

By: Bell of Kaufman

H.B. No. 4402

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the changes to the high school graduation requirements  
3 and accountability rating system for assessing campus and district  
4 performance.

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

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

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

9 (1) identify annual goals for students in each group  
10 evaluated under the closing the gaps domain under Section  
11 39.053(c)(3);

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

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

19 (A) coordinate implementation of the plan;

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

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

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

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

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

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

10 (2) establish specific, objective standards for  
11 receiving a high school diploma, including[+]

12 ~~(A)~~ successful completion of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           SECTION 8. Section 25.005, Education Code, is amended by

1 amending Subsection (b) to read as follows:

2 (b) A reciprocity agreement must:

3 (1) address procedures for:

4 (A) transferring student records; and

5 (B) awarding credit for completed course work;

6 and

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

11 (2) include appropriate criteria developed by the  
12 agency.

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

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

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

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

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

27 Sec. 28.02511. HIGH SCHOOL DIPLOMA FOR CERTAIN STUDENTS WHO

1 FAILED TO GRADUATE PRIOR TO 2023-2024 SCHOOL YEAR.

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

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

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

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

18 [~~1~~] successfully complies with the curriculum  
19 requirements specified under Subsection (e) [~~, and~~]

20 [~~2~~] ~~performs satisfactorily, as determined by the~~  
21 ~~commissioner under Subsection (h), on end-of-course assessment~~  
22 ~~instruments listed under Section 39.023(c) for courses in which the~~  
23 ~~student was enrolled.]~~

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

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

1 Section 28.025.

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

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

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

10 [~~(2) has failed to perform satisfactorily on an~~  
11 ~~end-of-course assessment instrument administered under Section~~  
12 ~~39.023(c) or an assessment instrument administered under Section~~  
13 ~~39.023(c) as that section existed before amendment by Chapter 1312~~  
14 ~~(S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.]~~

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

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

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

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

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

27 (C) information concerning appropriate supports

1 available in the first year of postsecondary enrollment to ensure  
2 postsecondary persistence and success, to the extent funds are  
3 available for the purpose;

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

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

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

15 (e) The school shall cooperate with public and private  
16 agencies and organizations serving students and other persons with  
17 visual impairments in the planning, development, and  
18 implementation of effective educational and rehabilitative service  
19 delivery systems associated with educating students with visual  
20 impairments. To maximize and make efficient use of state  
21 facilities, funding, and resources, the services provided in this  
22 area may include conducting a cooperative program with other  
23 agencies to serve students who have graduated from high school by  
24 completing all academic requirements applicable to students in  
25 regular education, [~~excluding satisfactory performance under~~  
26 ~~Section 39.025,~~] who are younger than 22 years of age on September 1  
27 of the school year and who have identified needs related to

1 vocational training, independent living skills, orientation and  
2 mobility, social and leisure skills, compensatory skills, or  
3 remedial academic skills.

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

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

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

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

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

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

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

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

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

26 (a) The commissioner ~~[State Board of Education]~~ by rule  
27 shall prohibit participation in a University Interscholastic



1 League area, regional, or state competition[+]

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

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

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

13 (a) A school district shall provide the results of  
14 individual student performance on the physical fitness assessment  
15 required by this subchapter to the agency. The agency may collect  
16 only that physical fitness data necessary to implement Section  
17 39.053. [~~The results may not contain the names of individual~~  
18 ~~students or teachers or a student's social security number or date~~  
19 ~~of birth.~~]

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

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

27 (1) adopt and incorporate an indicator that accounts

1 for performance on physical fitness assessments administered and  
2 reported in accordance with this section;

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

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

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

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

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

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

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

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

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

24 (4) [(5)] any other subject and grade required by  
25 federal law.

