88R14461 AMF-D

By:  West S.B. No. 2295

A BILL TO BE ENTITLED

AN ACT

relating to accelerated instruction provided for public school students who fail to achieve satisfactory performance on certain assessment instruments, indicators under the public school accountability system, and performance standards in public schools.

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

SECTION 1.  Section 28.0211, Education Code, is amended by amending Subsections (a), (a-1), (a-2), (a-3), (a-4), (c), (f), (f-4), and (o) and adding Subsection (a-7) to read as follows:

(a)  Except as provided by Subsection (a-7), each [~~A school district shall establish an accelerated learning committee described by Subsection (c) for each student who does not perform satisfactorily on:~~

[~~(1) the third grade mathematics or reading assessment instrument under Section 39.023;~~

[~~(2) the fifth grade mathematics or reading assessment instrument under Section 39.023; or~~

[~~(3) the eighth grade mathematics or reading assessment instrument under Section 39.023.~~

[~~(a-1)  Each~~] time a student fails to perform satisfactorily on a mathematics or reading [~~an~~] assessment instrument administered under Section 39.023(a) in the third, fourth, fifth, sixth, or seventh[~~, or eighth~~] grade, the school district in which the student attends school shall provide to the student, during the subsequent summer or school year, accelerated instruction in the applicable subject area that includes instruction in the essential knowledge and skills the student must master to perform satisfactorily on the subsequent assessment instrument for the applicable subject area [~~during the subsequent summer or school year~~] and either:

(1)  allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under Section 21.3521 for the subsequent school year in the applicable subject area; or

(2)  provide the student supplemental instruction under Subsection (a-4).

(a-1)  A school district is only required to provide supplemental instruction under this section if state or federal funds are provided or made available for the purpose, including by appropriation, under Section 29.0881, under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).

(a-2)  Accelerated instruction provided during the following school year under Subsection (a) [~~(a-1)~~] may:

(1)  require participation of the student before or after normal school hours; and

(2)  be provided during instructional periods in the school day designated for supplemental instruction in the foundation curriculum and enrichment curriculum adopted under Section 28.002 for the grade level in which the student is enrolled.

(a-3)  In providing accelerated instruction under Subsection (a) [~~(a-1)~~], a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

(1)  core instruction in the foundation curriculum and enrichment curriculum adopted under Section 28.002 for the grade level in which the student is enrolled; or

(2)  recess or other physical activity that is available to other students enrolled in the same grade level.

(a-4)  If a district receives funding under Section 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a school district under Subsection (a) [~~(a-1)(2)~~] must:

(1)  include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;

(2)  be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;

(3)  be provided according to a schedule the district determines is most effective for the student [~~for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year~~];

(4)  be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;

(5)  include effective instructional materials designed for supplemental instruction;

(6)  be provided to a student individually or in a group of no more than five [~~three~~] students, unless the parent or guardian of each student in the group authorizes a larger group;

(7)  be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the school district; and

(8)  to the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

(a-7)  A school district may not provide accelerated instruction under this section to a student if the student's parent or guardian submits a written request to exempt the student from the instruction.

(c)  An accelerated learning committee shall be established after [~~After~~] a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a) in two consecutive school years, an accelerated learning committee shall be established. The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee.

(f)  An accelerated learning committee described by Subsection (c) shall, not later than the 30th day after the first day of the [~~start of the subsequent~~] school year in which the committee is required to be established, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year.

(f-4)  If a student for whom an accelerated learning committee has been established under Subsection (c) [~~who~~] fails to perform satisfactorily on an assessment instrument [~~specified under Subsection (a) fails~~] in the subsequent school year [~~to perform satisfactorily on an assessment instrument~~] in the same subject, the superintendent of the district, or the superintendent's designee, shall meet with the student's accelerated learning committee to:

(1)  identify the reason the student did not perform satisfactorily; and

(2)  determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether:

(A)  the educational plan developed for the student under Subsection (f) must be modified to provide the necessary accelerated instruction for that student; and

(B)  any additional resources are required for that student.

(o)  This section does not require the administration of a fifth [~~or eighth~~] grade assessment instrument in mathematics or reading [~~a subject~~] under Section 39.023(a) to a student enrolled in the fifth [~~or eighth~~] grade[~~, as applicable,~~] if the student[~~:~~

[~~(1)~~] is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Section 39.023(a) that aligns with the curriculum for the course in which the student is enrolled[~~; or~~

[~~(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Section 39.023(c) for the course~~].

SECTION 2.  Section 29.0881(e), Education Code, is amended to read as follows:

(e)  A school district or open-enrollment charter school that receives grant funds under this section may use the funds to:

(1)  financially support or train or otherwise prepare educators and other staff;

(2)  pay for agreements with other entities to provide prekindergarten services; or

(3)  pay for accelerated instruction provided under Section 28.0211 [~~or 28.0217~~].

SECTION 3.  Section 39.053, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2)  The indicators adopted by the commissioner under Subsection (a) must:

(1)  for kindergarten through grade eight, include indicators that:

(A)  are not based on the results of an assessment instrument; and

(B)  comprehensively account for factors affecting the quality of learning and achievement in those grades;

(2)  for grades 9 through 12, include indicators that are designed to encourage alignment of education to career readiness; and

(3)  include indicators for evaluating schools according to a school's success in equitably educating students across all campuses and achieving similar student outcomes for all students.

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 this section for that school year.

SECTION 5.  Sections 39.0544(a) and (e), Education Code, are amended 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;

(3) [~~(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;

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

(5) [~~(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 6.  The following provisions of the Education Code are repealed:

(1)  Section 28.0217;

(2)  Section 39.025(b-1); and

(3)  Sections 39.054(a-1) and (a-2).

SECTION 7.  This Act applies beginning with the 2023-2024 school year.

SECTION 8.  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.