88R14345 GCB-F

By:  Allison H.B. No. 4514

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability, including the assessment of academic performance, and district and campus performance standards and sanctions.

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

SECTION 1.  Section 39.023(a), Education Code, is amended 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.

SECTION 2.  Section 39.053, Education Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1)  For purposes of assigning a domain performance rating under Subsection (a), the commissioner shall attribute:

(1)  for the student achievement domain under Subsection (c)(1), not more than 50 percent of the domain performance rating to the indicators under Subsections (c)(1)(A)(i) and (ii); and

(2)  for the closing the gaps domain under Subsection (c)(3), not more than 50 percent of the domain performance rating to the academic achievement component under Subsections (c)(1)(A)(i) and (ii).

(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~~]

(iii)  an indicator that accounts for the number of students who participate in and successfully complete courses in the enrichment curriculum under Section 28.002(a)(2);

(iv)  an indicator that accounts for students who participate in school-sponsored extracurricular and cocurricular student activities, taking into consideration the duration, intensity, and levels of engagement required for the activities;

(v)  an indicator that accounts for the results from the state-developed school and student safety survey of districts and campuses administered under Section 39.0531;

(vi)  an indicator that accounts for the efforts by districts and campuses relating to providing teacher mentoring programs and professional development opportunities that meet standards established by the State Board for Educator Certification by rule; and

(vii)  an indicator that accounts for students who are not in attendance fewer than 15 days during the current school year;

(A-1)  for evaluating the performance of elementary and middle school campuses, indicators that account for:

(i)  student participation in full-day prekindergarten programs, for campuses that serve students enrolled in prekindergarten;

(ii)  students in grades six, seven, and eight who successfully complete and receive credit for a course designated for a grade higher than the grade in which the student is enrolled; and

(iii)  students in grades six, seven, and eight, who successfully complete a career and technology course approved for purposes of the career and technology allotment under Section 48.106; 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:

(A)  [~~,~~] the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups, socioeconomic backgrounds, and other factors, including:

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

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

(iii) [~~(C)~~]  students who are mobile; and

(B)  for evaluating the performance of elementary and middle school campuses, the indicators described by Subsections (c)(1)(A)(iii), (iv), (v), and (vi) and (c)(1)(A-1) for the school quality component.

SECTION 3.  Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0531 to read as follows:

Sec. 39.0531.  SCHOOL AND STUDENT SAFETY AND CLIMATE SURVEY. (a) The commissioner shall incorporate a school and student safety and climate survey as an indicator for the student achievement domain under Section 39.053(c)(1) and the closing the gaps domain under Section 39.053(c)(3). A school and student safety and climate survey shall be administered to administrators and teachers employed by school districts, students enrolled in school districts, and parents of those students.

(b)  The commissioner shall adopt rules to implement this section, including rules to:

(1)  determine the format of the survey;

(2)  determine the questions that the survey must include;

(3)  establish a period during a school year in which the survey must be conducted;

(4)  establish requirements for administering and reporting the results of the survey; and

(5)  authorize the manner in which the survey may be administered, including the local administration of the survey.

(c)  Notwithstanding any other provision of this code, including Section 21.355, school and student safety and climate survey information must be reported to the agency in accordance with rules adopted by the commissioner.

(d)  The commissioner may contract with a third party to provide any service necessary under this section.

SECTION 4.  Section 39.054, Education Code, is amended by amending Subsections (a), (a-4), (a-5), and (b) and adding Subsection (f) to read as follows:

(a)  Except as provided by Subsection (a-4), the commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus [~~an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus~~] a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c). A [~~An overall or~~] domain performance rating of A reflects exemplary performance. A [~~An overall or~~] domain performance rating of B reflects recognized performance. A [~~An overall or~~] domain performance rating of C reflects acceptable performance. A [~~An overall or~~] domain performance rating of D reflects performance that needs improvement. A [~~An overall or~~] domain performance rating of F reflects unacceptable performance. A district may not receive a [~~an overall or~~] domain performance rating of A if the district includes any campus with a corresponding [~~overall or~~] domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus a domain [~~an overall~~] performance rating of D or F, the commissioner shall assign the campus a domain [~~an overall~~] performance rating based on the school district assigned performance rating under Section 39.0544.

