State Board of Education~~], every [~~third~~] year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), [(d),] or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score. [~~During the 2014-2015 and 2015-2016 school years, the agency shall release the questions and answer keys to assessment instruments as described by this subsection each year.~~]

(h)  The agency shall notify school districts and campuses of the results of assessment instruments administered under this section not later than the 21st day after the date the assessment administration window closes, unless validity and reliability standards require otherwise [~~instrument is administered~~]. The school district shall disclose to each district teacher the results of assessment instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

(i)  The provisions of this section[~~, except Subsection (d),~~] are subject to modification by rules adopted under Section 39.022. Each assessment instrument adopted under those rules [~~and each assessment instrument required under Subsection (d)~~] must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.

(o)  The agency shall adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment under this section that has not been implemented as a through-year assessment as described in Section 39.0236. A school district or open-enrollment charter school may not be required to administer interim assessment instruments adopted or developed under this subsection. An interim assessment instrument:

(1)  must be:

(A)  when possible, predictive of the assessment instrument for the applicable subject or course for that grade level required under this section; and

(B)  administered electronically; and

(2)  may not be used for accountability purposes.

SECTION 22.  The heading to Section 39.0236, Education Code, is amended to read as follows:

Sec. 39.0236.  ~~INTEGRATED FORMATIVE~~ THROUGH-YEAR ASSESSMENT ~~PILOT PROGRAM~~.

SECTION 23.  Section 39.0236, Education Code, is amended by amending Subsections (a), (b), and (c) to read as follows:

(a)  Each assessment instrument required under Section 39.023(a), (c), or (l) must be developed as a through-year [~~an integrated formative~~] assessment, unless otherwise provided by commissioner rule. A through-year assessment instrument shall consist of no less than three test administrations during a single school year. [~~The agency shall establish a pilot program in which participating school districts administer to students integrated formative assessment instruments for subjects or courses for a grade level subject to assessment under Section 28.006 or 39.023.~~]

(b)  The agency shall develop and implement a transition plan to administer all assessment instruments required under Sections 39.023(a), and (l) as through-year assessment instruments for the purpose of evaluating school district and campus performance under this subchapter and Section 39.053(c) beginning with the 2027-2028 school year. The plan must:

(1)  identify changes to state law or policy necessary to improve the use of through-year assessment instruments;

(2)  evaluate the state's experience with through-year assessments, including any improvement in instructional support; and

(3)  identify and evaluate actions to be taken by the state to improve the administration of through-year assessments.

[~~A school district may elect to participate in the pilot program.~~]

(c)  The agency may require districts to participate in piloting through-year assessments and report information as necessary to implement the through-year assessment instruments under this section. [~~A school district's participation in the pilot program does not affect the district's obligations regarding the administration of assessment instruments required under Section 39.023.~~]

SECTION 24.  The heading to Section 39.025, Education Code, is amended to read as follows:

Sec. 39.025.  SECONDARY-LEVEL ASSESSMENT [~~PERFORMANCE~~] REQUIRED.

SECTION 25.  Section 39.025, Education Code, is amended by amending Subsections (a), to read as follows:

(a)  The commissioner shall adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. [~~A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument administered to the student. For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.~~]

SECTION 26.  Section 39.029, Education Code is amended to read as follows:

Sec. 39.029.  MIGRATORY CHILDREN. The agency [~~State Board of Education~~] by rule may provide alternate dates for the administration of the assessment instruments to a student who is a migratory child as defined by 20 U.S.C. Section 6399. The alternate dates may be chosen following a consideration of migrant work patterns, and the dates selected may afford maximum opportunity for the students to be present when the assessment instruments are administered.

SECTION 27.  Section 39.035, Education Code, is amended by amending Subsection (a) to read as follows:

(a)  Subject to Subsection (b), the agency may conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), (c), [~~(d),~~] or (l) that is separate from the administration of the assessment instrument not more frequently than every other school year.

SECTION 28.  Section 39.053, Education Code, is amended by amending Subsections (c) and (c-2) and by adding (c-4), (c-5), and (c-6) 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 in grade levels as relevant [~~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~~]

(iii)  an indicator, adopted and implemented in accordance with Section 39.0533, that accounts for extracurricular and cocurricular student success;

(iv)  an indicator, adopted and incorporated in accordance with Section 39.0534, that accounts for parent and student satisfaction; and

(v)  an indicator, adopted and incorporated in accordance with Section 38.103, that accounts for performance on physical fitness assessments under Subchapter C, Chapter 38; 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 or the Texas National Guard;

(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), (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;

(xii)  students who are awarded an associate degree; and

(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, 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.~~]

(c-2)  The commissioner by rule shall determine a method by which a student's performance may be included in determining the performance rating of a school district or campus under Section 39.054 if, before the student graduates, the student satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.334 on an assessment instrument designated by the coordinating board under that section[; ~~or performs satisfactorily an assessment instrument under Section 39.023(c), notwithstanding Subsection (d) of this sectio~~n].

