

By: Buckley

H.B. No. 8

A BILL TO BE ENTITLED

AN ACT

1
2 relating to public school accountability and transparency,
3 including the implementation of an instructionally supportive
4 assessment program and the adoption and administration of
5 assessment instruments in public schools, indicators of
6 achievement, public school performance ratings, and interventions
7 and sanctions under the public school accountability system, a
8 grant program for school district local accountability plans, and
9 actions challenging Texas Education Agency decisions related to
10 public school accountability.

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

12 ARTICLE 1. TRANSITION TO INSTRUCTIONALLY SUPPORTIVE ASSESSMENT
13 PROGRAM

14 SECTION 1.001. Section 26.005, Education Code, is amended
15 to read as follows:

16 Sec. 26.005. ACCESS TO STATE ASSESSMENTS AND ASSESSMENT
17 RESULTS. (a) Except as provided by Section 39.02301(m)
18 [~~39.023(e)~~], a parent is entitled to access to a copy of each state
19 assessment instrument administered under Section 39.023 to the
20 parent's child.

21 (b) The agency shall make available to a parent the results
22 of each state assessment instrument administered under Section
23 39.023 to the parent's child. The results must be accessible by one
24 click from the home page of an Internet website maintained by the

1 agency. Identifying information that is necessary to access a
2 child's results must:

- 3 (1) meet agency security protocols;
4 (2) be unique to the child; and
5 (3) be under the control of the child's parent without
6 the need to secure additional information from a third party.

7 (c) Each school district and open-enrollment charter school
8 shall provide to a parent of a child enrolled at the district or
9 school access to the Internet website described by Subsection (b)
10 through a parent portal maintained by the district or school and
11 notify the parent regarding that access each time the agency makes
12 available the results of an assessment instrument administered to
13 the parent's child.

14 SECTION 1.002. Section 39.022, Education Code, is amended
15 to read as follows:

16 Sec. 39.022. INSTRUCTIONALLY SUPPORTIVE ASSESSMENT
17 PROGRAM. (a) To ensure school accountability for student
18 achievement that achieves the goals provided under Section 4.002,
19 the agency ~~[The State Board of Education by rule]~~ shall create and
20 implement an instructionally supportive ~~[a]~~ statewide assessment
21 program that:

- 22 (1) provides for progress monitoring;
23 (2) is balanced, innovative, and streamlined; and
24 (3) is based on essential knowledge and skills adopted
25 by the State Board of Education under Section 28.002 ~~[knowledge-~~
26 ~~and skills-based to ensure school accountability for student~~
27 ~~achievement that achieves the goals provided under Section 4.002]~~.

1 (b) The primary objective of an instructionally supportive
2 assessment program created and implemented under this section is to
3 benefit the students of this state.

4 (c) The agency ~~[After adopting rules under this section, the~~
5 ~~State Board of Education]~~ shall consider the importance of
6 maintaining stability in the instructionally supportive
7 ~~[statewide]~~ assessment program when modifying the program
8 ~~[adopting any subsequent modification of the rules]~~.

9 (d) [(b)] It is the policy of this state that the
10 instructionally supportive ~~[statewide]~~ assessment program be
11 designed to:

12 (1) provide information regarding student academic
13 achievement and learning progress to:

14 (A) public schools for the purpose of improving
15 student instruction ~~[provide assessment instruments that are as~~
16 ~~short as practicable];~~

17 (B) students, parents, and teachers for the
18 purpose of guiding learning objectives; and

19 (C) education researchers for the purpose of
20 comparing student academic achievement and learning progress data
21 at the national and statewide levels;

22 (2) evaluate the achievement level and learning
23 progress of each assessed student in reading language arts,
24 mathematics, science, and social studies;

25 (3) provide information to the agency for the purpose
26 of making decisions regarding public school accountability, campus
27 recognition, and the improvement of public school operations and

1 management;

2 (4) identify the educational strengths and needs of
3 individual students and the readiness of those students to be
4 promoted to the next grade level or to graduate from high school;

5 (5) assess whether educational goals and curricular
6 standards are being met at the campus, district, and state levels;

7 (6) provide information to help evaluate and develop
8 educational programs and policies; and

9 (7) provide instructional staff with immediate,
10 actionable, and useful information regarding student achievement
11 of standards and benchmarks that may be used to improve the staff's
12 delivery of student instruction [and

13 ~~(2) minimize the disruption to the educational~~
14 ~~program]~~.

15 (e) Each school district and open-enrollment charter school
16 shall administer assessment instruments as required under this
17 chapter in accordance with the instructionally supportive
18 assessment program.

19 SECTION 1.003. Subchapter B, Chapter 39, Education Code, is
20 amended by adding Sections 39.0225 and 39.0226 to read as follows:

21 Sec. 39.0225. TRANSITION OF ASSESSMENT PROGRAM. (a)
22 Except as otherwise provided by this section, not later than the
23 beginning of the 2027-2028 school year, the agency shall transition
24 the program for assessment instruments administered under this
25 subchapter from the State of Texas Assessment of Academic Readiness
26 (STAAR) assessment program to the instructionally supportive
27 assessment program described by Section 39.022.

1 (b) The agency shall contract with a nationally recognized
2 provider of assessment instruments for the purpose of making the
3 transition described by Subsection (a).

4 (c) Students shall continue to be assessed under the State
5 of Texas Assessment of Academic Readiness (STAAR) assessment
6 program until the instructionally supportive assessment program
7 described by Section 39.022 is available beginning with the
8 2027-2028 school year.

9 (d) During the 2025-2026, 2026-2027, and 2027-2028 school
10 years, the agency, school districts, and open-enrollment charter
11 schools shall conduct any field testing of questions for assessment
12 instruments proposed to be adopted or developed under Section
13 39.023 necessary to implement the transition under this section.

14 (e) Not later than February 15, 2027, the agency shall
15 submit to the governor, the lieutenant governor, the speaker of the
16 house of representatives, and the chairs of the standing
17 legislative committees with primary jurisdiction over public
18 school assessments a report regarding the status of the
19 implementation of the instructionally supportive assessment
20 program described by Section 39.022.

21 (f) This section expires September 1, 2029.

22 Sec. 39.0226. ASSESSMENT INSTRUMENT STUDY. (a) The
23 commissioner shall enter into a memorandum of understanding with a
24 public institution of higher education to conduct a study on items
25 proposed to be included in an assessment instrument required to be
26 administered under Section 39.023(a) under the instructionally
27 supportive assessment program described by Section 39.022. The

study must determine whether, for each item that is designed to be on grade level, the item:

(1) is written at a reading level appropriate for students at that grade level; and

(2) includes only:

(A) passages, questions, answers, or other content aligned with the essential knowledge and skills adopted by the State Board of Education under Section 28.002 for the applicable subject for that grade level or a previous grade level; and

(B) passages written at a reading level not higher than that grade level.

(b) Not later than December 1, 2028, the commissioner shall submit to the legislature and the chairs of the standing legislative committees with primary jurisdiction over primary and secondary education a report that includes the results of the study conducted under Subsection (a).

(c) This section expires December 31, 2028.

SECTION 1.004. Section 39.023, Education Code, is amended by amending Subsections (a), (a-3), (c), (h), (i), and (l) and adding Subsection (q) to read as follows:

(a) In creating and implementing the instructionally supportive assessment program under Section 39.022, the [The] agency shall adopt or develop appropriate beginning-of-year, middle-of-year, and end-of-year [criterion-referenced] assessment instruments designed to assess essential knowledge and skills in reading language arts, mathematics, social studies, and science.

1 Except as provided by Subsection (a-2), all students, other than
2 students assessed under Subsection (b) or (1) or exempted under
3 Section 39.027, shall be assessed in:

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

6 (2) reading language arts, annually in grades three
7 through eight;

8 (3) social studies, in grade eight;

9 (4) science, in grades five and eight; and

10 (5) any other subject and grade required by federal
11 law.