26 (c) The agency shall also adopt end-of-course assessment  
27 instruments for secondary-level courses in Algebra I, biology, and

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

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

24 (c-3) Except as provided by Subsection (c-7) or as otherwise  
25 provided by this subsection, in adopting a schedule for the  
26 administration of assessment instruments under this section, the  
27 agency [~~State Board of Education~~] shall ensure that assessment

1 instruments administered under Subsection (a) or (c) are not  
2 administered on the first instructional day of a week. On request by  
3 a school district or open-enrollment charter school, the  
4 commissioner may allow the district or school to administer an  
5 assessment instrument required under Subsection (a) or (c) on the  
6 first instructional day of a week if administering the assessment  
7 instrument on another instructional day would result in a  
8 significant administrative burden due to specific local  
9 conditions.

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

25 (h) The agency shall notify school districts and campuses of  
26 the results of assessment instruments administered under this  
27 section not later than the 21st day after the date the assessment

1 administration window closes, unless validity and reliability  
2 standards require otherwise [~~instrument is administered~~]. The  
3 school district shall disclose to each district teacher the results  
4 of assessment instruments administered to students taught by the  
5 teacher in the subject for the school year in which the assessment  
6 instrument is administered.

7 (i) The provisions of this section [~~, except Subsection~~  
8 ~~(d),~~] are subject to modification by rules adopted under Section  
9 39.022. Each assessment instrument adopted under those rules [~~and~~  
10 ~~each assessment instrument required under Subsection (d)~~] must be  
11 reliable and valid and must meet any applicable federal  
12 requirements for measurement of student progress.

13 (o) The agency shall adopt or develop optional interim  
14 assessment instruments for each subject or course for each grade  
15 level subject to assessment under this section that has not been  
16 implemented as a through-year assessment as described in Section  
17 39.0236. A school district or open-enrollment charter school may  
18 not be required to administer interim assessment instruments  
19 adopted or developed under this subsection. An interim assessment  
20 instrument:

21 (1) must be:

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

25 (B) administered electronically; and

26 (2) may not be used for accountability purposes.

27 SECTION 22. The heading to Section 39.0236, Education Code,

1 is amended to read as follows:

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

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

6           (a) Each assessment instrument required under Section  
7 39.023(a), (c), or (l) must be developed as a through-year [~~an~~  
8 ~~integrated formative~~] assessment, unless otherwise provided by  
9 commissioner rule. A through-year assessment instrument shall  
10 consist of no less than three test administrations during a single  
11 school year. [~~The agency shall establish a pilot program in which~~  
12 ~~participating school districts administer to students integrated~~  
13 ~~formative assessment instruments for subjects or courses for a~~  
14 ~~grade level subject to assessment under Section 28.006 or 39.023.~~]

15           (b) The agency shall develop and implement a transition plan  
16 to administer all assessment instruments required under Sections  
17 39.023(a), and (l) as through-year assessment instruments for the  
18 purpose of evaluating school district and campus performance under  
19 this subchapter and Section 39.053(c) beginning with the 2027-2028  
20 school year. The plan must:

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

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

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

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

3       (c) The agency may require districts to participate in  
4 piloting through-year assessments and report information as  
5 necessary to implement the through-year assessment instruments  
6 under this section. ~~[A school district's participation in the pilot~~  
7 ~~program does not affect the district's obligations regarding the~~  
8 ~~administration of assessment instruments required under Section~~  
9 ~~39.023.]~~

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

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

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

16       (a) The commissioner shall adopt rules requiring a student  
17 in the foundation high school program under Section 28.025 to be  
18 administered an end-of-course assessment instrument listed in  
19 Section 39.023(c) only for a course in which the student is enrolled  
20 and for which an end-of-course assessment instrument is  
21 administered. ~~[A student is required to achieve a scale score that~~  
22 ~~indicates satisfactory performance, as determined by the~~  
23 ~~commissioner under Section 39.0241(a), on each end-of-course~~  
24 ~~assessment instrument administered to the student. For each scale~~  
25 ~~score required under this subsection that is not based on a~~  
26 ~~100-point scale scoring system, the commissioner shall provide for~~  
27 ~~conversion, in accordance with commissioner rule, of the scale~~