(a-4)  Notwithstanding any other law, the commissioner may assign a school district or campus a domain [~~an overall~~] performance rating of "Not Rated" if the commissioner determines that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because:

(1)  the district or campus is located in an area that is subject to a declaration of a state of disaster under Chapter 418, Government Code, and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate and would not accurately reflect quality of learning and achievement for the district or campus;

(2)  the district or campus has experienced breaches or other failures in data integrity to the extent that accurate analysis of data regarding performance indicators is not possible;

(3)  the number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or

(4)  for other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.

(a-5)  Notwithstanding any other law, a domain [~~an overall~~] performance rating of "Not Rated" is not included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings for purposes of any provision of this code.

(b)  For purposes of assigning school districts and campuses [~~an overall and~~] a domain performance rating under Subsection (a), the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

(f)  For purposes of a provision of this title, a reference to the overall performance rating of a district or campus means:

(1)  for a school year before the 2023-2024 school year, the overall performance rating assigned for the district or campus for that year under this section as it existed before amendment by Chapter \_\_\_\_ (\_.B. No. \_\_\_\_), Acts of the 88th Legislature, Regular Session, 2023; and

(2) for the 2023-2024 school year and each subsequent school year, the highest of the three domain performance ratings assigned to the district or campus under Section 39.054 for that school year.

SECTION 5.  Section 39.0543(a), Education Code, is amended to read as follows:

(a)  A reference in law to an acceptable performance rating or acceptable performance includes a [~~an overall or~~] domain performance rating of A, B, or C or performance that is exemplary, recognized, or acceptable. A reference in law to an unacceptable performance rating or unacceptable performance includes a closing the gaps [~~an overall or~~] domain performance rating of F. For the purposes of public reporting requirements, a [~~an overall or~~] domain performance rating of D shall be referred to as performance that needs improvement.

SECTION 6.  Section 39.0544, Education Code, is amended by amending Subsections (a) and (e) to read as follows:

(a)  The commissioner shall adopt rules regarding the assignment of campus performance ratings by school districts and open-enrollment charter schools. The rules:

(1)  must require a district or school [~~, in assigning an overall performance rating for a campus,~~] to incorporate:

(A)  domain performance ratings assigned by the commissioner under Section 39.054; and

(B)  performance ratings based on locally developed domains or sets of accountability measures;

(2)  may permit a district or school to assign weights to each domain or set of accountability measures described in Subdivision (1), as determined by the district or school, provided that the domains specified in Subdivision (1)(A) must in the aggregate account for at least 50 percent of the overall performance rating;

(3)  must require that each locally developed domain or set of accountability measures:

(A)  contains levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels;

(B)  provides for the assignment of a letter grade of A, B, C, D, or F; and

(C)  meets standards for reliability and validity;

(4)  must require that calculations for [~~overall performance ratings and~~] each locally developed domain or set of accountability measures be capable of being audited by a third party;

(5)  must require that a district or school produce a campus score card that may be displayed on the agency's website; and

(6)  must require that a district or school develop and make available to the public an explanation of the methodology used to assign performance ratings under this section.

(e)  A school district or open-enrollment charter school authorized under this section to assign campus performance ratings shall evaluate the performance of each campus as provided by this section and assign each campus a performance rating of A, B, C, D, or F [~~for overall performance and~~] for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district or school shall:

(1)  report the performance ratings to the agency; and

(2)  make  the performance ratings available to the public as provided by commissioner rule.

SECTION 7.  The following provisions of the Education Code are repealed:

(1)  Sections 39.054(a-1) and (a-2); and

(2)  Sections 39.0543(b), (b-1), (b-2), (b-3), (c), and (d).

SECTION 8.  Before the first administration of the assessment instruments adopted under Section 39.023(a), Education Code, as amended by this Act, the Texas Education Agency shall develop evidence, through a peer review process, to demonstrate that the assessment instruments are aligned with the essential knowledge and skills for each subject assessed.

SECTION 9.  The Texas Education Agency shall, to the greatest extent practicable, apply cost savings that result from implementing the changes made by this Act to support any program eligible under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.).

SECTION 10.  This Act applies beginning with the 2023-2024 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.