12 (a-3) The agency may not adopt or develop an [~~a~~
13 ~~criterion-referenced~~] assessment instrument under this section
14 based on common core state standards as defined by Section
15 28.002(b-1). This subsection does not prohibit the use of college
16 advanced placement tests or international baccalaureate
17 examinations as those terms are defined by Section 28.051.

18 (c) The agency shall also adopt or develop end-of-course
19 assessment instruments for secondary-level courses in Algebra I,
20 biology, English I, English II, and United States history and
21 provide for the availability of optional beginning-of-year and
22 middle-of-year assessment instruments for those courses. The
23 Algebra I end-of-course assessment instrument must be administered
24 with the aid of technology, but may include one or more parts that
25 prohibit the use of technology. The English I and English II
26 end-of-course assessment instruments must each assess essential
27 knowledge and skills in both reading and writing and must provide a

1 single score. ~~[A school district shall comply with State Board of~~
2 ~~Education rules regarding administration of the assessment~~
3 ~~instruments listed in this subsection. If a student is in a special~~
4 ~~education program under Subchapter A, Chapter 29, the student's~~
5 ~~admission, review, and dismissal committee shall determine whether~~
6 ~~any allowable modification is necessary in administering to the~~
7 ~~student an assessment instrument required under this subsection.~~
8 ~~The State Board of Education shall administer the assessment~~
9 ~~instruments. An end-of-course assessment instrument may be~~
10 ~~administered in multiple parts over more than one day. The State~~
11 ~~Board of Education shall adopt a schedule for the administration of~~
12 ~~end-of-course assessment instruments that complies with the~~
13 ~~requirements of Subsection (c-3).]~~

14 (h) The agency shall notify school districts and campuses of
15 the results of assessment instruments administered under this
16 section in accordance with the timeline provided by Section
17 39.02301 ~~[not later than the 21st day after the date the assessment~~
18 ~~instrument is administered]~~. The school district shall:

19 (1) disclose to each district teacher the results of
20 assessment instruments administered to students taught by the
21 teacher in the subject for the school year in which the assessment
22 instrument is administered; and

23 (2) provide to the parent of a student enrolled in the
24 district:

25 (A) the results of each assessment instrument
26 administered under this section to the student; and

27 (B) instructions for accessing any online portal

maintained by the agency that provides results of assessment instruments administered to the student.

(i) The provisions of this section and Section 39.02301~~except Subsection (d)]~~ are subject to modification by rules adopted under Section 39.001 ~~[39.022]~~. Each assessment instrument adopted or developed 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.

(1) The agency ~~[State Board of Education]~~ shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to emergent bilingual students in grades three through five, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each emergent bilingual student whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection.

(q) The agency shall approve a list of alternative norm-referenced assessment instruments that meet the requirements of this subchapter and that a school district or open-enrollment charter school may administer in place of a beginning-of-year or

middle-of-year assessment instrument adopted or developed under this section. The agency shall:

(1) ensure the list approved under this subsection includes multiple alternative assessment instruments; and

(2) adopt a process by which a school district or open-enrollment charter school may submit to the agency an assessment instrument to be included on the list approved under this subsection.

SECTION 1.005. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02301 to read as follows:

Sec. 39.02301. ADOPTION OR DEVELOPMENT AND ADMINISTRATION REQUIREMENTS FOR ASSESSMENT INSTRUMENTS. (a) An assessment instrument adopted or developed under Section 39.023 must:

(1) measure student performance in relation to the essential knowledge and skills adopted by the State Board of Education under Section 28.002 for the subject area and grade level being assessed;

(2) include items that have been evaluated for readability using research-based readability metrics approved by the agency in consultation with the advisory committees established under Section 39.02302;

(3) meet industry standards of validity and reliability;

(4) comply with applicable requirements under federal law, including peer review requirements; and

(5) be designed to report student academic growth, including by:

1 (A) reporting a student's norm-referenced growth
2 based on a comparison of the student's performance on the
3 assessment instrument to the student's performance on a previously
4 administered assessment instrument, as applicable, to measure
5 through-year growth;

6 (B) for an end-of-year or end-of-course
7 assessment instrument, reporting year-over-year growth in student
8 achievement; and

9 (C) for a beginning-of-year or middle-of-year
10 assessment instrument, being adaptive to each student to measure
11 and report individual student growth.

12 (b) Before an assessment instrument adopted or developed
13 under Section 39.023(a) may be administered under that subsection,
14 the assessment instrument must, on the basis of empirical evidence,
15 be determined to be valid and reliable by the advisory committees
16 established under Section 39.02302 or an entity that is, as
17 determined by the commissioner, independent of the agency and of
18 any other entity that developed the assessment instrument.

19 (c) Before an item may be included on an assessment
20 instrument administered under Section 39.023 that was developed by
21 the agency, the item must be reviewed and approved by a committee
22 composed of teachers in this state. The agency shall form each
23 committee by inviting a total of approximately 40 teachers
24 representing each region of this state who teach the grade level and
25 subject area assessed by the items under review to participate in
26 the committee. For each proposed item, at least three-quarters of
27 participating committee members must agree that:

1 (1) the item is aligned with the essential knowledge
2 and skills adopted by the State Board of Education under Section
3 28.002 for the applicable grade level and subject area;

4 (2) the item is appropriate for the grade level and
5 subject area being assessed and is written at an appropriate
6 reading level for the grade level being assessed;

7 (3) the item is free from bias and factual error; and

8 (4) students in the member's classroom would have an
9 opportunity to learn the content included in the item before the
10 administration of the applicable end-of-year or end-of-course
11 assessment instrument.

12 (d) The writing portion of a reading language arts
13 assessment instrument adopted or developed under Section 39.023
14 must be designed to assess writing using open-ended questions that
15 are:

16 (1) grade-level appropriate;

17 (2) administered separately; and

18 (3) scored using a process that:

19 (A) involves classroom teachers in setting
20 grading standards; and

21 (B) allows for a school district or
22 open-enrollment charter school to submit student responses for
23 rescoring.

24 (e) For an end-of-year or end-of-course assessment
25 instrument adopted or developed under Section 39.023, the agency
26 shall adopt or develop criterion-referenced assessment instruments
27 designed to assess and report student performance for, at minimum,

1 each performance standard under Section 39.0241.

2 (f) In setting performance levels for a
3 criterion-referenced assessment instrument adopted or developed
4 under Subsection (e), the commissioner shall implement procedures
5 to maintain the validity and reliability of the assessment
6 instrument, including procedures for field testing items approved
7 by the teacher committees described by Subsection (c). Except as
8 necessary to comply with college readiness recommendations made by
9 the commissioner of higher education under Section 39.0241(a-1),
10 the commissioner shall ensure the performance levels are set at
11 levels consistent with performance levels set for previous school
12 years, including by implementing procedures that equate the
13 performance levels or by conducting standards-setting processes.

14 (g) On or before September 1 of each year, the commissioner
15 shall make the following information available on the agency's
16 Internet website for each criterion-referenced assessment
17 instrument administered under Section 39.023(a), (c), or (l):

18 (1) the number of questions on the assessment
19 instrument;

20 (2) the number of questions that must be answered
21 correctly to achieve satisfactory performance as determined by the
22 commissioner under Section 39.0241(a);

23 (3) the number of questions that must be answered
24 correctly to achieve satisfactory performance under the college
25 readiness performance standard as provided by Section 39.0241; and

26 (4) the corresponding scale scores.

27 (h) An assessment instrument adopted or developed under

Section 39.023 must be designed to support accommodations for students in a special education program under Subchapter A, Chapter 29. 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 accommodation is necessary in administering to the student an assessment instrument required under Section 39.023.