1 ~~score to an equivalent score based on a 100-point scale scoring~~  
2 ~~system. A student may not receive a high school diploma until the~~  
3 ~~student has performed satisfactorily on end-of-course assessment~~  
4 ~~instruments in the manner provided under this subsection. This~~  
5 ~~subsection does not require a student to demonstrate readiness to~~  
6 ~~enroll in an institution of higher education.]~~

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

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

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

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

24 SECTION 28. Section 39.053, Education Code, is amended by  
25 amending Subsections (c) and (c-2) and by adding (c-4), (c-5), and  
26 (c-6) to read as follows:

27 (c) School districts and campuses must be evaluated based on



1 three domains of indicators of achievement adopted under this  
2 section that include:

3 (1) in the student achievement domain, indicators of  
4 student achievement that must include:

5 (A) for evaluating the performance of districts  
6 and campuses in grade levels as relevant [~~generally~~]:

7 (i) an indicator that accounts for the  
8 results of assessment instruments required under Sections  
9 39.023(a), (c), and (l), as applicable for the district and campus,  
10 [~~including the results of assessment instruments required for~~  
11 ~~graduation retaken by a student,~~] aggregated across grade levels by  
12 subject area, including:

13 (a) for the performance standard  
14 determined by the commissioner under Section 39.0241(a), the  
15 percentage of students who performed satisfactorily on the  
16 assessment instruments, aggregated across grade levels by subject  
17 area; and

18 (b) for the college readiness  
19 performance standard as determined under Section 39.0241, the  
20 percentage of students who performed satisfactorily on the  
21 assessment instruments, aggregated across grade levels by subject  
22 area; and

23 (ii) an indicator that accounts for the  
24 results of assessment instruments required under Section  
25 39.023(b), as applicable for the district and campus, including the  
26 percentage of students who performed satisfactorily on the  
27 assessment instruments, as determined by the performance standard

1 adopted by the agency, aggregated across grade levels by subject  
2 area; ~~and~~

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

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

9 (v) an indicator, adopted and incorporated  
10 in accordance with Section 38.103, that accounts for performance on  
11 physical fitness assessments under Subchapter C, Chapter 38; and

12 (B) for evaluating the performance of high school  
13 campuses and districts that include high school campuses,  
14 indicators that account for:

15 (i) students who satisfy the Texas Success  
16 Initiative (TSI) college readiness benchmarks prescribed by the  
17 Texas Higher Education Coordinating Board under Section 51.334 on  
18 an assessment instrument in reading or mathematics designated by  
19 the coordinating board under that section;

20 (ii) students who satisfy relevant  
21 performance standards on advanced placement tests or similar  
22 assessments;

23 (iii) students who earn dual course credits  
24 in the dual credit courses;

25 (iv) students who enlist in the armed  
26 forces of the United States or the Texas National Guard;

27 (v) students who earn industry

1 certifications;

2 (vi) students admitted into postsecondary  
3 industry certification programs that require as a prerequisite for  
4 entrance successful performance at the secondary level;

5 (vii) students whose successful completion  
6 of a course or courses under Section 28.014 indicates the student's  
7 preparation to enroll and succeed, without remediation, in an  
8 entry-level general education course for a baccalaureate degree or  
9 associate degree;

10 (viii) students who successfully met  
11 standards on a composite of indicators that through research  
12 indicates the student's preparation to enroll and succeed, without  
13 remediation, in an entry-level general education course for a  
14 baccalaureate degree or associate degree;

15 (ix) high school graduation rates, computed  
16 in accordance with standards and definitions adopted in compliance  
17 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)  
18 subject to the exclusions provided by Subsections (g), (g-1),  
19 (g-2), (g-3), and (g-4);

20 (x) students who successfully completed an  
21 OnRamps dual enrollment course;