(c-4)  Notwithstanding any other provision, an indicator adopted under Subsection (c) shall be valid and reliable as determined both by the commissioner and by peer review.

(c-5)  In developing accountability rating standards, the commissioner shall ensure that, in the domains under Subsection (c)(1), indicators that account for student performance on required assessment instruments, including Subsections (c)(1)(A)(i) and (ii), shall, collectively, contribute no more than:

(1)  sixty percent of the score received by a campus serving grades 3 through 8 under any single domain; and

(2)  forty percent of the score received by a campus serving grades 9-12 under any single domain.

(c-6)  In developing the indicator under this section, the commissioner shall account for average wage levels and available work opportunities. In determining average wage levels and available work opportunities, the commissioner shall collaborate with the industry-based certification advisory council established under Chapter 312, Texas Labor Code.

SECTION 29.  Section 39.0533, Education Code, is amended by amending Subsections (a), (b), and (c) to read as follows:

(a)  Prior to the start of the 2027-2028 school year, and for the purpose of [~~The commissioner shall study the feasibility of incorporating for~~] evaluating school district and campus performance under this subchapter and Section 39.053(c)(1) beginning with the 2027-2028 school year, the commissioner shall:

(1)  adopt and incorporate an indicator that accounts for student participation in extracurricular and cocurricular [~~student~~] activities[~~y~~];

(2)  require participation in a pilot of the indicator; and

(3)  require a school district or campus to implement components and report requested information necessary to develop and implement the indicator required under this section. [~~If the commissioner determines that an extracurricular and cocurricular student activity indicator is appropriate, the commissioner may adopt the indicator.~~]

(b)  [~~To determine the feasibility of adopting an indicator under this section, the commissioner may require a school district or campus report requested information relating to extracurricular and cocurricular student activity.~~]

[~~(c)~~]  The commissioner shall [~~may~~] establish an advisory committee to assist in developing and [~~determining the feasibility of~~] incorporating [~~an extracurricular and cocurricular student activity~~] the indicator under Subsection (a) [~~for evaluating school district and campus performance~~].

SECTION 30.  Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0534 to read as follows:

Sec. 39.0534.  STUDENT AND PARENT SATISFACTION INDICATOR. (a) Prior to the start of the 2027-2028 school year, and for the purpose of evaluating school district and campus performance under this subchapter and Section 39.053(c)(1) beginning with the 2027-2028 school year, the commissioner shall:

(1)  adopt and incorporate an indicator that accounts for student and parent satisfaction measured through the administration of one or more instruments developed in accordance with Subsection (c);

(2)  require participation in a pilot of the indicator; and

(3)  require a school district or campus to implement components and report requested information necessary to develop and implement the indicator required under this section.

(b)  The commissioner shall establish an advisory committee to assist in developing and incorporating an indicator under Subsection (a).

(c)  The State Board of Education must approve the content of any canvass of satisfaction under this section prior to its use by schools.

SECTION 31.  Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0547 to read as follows:

Sec. 39.0547.  LOCAL ACCOUNTABILITY SYSTEM GRANT PROGRAM. (a) From funds appropriated, the agency shall provide grants for planning and implementation of local accountability systems under Section 39.0544.

SECTION 32.  Section 39.0548, Education Code, is amended by amending Subsection (d) to read as follows:

(d)  Notwithstanding Section 39.053(c), for purposes of evaluating a dropout recovery school under the accountability procedures adopted by the commissioner to determine the performance rating of the school under Section 39.054, only the best result from the primary administration [~~or any retake of an assessment instrument administered to a student~~] in the school year evaluated may be considered.

SECTION 33.  The following provisions of the Education Code are repealed:

(1)  Section 12.104(b-2);

(2)  Section 12.260(c);

(3)  Section 19.0043(c);

(4)  Section 28.025(c-6) and (d);

(5)  Section 28.02541;

(6)  Section 28.0255(h);

(7)  Section 28.0258;

(8)  Section 28.0259;

(9)  Section 28.02591;

(10)  Section 29.081(b), (b-1), (b-2) and (b-3);

(11)  Section 30.104(c);

(12)  Section 33.0812(e);

(13)  Section 39.003(a)(15);

(14)  Section 39.023(c-2), (c-9), (d), and (g);

(15)  Section 39.0236(d);

(16)  Section 39.025(a-1), (a-2), (a-3), (a-4), (a-5), (b), (b-1), (c), (c-1), (c-2), (d), (e), (f), (f-1), (f-2) and (g);

(17)  Section 39.034(d) and (d-1);

(18)  Section 39.053(d); and

(19)  39.0533(d) and (e).

SECTION 34.  If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 35.  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.