(i) The agency shall adopt a schedule for the administration of assessment instruments under Section 39.023 for each school year and provide the schedule to each school district and open-enrollment charter school two years before the school year to which the schedule applies. The schedule must provide for the administration of an assessment instrument within an assessment administration schedule window in the following applicable range:

(1) for a beginning-of-year assessment instrument, between the fourth Monday in August and September 30;

(2) for a middle-of-year assessment instrument, between January 2 and February 21; and

(3) for an end-of-year assessment instrument, between May 1 and May 30, except that the writing portion of an end-of-year reading language arts assessment instrument must be administered between April 1 and April 15.

(j) An assessment instrument administered under Section 39.023 may be administered in multiple parts over more than one day. The agency shall adopt procedures to reduce total administration time.

(k) An assessment instrument adopted or developed under

Section 39.023 must be designed to minimize the impact on student instructional time so that:

(1) for each beginning-of-year or middle-of-year assessment instrument separately administered to students in grades three and four, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 60 minutes;

(2) for each beginning-of-year or middle-of-year assessment instrument separately administered to students in grades five through eight, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 75 minutes;

(3) for each end-of-year assessment instrument separately administered to students in grades three and four, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 90 minutes; and

(4) for each end-of-year assessment instrument separately administered to students in grades five through eight, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 105 minutes.

(1) The agency shall notify school districts and campuses of the results of assessment instruments administered under Section 39.023 not later than two business days after the date the applicable administration schedule window under Subsection (i) closes. The results should include a diagnostic report for each student and recommendations for use by teachers and parents for practical and useful instructional strategies to better meet the

individual needs of the student based on the student's performance on the assessment instrument.

(m) At least every third year, the agency shall release the questions and answer keys to each end-of-year and end-of-course assessment instrument administered under Section 39.023, excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument or a question on an assessment instrument that will be reused for other assessment instruments, 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 may defer releasing questions and answer keys as required by this subsection to the extent necessary to develop additional assessment instruments.

SECTION 1.006. The heading to Section 39.0263, Education Code, is amended to read as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED OR CAMPUS-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS [~~TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS~~].

SECTION 1.007. Section 39.0263, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (c-1) to read as follows:

(a) In this section, "benchmark assessment instrument" means a district-required or campus-required assessment instrument that is administered to all or most students for a subject or course in a particular grade level and that is not directly linked to

instructional material recently covered in the classroom. The term includes an assessment instrument designed to prepare students for a corresponding state-administered assessment instrument, such as:

(1) a practice test;

(2) a nationally norm-referenced assessment instrument;

(3) a district-created standards assessment; or

(4) a vendor-created assessment of state standards.

(b) Except as provided by Subsection (c), a school district or campus may not administer to any student:

(1) in grades three through eight, a benchmark assessment instrument other than an alternative assessment instrument under Section 39.023(q); and

(2) in a grade other than the grades described by Subdivision (1), more than two benchmark assessment instruments during a school year before the administration of an end-of-year or end-of-course ~~[to prepare the student for a corresponding state-administered]~~ assessment instrument.

(c-1) The prohibition prescribed by this section does not apply to an assessment instrument administered during the 2027-2028 or 2028-2029 school year that is under review but not yet approved by the agency for inclusion in the list of approved alternative beginning-of-year and middle-of-year assessment instruments under Section 39.023(q). This subsection expires September 1, 2029.

SECTION 1.008. Section 39.0263(c), Education Code, as amended by S.B. 1418, Acts of the 89th Legislature, Regular Session, 2025, is amended to read as follows:

(c) The prohibition prescribed by this section does not apply to:

(1) the administration of a college preparation assessment instrument, including the PSAT, the PreACT, the SAT, or the ACT, an advanced placement test, or an international baccalaureate examination;

(2) [~~7~~ or] an independent classroom examination designed or adopted and administered by a classroom teacher;

(3) a diagnostic assessment included in a screening or testing for dyslexia or a related disorder; or

(4) an assessment instrument required under state law, including under Chapter 28 or 29.

SECTION 1.009. Section 39.0301, Education Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) In establishing procedures under Subsection (a)(1) for the administration of assessment instruments, the commissioner shall ensure that the procedures:

(1) are designed to minimize disruptions to school operations and the classroom environment; and

(2) include instructions to help mitigate potential student test anxiety.

(a-2) In implementing the procedures established under Subsection (a)(1) for the administration of assessment instruments, a school district shall minimize disruptions to school operations and the classroom environment.

SECTION 1.010. Section 39.304, Education Code, is amended

to read as follows:

Sec. 39.304. TEACHER REPORT CARD. ~~[(a)] Each school district shall [prepare a report of the comparisons made under Section 39.034 and provided to the district under Section 39.302 and] provide [the report at the beginning of the school year] to~~

~~[(1)] each teacher~~ the information made available under Section 39.02301(1) for the current and previous school year for all students taught by the teacher~~[, including incoming students,~~ who were assessed on an assessment instrument under Section 39.023~~], and~~

~~[(2) all students under Subdivision (1) who were provided instruction by that teacher in the subject for which the assessment instrument was administered under Section 39.023].~~

~~[(b) The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement under Section 39.034.]~~

SECTION 1.011. The following provisions of the Education Code are repealed:

(1) Sections 39.023(a-1), (a-4), (a-11), (a-12), (a-13), (a-14), (a-15), (a-16), (c-1), (c-3), (c-6), (c-7), (c-8), (c-10), (d), (e), (e-1), (f), (g), (o), and (p);

(2) Section 39.026;

(3) Section 39.0262;

(4) Sections 39.034(c), (d), and (d-1);

(5) Section 39.302; and

(6) Section 39.303.

ARTICLE 2. ACCOUNTABILITY AND INTERVENTIONS AND SANCTIONS

SECTION 2.001. Section 39.054(b-1), Education Code, is transferred to Section 39.052, Education Code, redesignated as Section 39.052(b-1), Education Code, and amended to read as follows:

(b-1) Consideration of the effectiveness of district programs under Subsection (b)(2)(B) [~~Section 39.052(b)(2)(B)~~] or (C):

(1) must:

(A) be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability under this chapter; and

(B) include the results of assessments required under Section 39.023; and

(2) may be based on the results of a special investigation conducted under Section 39.003.

SECTION 2.002. Section 39.053, Education Code, is amended by amending Subsections (a), (c), and (f) and adding Subsections (c-4), (c-5), (c-6), (f-1), (f-2), (f-3), and (f-4) to read as follows:

(a) The commissioner shall adopt a set of indicators of the quality of learning and achievement, including the indicators under Subsection (c). The commissioner periodically shall review the indicators for the consideration of appropriate revisions and may, if the commissioner determines an indicator otherwise required under this subchapter is not valid or reliable, exclude the indicator from the set of indicators adopted under this section.

(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 (1), 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

1 assessment instruments, as determined by the performance standard
2 adopted by the agency, aggregated across grade levels by subject
3 area; and

4 (B) for evaluating the performance of high school
5 campuses and districts that include high school campuses,
6 indicators that account for:

7 (i) students who satisfy the Texas Success
8 Initiative (TSI) college readiness benchmarks prescribed by the
9 Texas Higher Education Coordinating Board under Section 51.334 on
10 an assessment instrument in reading language arts or mathematics
11 designated by the coordinating board under that section;

12 (ii) students who satisfy relevant
13 performance standards on advanced placement tests or similar
14 assessments;

15 (iii) students who earn dual course credits
16 in the dual credit courses;

17 (iv) students who demonstrate military
18 readiness:

19 (a) through verified enlistment
20 [enlist] in the armed forces of the United States or the Texas
21 National Guard; or

22 (b) by achieving a passing score, set
23 by the commissioner based on recent passing scores set by the
24 branches of the armed forces, on the Armed Services Vocational
25 Aptitude Battery Test and successfully completing a Junior Reserve
26 Officer Training Corps program;

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;

(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 and ~~[7]~~ socioeconomic backgrounds~~[, and other factors, including:~~

~~[(A) students formerly receiving special education services,~~

~~[(B) students continuously enrolled, and~~

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

(c-4) The agency shall study the college, career, and military readiness indicators adopted under Subsection (c) to determine the correlation of each indicator with postsecondary success, including the correlation of industry certifications with wages and available jobs. The value assigned to each indicator must be:

(1) based on the strength of the indicator's correlation with successful outcomes; and

(2) updated in accordance with Subsection (f-1).