22 (xi) students who successfully completed a  
23 practicum or internship approved by the State Board of Education;

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

26 (xiii) students who successfully completed  
27 a program of study in career and technical education;

1 (2) in the school progress domain, indicators for  
2 effectiveness in promoting student learning, which must include:

3 (A) for assessment instruments, including  
4 assessment instruments under Subdivisions (1)(A)(i) and (ii), the  
5 percentage of students who met the standard for improvement, as  
6 determined by the commissioner; and

7 (B) for evaluating relative performance, the  
8 performance of districts and campuses compared to similar districts  
9 or campuses; and

10 (3) in the closing the gaps domain, the use of  
11 disaggregated data to demonstrate the differentials among students  
12 from different racial and ethnic groups, socioeconomic  
13 backgrounds[~~, and other factors, including:~~

14 ~~(A) students formerly receiving special~~  
15 ~~education services;~~

16 ~~(B) students continuously enrolled; and~~

17 ~~(C) students who are mobile.]~~

18 (c-2) The commissioner by rule shall determine a method by  
19 which a student's performance may be included in determining the  
20 performance rating of a school district or campus under Section  
21 39.054 if, before the student graduates, the student satisfies the  
22 Texas Success Initiative (TSI) college readiness benchmarks  
23 prescribed by the Texas Higher Education Coordinating Board under  
24 Section 51.334 on an assessment instrument designated by the  
25 coordinating board under that section[; ~~or performs satisfactorily~~  
26 ~~an assessment instrument under Section 39.023(c), notwithstanding~~  
27 ~~Subsection (d) of this section].~~

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

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

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

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

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

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

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

26                (1) adopt and incorporate an indicator that accounts  
27 for student participation in extracurricular and cocurricular

1 ~~[student]~~ activitieses~~[y]~~;

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

3 and

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

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

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

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

21 Sec. 39.0534. STUDENT AND PARENT SATISFACTION INDICATOR.

22 (a) Prior to the start of the 2027-2028 school year, and for the  
23 purpose of evaluating school district and campus performance under  
24 this subchapter and Section 39.053(c)(1) beginning with the  
25 2027-2028 school year, the commissioner shall:

26 (1) adopt and incorporate an indicator that accounts  
27 for student and parent satisfaction measured through the

1 administration of one or more instruments developed in accordance  
2 with Subsection (c);

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

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

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

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

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

16 Sec. 39.0547. LOCAL ACCOUNTABILITY SYSTEM GRANT PROGRAM.

17 (a) From funds appropriated, the agency shall provide grants for  
18 planning and implementation of local accountability systems under  
19 Section 39.0544.

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

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

1 may be considered.

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

- 4 (1) Section 12.104(b-2);
- 5 (2) Section 12.260(c);
- 6 (3) Section 19.0043(c);
- 7 (4) Section 28.025(c-6) and (d);
- 8 (5) Section 28.02541;
- 9 (6) Section 28.0255(h);
- 10 (7) Section 28.0258;
- 11 (8) Section 28.0259;
- 12 (9) Section 28.02591;
- 13 (10) Section 29.081(b), (b-1), (b-2) and (b-3);
- 14 (11) Section 30.104(c);
- 15 (12) Section 33.0812(e);
- 16 (13) Section 39.003(a)(15);
- 17 (14) Section 39.023(c-2), (c-9), (d), and (g);
- 18 (15) Section 39.0236(d);
- 19 (16) Section 39.025(a-1), (a-2), (a-3), (a-4), (a-5),  
20 (b), (b-1), (c), (c-1), (c-2), (d), (e), (f), (f-1), (f-2) and (g);
- 21 (17) Section 39.034(d) and (d-1);
- 22 (18) Section 39.053(d); and
- 23 (19) 39.0533(d) and (e).

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



1 this end the provisions of this Act are declared to be severable.

2           SECTION 35. This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2023.