(c-5) The agency shall develop a measure of student

1 through-year instructional growth and improvement from the
2 beginning of the school year through the end of the school year for
3 evaluating the performance of campuses serving grade levels in
4 which beginning-of-year and middle-of-year assessment instruments
5 adopted or developed under Section 39.023 are required to be
6 administered.

7 (c-6) Not later than the 2032-2033 school year, the
8 commissioner shall present the measure described by Subsection
9 (c-5) to the accountability advisory committee established under
10 Section 39.0534 to consider the incorporation of the measure into
11 the indicators described by Subsection (c)(2)(A) and in any other
12 domain or indicator the commissioner considers relevant. Not later
13 than July 15, 2031, the agency shall submit to the governor, the
14 lieutenant governor, the speaker of the house of representatives,
15 and the chairs of the standing legislative committees with primary
16 jurisdiction over public school accountability a report regarding
17 the measure. This subsection expires September 1, 2033.

18 (f) Annually, the commissioner shall define and may modify
19 the state standards [~~standard for the current school year~~] for each
20 [~~achievement~~] indicator adopted under this subchapter in
21 [~~section. In~~] consultation with educators, parents, and business
22 and industry representatives, as necessary. The [~~, the~~]
23 commissioner shall increase the rigor by which the commissioner
24 determines the overall performance ratings under Section 39.054(a)
25 [~~establish and modify standards~~] to continuously improve student
26 performance to, not later than the 15th year after the date the
27 commissioner modifies the performance standards under Subsection

(f-1), achieve the goals of:

(1) eliminating achievement gaps based on race, ethnicity, and socioeconomic status; and

(2) ensuring [to ensure] this state ranks nationally [is a national leader] in the top five states in preparing students for postsecondary success and on the National Assessment of Educational Progress or its successor assessment.

(f-1) Beginning with the indicators adopted for the 2027-2028 school year and as required to meet the goals under Subsection (f), the commissioner shall increase the scores needed to achieve performance standards on indicators adopted under this subchapter only every fifth school year unless an indicator adopted under Subsection (c) requires adjustment before that school year to ensure consistency of performance standards.

(f-2) Not later than the 30th day before the date the commissioner adopts a rule modifying the performance standards under Subsection (f-1), the commissioner shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing legislative committees with primary jurisdiction over public school accountability a report that:

(1) identifies the performance standards being modified;

(2) includes a summary of the reasons for the modification of the performance standards;

(3) includes the expected impact of the modified performance standards on district and campus performance ratings;

1 and

2 (4) includes information regarding the timeline for
3 and a summary of stakeholder engagement during the development of
4 the modified performance standards.

5 (f-3) For each of the two school years preceding a school
6 year the commissioner increases a score under Subsection (f-1), the
7 commissioner shall report, in a manner that can be reviewed by
8 school administrators, the overall performance of school districts
9 and campuses under that increased score. The agency shall provide
10 copies of the report required under this subsection to the
11 governor, the lieutenant governor, the speaker of the house of
12 representatives, and the chairs of the standing legislative
13 committees with primary jurisdiction over public school
14 accountability.

15 (f-4) In reporting the performance of school districts and
16 campuses on indicators adopted under this subchapter for a school
17 year in which the score needed to achieve performance standards on
18 one or more of those indicators was increased under Subsection
19 (f-1), the commissioner shall include in the report an
20 informational report on the performance of districts and campuses
21 during the preceding school year under the increased score.

22 SECTION 2.003. Subchapter C, Chapter 39, Education Code, is
23 amended by adding Sections 39.0531, 39.0532, and 39.0534 to read as
24 follows:

25 Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) The
26 agency, the Texas Higher Education Coordinating Board, and the
27 Texas Workforce Commission shall jointly develop and make available

1 a list of industry certifications that are eligible for purposes of
2 Section 39.053(c)(1)(B)(v). In developing the list, the entities
3 described by this subsection shall consider:

4 (1) the inventory of industry-recognized
5 certifications developed under Section 312.003, Labor Code; and

6 (2) the certifications included in the credential
7 library established under Section 2308A.007, Government Code.

8 (b) The industry certifications included in the list
9 developed under Subsection (a) must:

10 (1) be aligned to a program of study that, according to
11 labor market data, prepares students for high-wage, high-skill,
12 in-demand occupations;

13 (2) allow students to demonstrate mastery of the
14 skills required for occupations within an approved program of
15 study; and

16 (3) be obtained through an assessment of the knowledge
17 and skills provided by or determined by an independent, third-party
18 certifying entity using predetermined standards for knowledge,
19 skills, and competencies.

20 (c) The entities described by Subsection (a) shall
21 regularly review and, if necessary, update the eligibility of
22 industry certifications under that subsection, including whether
23 the programs of study for those certifications still meet the
24 requirements under that subsection:

25 (1) in consultation with the advisory council
26 established under Chapter 312, Labor Code; and

27 (2) to the extent practicable, concurrently with the

modification of performance standards under Section 39.053(f-1).

(d) If, after reviewing an industry certification under Subsection (c), the entities described by Subsection (a) determine the certification is no longer eligible for purposes of Section 39.053(c)(1)(B)(v) and should be removed from the list developed under Subsection (a), the entities shall, to the extent practicable, post on their respective Internet websites information regarding the removal of the certification not later than two years before the date the entities intend to remove the certification from the list.

(e) During the three years following a determination under Subsection (d) that an industry certification is no longer eligible for purposes of Section 39.053(c)(1)(B)(v), a school district may receive the benefit of achievement indicators based on that industry certification for purposes of Section 39.053(c) only for a cohort of students who:

(1) were participating in the program of study aligned with that certification during the school year the agency determines the certification is no longer eligible; and

(2) earn the certification within the three-year period.

Sec. 39.0532. REPORTING OF LOCAL INDICATORS OF STUDENT ENGAGEMENT AND WORKFORCE DEVELOPMENT. (a) The agency shall collect for reporting purposes only information provided by school districts and open-enrollment charter schools under Subsection (b) regarding local indicators of student engagement and workforce development.

1 (b) A school district or open-enrollment charter school
2 may, but is not required to, provide to the agency information
3 regarding the following indicators at a district or school campus
4 that serves students in prekindergarten through eighth grade:

5 (1) an indicator that accounts for the percentage of
6 students participating in school-sponsored extracurricular or
7 cocurricular student activities consistent with the findings of the
8 extracurricular and cocurricular student activity indicator study
9 required under Section 39.0533, as that section existed immediately
10 before September 1, 2023;

11 (2) for campuses that serve students in
12 prekindergarten, an indicator that accounts for student
13 participation in full-day prekindergarten programs;

14 (3) for campuses that serve students in kindergarten
15 through fifth grade, an indicator that accounts for teacher
16 completion rates of the literacy achievement academies and
17 mathematics achievement academies established under Sections
18 [21.4552](#) and [21.4553](#);

19 (4) an indicator that accounts for students in grades
20 six, seven, and eight who successfully complete a career and
21 technology course approved for purposes of the career and
22 technology education allotment under Section [48.106](#); and

23 (5) an indicator that accounts for students who
24 successfully complete and receive credit for a course designated
25 for a grade higher than the grade in which the student is enrolled.

26 (c) The agency shall post the information collected under
27 Subsection (a) on the Texas School Accountability Dashboard

1 developed under Section 39.309.

2 (d) This section may not be construed to limit the authority
3 to modify performance indicators under Section 39.053 to include
4 indicators described by this section.

5 Sec. 39.0534. ACCOUNTABILITY ADVISORY COMMITTEE. (a) The
6 commissioner shall establish an accountability advisory committee
7 to advise the commissioner and the agency regarding the adoption
8 and modification of performance standards and indicators required
9 under this chapter. The committee must meet at least once during
10 the year preceding the school year for which the commissioner
11 proposes to modify the performance standards under Section
12 39.053(f-1).

13 (b) The committee must include:

14 (1) a staff member from the office of the governor;

15 (2) a staff member from the office of the lieutenant
16 governor;

17 (3) a staff member from the office of the speaker of
18 the house of representatives;

19 (4) a staff member from the office of each chair of a
20 standing legislative committee with primary jurisdiction over
21 primary and secondary education; and

22 (5) a representative of each stakeholder group
23 described by Section 39.053(f).

24 (c) The committee shall provide minutes of each committee
25 meeting within a reasonable time after the meeting to the governor,
26 the lieutenant governor, the speaker of the house of
27 representatives, and each member of the standing legislative

1 committees with primary jurisdiction over primary and secondary
2 education.

3 SECTION 2.004. Section 39.054, Education Code, is amended
4 by amending Subsections (a), (a-3), (a-4), and (a-5) and adding
5 Subsections (a-6), (a-7), and (c) to read as follows:

6 (a) Except as provided by Subsection (a-4), the
7 commissioner shall adopt rules to evaluate school district and
8 campus performance and, each school year, assign each district and
9 campus an overall performance rating of A, B, C, D, or F. In
10 addition to the overall performance rating, each school year, the
11 commissioner shall assign each district and campus a separate
12 domain performance rating of A, B, C, D, or F for each domain under
13 Section 39.053(c). An overall or domain performance rating of A
14 reflects exemplary performance. An overall or domain performance
15 rating of B reflects recognized performance. An overall or domain
16 performance rating of C reflects acceptable performance. An
17 overall or domain performance rating of D reflects performance that
18 needs improvement. An overall or domain performance rating of F
19 reflects unacceptable performance. A district may not receive an
20 overall or domain performance rating of A if the district includes
21 any campus with a corresponding overall or domain performance
22 rating of D or F. If a school district has been approved under
23 Section 39.0544 to assign campus performance ratings and the
24 commissioner has not assigned a campus an overall performance
25 rating of D or F, the commissioner shall assign the campus an
26 overall performance rating based on the school district assigned
27 performance rating under Section 39.0544.

1 (a-3) Except as provided by Subsection (c), not ~~[Not]~~ later
2 than August 15 of each year, the following information shall be made
3 publicly available as provided by rules adopted under this
4 section:

5 (1) the performance ratings for each school district
6 and campus; and

7 (2) if applicable, the number of consecutive school
8 years of unacceptable performance ratings for each district and
9 campus.

10 (a-4) Notwithstanding any other law and except as provided
11 by Subsection (a-6), the commissioner may assign a school district
12 or campus an overall performance rating of "Not Rated" if the
13 commissioner determines that the assignment of a performance rating
14 of A, B, C, D, or F would be inappropriate because:

15 (1) the district or campus is located in an area that
16 is subject to a declaration of a state of disaster under Chapter
17 418, Government Code, and due to the disaster, performance
18 indicators for the district or campus are difficult to measure or
19 evaluate and would not accurately reflect quality of learning and
20 achievement for the district or campus;

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

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

27 (4) for other reasons outside the control of the

1 district or campus, the performance indicators would not accurately
2 reflect quality of learning and achievement for the district or
3 campus.

4 (a-5) Notwithstanding any other law, an overall performance
5 rating of "Not Rated" is not included in calculating consecutive
6 school years of unacceptable performance ratings and is not
7 considered a break in consecutive school years of unacceptable
8 performance ratings for purposes of any provision of this code. Any
9 interventions or sanctions to which a school district or campus is
10 subject under Chapter 39A shall continue during a period in which
11 the district or campus is assigned an overall performance rating of
12 "Not Rated."

13 (a-6) The commissioner may not assign an overall
14 performance rating of "Not Rated" to all school districts or all
15 campuses on a statewide basis.

16 (a-7) If the agency makes changes to the assessment program
17 under Section 39.022 for assessment instruments administered under
18 this subchapter that require new standards for issuing performance
19 ratings under this section, the agency must conduct a performance
20 comparison analysis between the program as changed and the
21 preceding program to establish roughly comparable standards for
22 issuing performance ratings.

23 (c) The commissioner shall make the information under
24 Subsection (a-3) available as soon as reasonably possible in years
25 in which the standards are modified or recalibrated or in which a
26 new assessment instrument is offered.

27 SECTION 2.005. Section 39.0541, Education Code, is amended

to read as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS.

(a) Subject to Subsection (b), the ~~[The]~~ commissioner may adopt indicators and standards under this subchapter at any time ~~[during a school year]~~ before issuing the evaluation of a school district or campus.

(b) If the commissioner does not initially adopt performance standards by the July 15 immediately preceding a school year, district and campus performance ratings for that school year shall be based on the performance standards in effect for the preceding school year.

SECTION 2.006. Section [39.0542](#)(a), Education Code, is amended to read as follows:

(a) Not later than July 15 of each ~~[Each school]~~ year, the commissioner shall provide each school district a document in a simple, accessible format that explains the accountability performance standards adopted under Sections [39.0241](#) and [39.053](#)(f) for the following school year and the measures, methods, and procedures that will be applied for that school year in assigning each school district and campus a performance rating under Section [39.054](#).

SECTION 2.007. Section [39.0544](#), Education Code, is amended by adding Subsection (f) to read as follows:

(f) From money appropriated or otherwise available for the purpose, the agency shall establish a grant program to assist at least one school district in each education service center region in developing a local accountability plan that complies with the

requirements of this section.

SECTION 2.008. Section 39.201(a), Education Code, is amended to read as follows:

(a) The ~~[Not later than August 8 of each year, the]~~ commissioner shall award distinction designations for outstanding performance as provided by this subchapter concurrently with the assignment of performance ratings under Section 39.054. A distinction designation awarded to a district or campus under this subchapter shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054 ~~[39.054(a)]~~.

SECTION 2.009. Section 39A.107(c), Education Code, is amended to read as follows:

(c) If the commissioner does not approve a campus turnaround plan, the commissioner shall order:

(1) appointment of a board of managers to govern the school district as provided by Section 39A.202;

(2) alternative management of the campus;

(3) operation of the campus by an entity with which the school district contracts under Section 11.174; or

(4) ~~[(3)]~~ closure of the campus.

SECTION 2.010. Section 39A.108, Education Code, is amended to read as follows:

Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN. Subject to Section 39A.110(a), following ~~[Following]~~ approval of a campus turnaround plan by the commissioner, the school district, in

consultation with the campus intervention team, shall ~~[may]~~ take any actions needed to implement ~~[prepare for the implementation of]~~ the plan.

SECTION 2.011. Section 39A.110(a), Education Code, is amended to read as follows:

(a) If a campus for which a campus turnaround plan has been ordered under Section 39A.101 receives an acceptable performance rating subsequent to ~~[for the school year following]~~ the order, the ~~[board of trustees of the]~~ school district is no longer required to ~~[may:]~~

~~[(1)]~~ implement the campus turnaround plan~~+~~

~~[(2)] implement a modified version of the campus turnaround plan; or~~

~~[(3)] withdraw the campus turnaround plan].~~

SECTION 2.012. Subchapter 2, Chapter 39A, Education Code, is amended by adding Section 39A.908 to read as follows:

Sec. 39A.908. INTERVENTIONS AND SANCTIONS WHILE ASSIGNMENT OF PERFORMANCE RATINGS ENJOINED. (a) Notwithstanding any other law, during a period in which the agency is enjoined from assigning performance ratings to a school district, open-enrollment charter school, or district or school campus, any previously imposed interventions or sanctions to which the district, school, or campus is subject shall continue throughout that period.

(b) As soon as practicable after the dissolution of an injunction described by Subsection (a), the agency shall:

(1) assign performance ratings for each school year and to each school district, open-enrollment charter school, and

district or school campus for which the agency was enjoined from assigning performance ratings; and

(2) as applicable, impose any appropriate interventions or sanctions authorized under this chapter based on the ratings assigned under Subdivision (1).

(c) Notwithstanding any other law, if the agency is permanently enjoined from assigning performance ratings to a school district, open-enrollment charter school, or district or school campus for a school year, the agency shall consider the district, school, or campus to have received a "Not Rated" rating for that school year for purposes of:

(1) calculating consecutive years of performance; and

(2) determining whether to impose an intervention or sanction authorized under this chapter.

(d) To ensure the expeditious implementation of interventions or sanctions under this chapter, the agency may modify or waive a deadline or time frame required by law or agency rule applicable to the assignment of performance ratings for a school year for which the agency was enjoined from assigning performance ratings.

(e) Except as provided by Subsection (f), the agency shall impose an intervention or sanction described by Subsection (b)(2) or (c)(2) as required by law unless the intervention or sanction, as determined by the commissioner:

(1) has been superseded by a subsequent intervention or sanction; or

(2) may be removed based on the subsequent performance

of a school district, open-enrollment charter school, or district or school campus.

(f) The commissioner shall impose an intervention described by Section 12.115(c), 39A.004, or 39A.111, as applicable, on a school district, open-enrollment charter school, or district or school campus if the district, school, or campus would have been subject to commissioner action under the applicable section based on the performance rating of the district, school, or campus for a school year for which the agency was enjoined from assigning performance ratings, regardless of the performance of the district, school, or campus in a subsequent school year.

(g) Except as provided by Subsection (h), the commissioner shall revoke a charter holder's charter for an open-enrollment charter school for which the charter holder received a charter renewal based on the absence of a performance rating for a school year for which the agency was enjoined from assigning a performance rating if, after the assignment of performance ratings for that year, the charter would not have been renewed under Section 12.1141(d), regardless of the performance of the school in a subsequent school year.

(h) Subsection (g) does not apply to a charter holder for which the agency has renewed the charter based on the charter holder entering into and meeting the requirements of a performance agreement with the agency.

SECTION 2.013. Section 312.003(a), Labor Code, as amended by H.B. 2 and H.B. 120, Acts of the 89th Legislature, Regular Session, 2025, is amended to read as follows:

(a) The advisory council shall develop an inventory of industry-recognized certifications that may be earned by a public high school student through a career and technology education program and that:

- (1) are aligned to state and regional workforce needs;
- ~~and~~
- (2) serve as an entry point to middle- and high-wage jobs; and
- (3) meet the requirements of Section 39.0531(b), Education Code.

SECTION 2.014. The following provisions of the Education Code are repealed:

- (1) Section 39A.106; and
- (2) Section 39A.110(b).

ARTICLE 3. TRANSPARENCY REGARDING PUBLIC SCHOOL PERFORMANCE

SECTION 3.001. Section 7.057(d), Education Code, is amended to read as follows:

(d) A person aggrieved by an action of the agency or decision of the commissioner under this section may appeal to a district court in Travis County. An appeal must be made by serving the commissioner with citation issued and served in the manner provided by law for civil suits. The petition must state the action or decision from which the appeal is taken. At trial, the court shall determine all issues of law and fact, except as provided by Section 33.081(g).

SECTION 3.002. The heading to Section 39.001, Education Code, is amended to read as follows:

1 Sec. 39.001. RULES; ACTION FOR DECLARATORY JUDGMENT.

2 SECTION 3.003. Section 39.001, Education Code, is amended
3 by adding Subsection (c) to read as follows:

4 (c) A school district or open-enrollment charter school
5 must bring an action for declaratory judgment under Section
6 2001.038, Government Code, challenging the validity or
7 applicability of a rule adopted under this chapter or Chapter 39A
8 not later than six months after the date the rule is adopted.

9 SECTION 3.004. Subchapter A, Chapter 39, Education Code, is
10 amended by adding Section 39.009 to read as follows:

11 Sec. 39.009. COMPLIANCE WITH CERTAIN CHAPTER REQUIREMENTS;
12 LEGISLATIVE OVERSIGHT. (a) Failure to comply with a requirement of
13 Subchapter B, C, or D:

14 (1) does not prevent:

15 (A) the administration of a statewide assessment
16 instrument required under Subchapter B; or

17 (B) the assignment of performance ratings under
18 Section 39.054; and

19 (2) may not be the basis of a challenge to:

20 (A) a performance rating assigned under Section
21 39.054; or

22 (B) an intervention or sanction imposed under
23 this chapter or Chapter 39A.

24 (b) Each standing legislative committee with primary
25 jurisdiction over primary and secondary education shall establish a
26 process to receive information regarding a failure to comply with a
27 requirement of Subchapter B, C, or D and may require the agency to

1 provide justification for that failure. The agency must notify
2 each committee if the agency is aware that the commissioner or
3 agency has failed to meet a deadline or other requirement under
4 Subchapter B, C, or D.

5 SECTION 3.005. Section 39.151(e), Education Code, is
6 amended to read as follows:

7 (e) A school district or open-enrollment charter school may
8 not challenge on any basis, including a lack of commissioner or
9 agency authority, an agency decision relating to an academic or
10 financial accountability rating under this chapter, including a
11 decision relating to a determination of consecutive school years of
12 unacceptable performance ratings, in another proceeding unless
13 ~~[if]~~ the district or school has exhausted the district's or school's
14 remedies ~~[had an opportunity to challenge the decision]~~ under this
15 section.

16 SECTION 3.006. Section 45.105(c-1), Education Code, is
17 amended to read as follows:

18 (c-1) Notwithstanding any other law, federal, state, or
19 local funding, including funding under Chapters 46, 48, and 49,
20 ~~[Funds described by Subsection (c)]~~ may not be used to initiate or
21 maintain any action or proceeding against the state or an agency or
22 officer of the state, including an action or proceeding that
23 includes a claim of ultra vires conduct ~~[arising out of a decision,~~
24 ~~order, or determination that is final and unappealable under a~~
25 ~~provision of this code]~~, except that funds may be used for an action
26 or proceeding that is specifically authorized by a provision of
27 this code or by Section 2001.038, Government Code ~~[a rule adopted~~

~~under this code and that results in a final and unappealable decision, order, or determination].~~

ARTICLE 4. CONFORMING CHANGES AND CHANGES RELATED TO TRANSITION OF
ASSESSMENT PROGRAM

SECTION 4.001. Section 7.056(e), Education Code, is amended to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

(1) a prohibition on conduct that constitutes a criminal offense;

(2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or

(3) a requirement, restriction, or prohibition relating to:

(A) essential knowledge or skills under Section 28.002 or high school graduation requirements under Section 28.025;

(B) public school accountability as provided by Subchapters B, C, D, and J, Chapter 39, and Chapter 39A;

(C) extracurricular activities under Section 33.081 ~~[or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812]~~;

(D) health and safety under Chapter 38;

(E) purchasing under Subchapter B, Chapter 44;

(F) elementary school class size limits, except as provided by Section 25.112;

(G) removal of a disruptive student from the classroom under Subchapter A, Chapter 37;

(H) at-risk programs under Subchapter C, Chapter 29;

(I) prekindergarten programs under Subchapter E, Chapter 29;

(J) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22;

(K) special education programs under Subchapter A, Chapter 29;

(L) bilingual education programs under Subchapter B, Chapter 29; or

(M) the requirements for the first day of instruction under Section 25.0811.

SECTION 4.002. Section 11.185(b), Education Code, is amended 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 the third grade reading language arts or mathematics assessment instrument, as applicable, administered under Section 39.023 or on an alternative assessment instrument determined by the board of trustees;

(3) provide for targeted professional development for

1 classroom teachers in kindergarten or first, second, or third grade
2 who are assigned to campuses that the board of trustees identifies
3 as not meeting the plan's goals;

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

7 (A) coordinate implementation of the plan; and

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

11 (5) be reviewed annually by the board of trustees at a
12 public meeting.

13 SECTION 4.003. Section 21.4552(c), Education Code, is
14 amended to read as follows:

15 (c) The commissioner shall adopt criteria for selecting
16 teachers who may attend a literacy achievement academy. In
17 adopting selection criteria under this subsection, the
18 commissioner shall:

19 (1) require a teacher to attend a literacy achievement
20 academy if the teacher provides instruction in reading,
21 mathematics, science, or social studies to students at the sixth,
22 seventh, or eighth grade level at a campus that fails to satisfy any
23 standard under Section 39.054(e) on the basis of student
24 performance on the reading language arts assessment instrument
25 administered under Section 39.023(a) to students in any grade level
26 at the campus;

27 (2) grant priority to teachers employed by a school

1 district at a campus at which 50 percent or more of the students
2 enrolled are educationally disadvantaged; and

3 (3) provide a process through which a teacher not
4 employed at a campus described by Subdivision (2) may attend the
5 academy if the academy has available space and the school district
6 employing the teacher pays the costs of the teacher's attendance.

7 SECTION 4.004. Sections 28.0063(b) and (f), Education Code,
8 as added by H.B. 2, Acts of the 89th Legislature, Regular Session,
9 2025, are amended to read as follows:

10 (b) A reading or mathematics instrument adopted under
11 Subsection (a) must:

12 (1) be based on scientific research concerning, as
13 applicable:

14 (A) foundational literacy skills in reading
15 development and comprehension; or

16 (B) foundational numeracy skills in mathematics;

17 (2) be capable of being administered at the beginning,
18 middle, and end of the school year;

19 (3) be designed to assess the performance of students
20 in, as applicable:

21 (A) the foundational literacy skills components
22 of the essential knowledge and skills adopted under Section 28.002
23 for language arts; or

24 (B) the foundational numeracy skills components
25 of the essential knowledge and skills adopted under Section 28.002
26 for mathematics;

27 (4) be capable of monitoring student progress in a

manner that allows school district staff to identify specific foundational literacy or numeracy skills in need of targeted instruction;

(5) assess whether a student's skills identified as in need of targeted instruction indicate that the student is at risk, as determined by the agency, of not achieving satisfactory performance on the third grade reading language arts or mathematics assessment administered under Section 39.023;

(6) for a reading instrument for students in kindergarten and first grade, include the applicable elements and criteria to serve as the required screenings for dyslexia and related disorders under Section 38.003; and

(7) for a reading instrument, allow a school district to generate a report regarding a student's reading progress, including progress from previous administrations of the same instrument, that is clear and easy to understand that may be distributed to the student's parent in English, Spanish, or, to the extent practicable, any other language spoken by the parent.

(f) If the commissioner determines that a beginning-of-year or middle-of-year ~~[an interim]~~ assessment instrument adopted or developed under Section 39.023 ~~[39.023(o)]~~ provides the same intended outcomes as an instrument adopted or approved under this section, the commissioner may substitute that beginning-of-year or middle-of-year ~~[interim]~~ assessment instrument for an instrument adopted or approved under this section.

SECTION 4.005. Sections 28.0211(a-8) and (o), Education Code, are amended to read as follows:

1 (a-8) A school district may not be required to provide
2 supplemental instruction under Subsection (a-1)(2) to a student in
3 more than two subject areas per school year. If the district would
4 otherwise be required to provide supplemental instruction to a
5 student in more than two subject areas for a school year, the
6 district shall prioritize providing supplemental instruction to
7 the student in mathematics and reading language arts, or Algebra I,
8 English I, or English II, as applicable, for that school year.

9 (o) This section does not require the administration of a
10 fifth or eighth grade assessment instrument in a subject under
11 Section 39.023(a) to a student enrolled in the fifth or eighth
12 grade, as applicable, if the student:

13 (1) is enrolled in a course in the subject intended for
14 students above the student's grade level and will be administered
15 an assessment instrument adopted or developed under Section
16 39.023(a) that aligns with the curriculum for the course in which
17 the student is enrolled; or

18 (2) is enrolled in a course in the subject for which
19 the student will receive high school academic credit and will be
20 administered an end-of-course assessment instrument adopted or
21 developed under Section 39.023(c) for the course.

22 SECTION 4.006. Section 28.023(c), Education Code, is
23 amended to read as follows:

24 (c) A school district shall give a student in grade level
25 six or above credit for a subject on the basis of an examination for
26 credit in the subject approved by the board of trustees under
27 Subsection (a) if the student scores in the 80th percentile or above

1 on the examination or if the student achieves a score as provided by
2 Subsection (c-1). If a student is given credit in a subject on the
3 basis of an examination, the district shall enter the examination
4 score on the student's transcript and the student is not required to
5 take an end-of-course assessment instrument adopted or developed
6 under Section 39.023(c) for that subject.

7 SECTION 4.007. Section 29.056(g), Education Code, is
8 amended to read as follows:

9 (g) A district may transfer an emergent bilingual student
10 out of a bilingual education or special language program for the
11 first time or a subsequent time if the student is able to
12 participate equally in a regular all-English instructional program
13 as determined by:

14 (1) agency-approved tests administered at the end of
15 each school year to determine the extent to which the student has
16 developed oral and written language proficiency and specific
17 language skills in English;

18 (2) satisfactory performance on the reading language
19 arts assessment instrument under Section 39.023(a) or an English
20 language arts assessment instrument under Section 39.023(c), as
21 applicable, with the assessment instrument administered in
22 English, or, if the student is enrolled in the first or second
23 grade, an achievement score at or above the 40th percentile in the
24 reading and language arts sections of an English standardized test
25 approved by the agency; and

26 (3) agency-approved criterion-referenced tests and
27 the results of a subjective teacher evaluation.

SECTION 4.008. Section 29.1543(a), Education Code, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, is amended to read as follows:

(a) The agency shall produce and make available to the public on the agency's Internet website annual district and campus-level reports containing information from the previous school year on early education in school districts and open-enrollment charter schools. A report under this section must contain:

(1) the information required by Section 29.1532(c) to be reported through the Public Education Information Management System (PEIMS);

(2) a description of the reading instruments administered in accordance with Section 28.006(c-2);

(3) the number of students who were administered a reading instrument administered in accordance with Section 28.006(c-2);

(4) the number of students whose scores from a reading instrument administered in accordance with Section 28.006(c-2) indicate kindergarten readiness in reading;

(5) the number of kindergarten students who were enrolled in a prekindergarten program, including a program offered through a partnership under Section 29.153, in the previous school years in the same district or school as the district or school in which the student attends kindergarten;

(6) the number and percentage of students who perform satisfactorily on the third grade reading language arts or

1 mathematics assessment instrument administered under Section
2 39.023, disaggregated by whether the student was eligible for free
3 prekindergarten under Section 29.153;

4 (7) the number of students described by Subdivision
5 (6) who attended kindergarten in the district, disaggregated by:

6 (A) whether the student met the kindergarten
7 readiness standard on a reading instrument adopted under Section
8 28.006;

9 (B) whether the student attended prekindergarten
10 in the district, including a program offered through a partnership
11 under Section 29.153; and

12 (C) the type of prekindergarten the student
13 attended, if applicable;

14 (8) the information described by Subdivisions (6) and
15 (7) disaggregated by whether the student is educationally
16 disadvantaged; and

17 (9) the number of students identified as having a
18 vision disorder or other vision problem requiring vision care under
19 the screening program described by Section 36.004, Health and
20 Safety Code, disaggregated by:

21 (A) grade level;

22 (B) gender;

23 (C) race;

24 (D) ethnicity;

25 (E) the student's status as educationally
26 disadvantaged;

27 (F) the number of times the student was

1 previously identified as having a vision disorder or other vision
2 problem;

3 (G) the identified vision disorder or problem;
4 and

5 (H) the type of screening equipment used for the
6 screening.

7 SECTION 4.009. Sections 39.02342(a) and (b), Education
8 Code, are amended to read as follows:

9 (a) Subject to Subsection (c) and notwithstanding Section
10 39.023, a school district may administer in paper format a
11 nonadaptive assessment instrument adopted or developed by the
12 agency as a substitute for an assessment instrument required under
13 Section 39.023(a), (c), or (l) [in paper format] to any student
14 whose parent, guardian, or teacher in the applicable subject area
15 requests the assessment instrument be administered to the student
16 in paper format.

17 (b) A request for the administration of an assessment
18 instrument in paper format to a student under this section must be
19 submitted to the school district not later than a reasonable date as
20 determined by the agency, which must be not later than the 60th day
21 before the date the applicable assessment administration schedule
22 window under Section 39.02301(i) closes[-

23 ~~[(1) for a fall administration of an assessment~~
24 ~~instrument, not later than September 15 of the school year in which~~
25 ~~the assessment instrument will be administered, and~~

26 ~~[(2) for a spring administration of an assessment~~
27 ~~instrument, not later than December 1 of the school year in which~~

~~the assessment instrument will be administered].~~

SECTION 4.010. Section 39.0236, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The agency shall implement the pilot program established under this section beginning with the 2028-2029 school year. This subsection expires September 1, 2029.

SECTION 4.011. Section 39.0238(b), Education Code, is amended to read as follows:

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school may consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district or school during the ~~[period set by the State Board of Education for the administration of]~~ assessment administration schedule window ~~[instruments required]~~ under Section 39.02301(i) ~~[39.023]~~ in establishing:

(1) the district's or school's calendar for that school year; and

(2) the instructional days within that period on which district or school students are administered the required assessment instruments, provided that the board of trustees or governing body may not exclude more than two instructional days from that period based solely on the occurrence of a single religious holy day or period of observance.

SECTION 4.012. Sections 39.025(b), (e-1), and (f), Education Code, are amended to read as follows:

(b) Each time an end-of-course assessment instrument

1 adopted or developed under Section 39.023(c) is administered, a
2 student who failed to achieve a score requirement under Subsection
3 (a) may retake the assessment instrument. A student is not required
4 to retake a course as a condition of retaking an end-of-course
5 assessment instrument.

6 (e-1) Nothing in this section has the effect of prohibiting
7 the administration of an end-of-course assessment instrument
8 listed in Section 39.023(c) to a student enrolled below the high
9 school level who is enrolled in the course for which the assessment
10 instrument is adopted or developed. The commissioner shall adopt
11 rules necessary to ensure that the student's performance on the
12 assessment instrument is considered in the same manner for purposes
13 of this section as the performance of a student enrolled at the high
14 school level.

15 (f) The commissioner shall by rule adopt a transition plan
16 to implement the amendments made by Chapter 1312 (S.B. No. 1031),
17 Acts of the 80th Legislature, Regular Session, 2007, replacing
18 general subject assessment instruments administered at the high
19 school level with end-of-course assessment instruments. The rules
20 must provide for the end-of-course assessment instruments adopted
21 or developed under Section 39.023(c) to be administered beginning
22 with students enrolled in the ninth grade for the first time during
23 the 2011-2012 school year. During the period under which the
24 transition to end-of-course assessment instruments is made:

25 (1) for students entering a grade above the ninth
26 grade during the 2011-2012 school year or students repeating ninth
27 grade during the 2011-2012 school year, the commissioner shall

1 retain, administer, and use for purposes of accreditation and other
2 campus and district accountability measures under this chapter the
3 assessment instruments required by Section 39.023(a) or (c), as
4 that section existed before amendment by Chapter 1312 (S.B.
5 No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and

6 (2) a student subject to Subdivision (1) may not
7 receive a high school diploma unless the student has performed
8 satisfactorily on the SAT, the ACT, the Texas Success Initiative
9 (TSI) diagnostic assessment, or the current assessment instrument
10 or instruments administered for graduation purposes as provided by
11 Subsection (f-1) or on each required assessment instrument
12 administered under Section 39.023(c), as that section existed
13 before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th
14 Legislature, Regular Session, 2007.

15 SECTION 4.013. Section 39.027(b), Education Code, is
16 amended to read as follows:

17 (b) The agency [~~State Board of Education~~] shall adopt rules
18 under which a dyslexic student who is not exempt under Subsection
19 (a) may use procedures including oral examinations if appropriate
20 or may be allowed additional time or the materials or technology
21 necessary for the student to demonstrate the student's mastery of
22 the competencies the assessment instruments are designed to
23 measure.

24 SECTION 4.014. Section 39.030(a), Education Code, is
25 amended to read as follows:

26 (a) In adopting academic skills assessment instruments
27 under this subchapter, the agency [~~State Board of Education~~] or a

1 school district shall ensure the security of the instruments and
2 tests in their preparation, administration, and grading. Meetings
3 or portions of meetings held by the agency [~~State Board of~~
4 ~~Education~~] or a school district at which individual assessment
5 instruments or assessment instrument items are discussed or adopted
6 are not open to the public under Chapter 551, Government Code, and
7 the assessment instruments or assessment instrument items are
8 confidential.

9 SECTION 4.015. Section 39.031, Education Code, is amended
10 to read as follows:

11 Sec. 39.031. COST. The cost of preparing, administering,
12 or grading the assessment instruments and releasing the question
13 and answer keys under Section 39.02301(m) [~~39.023(e)~~] shall be paid
14 from amounts appropriated to the agency.

15 SECTION 4.016. Section 39.035(a), Education Code, is
16 amended to read as follows:

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

22 SECTION 4.017. Section 39.202, Education Code, as amended
23 by S.B. 1418, Acts of the 89th Legislature, Regular Session, 2025,
24 is amended to read as follows:

25 Sec. 39.202. ACADEMIC DISTINCTION DESIGNATION FOR
26 DISTRICTS AND CAMPUSES. The commissioner by rule shall establish
27 an academic distinction designation for districts and campuses for

1 outstanding performance in attainment of postsecondary readiness.
2 The commissioner shall adopt criteria for the designation under
3 this section, including:

4 (1) percentages of students who:

5 (A) performed satisfactorily, as determined
6 under the college readiness performance standard under Section
7 39.0241, on assessment instruments required under Section
8 39.023(a), (b), (c), or (l), aggregated across grade levels by
9 subject area; or

10 (B) met the standard for annual improvement, as
11 determined by the agency [~~under Section 39.034~~], on assessment
12 instruments required under Section 39.023(a), (b), (c), or (l),
13 aggregated across grade levels by subject area, for students who
14 did not perform satisfactorily as described by Paragraph (A);

15 (2) percentages of:

16 (A) students who earned a nationally or
17 internationally recognized business or industry certification or
18 license;

19 (B) students who completed a coherent sequence of
20 career and technical courses;

21 (C) students who completed a dual credit course
22 or an articulated postsecondary course provided for local credit;

23 (D) students who achieved applicable College
24 Readiness Benchmarks or the equivalent on the PSAT, the SAT, the
25 ACT, or the PreACT assessment program; and

26 (E) students who received a score on either an
27 advanced placement test or an international baccalaureate

examination to be awarded college credit; and

(3) other factors for determining sufficient student attainment of postsecondary readiness.

SECTION 4.018. Section 39.203(a), Education Code, is amended to read as follows:

(a) The commissioner shall award a campus a distinction designation for outstanding performance in improvement in student achievement if the campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement as determined by the commissioner [~~under Section 39.034~~].

SECTION 4.019. Section 39A.064(a), Education Code, is amended to read as follows:

(a) Notwithstanding [~~Section 39A.0545(b) or~~] any other law, the commissioner may require a school district or open-enrollment charter school to comply with all requirements of the strong foundations grant program under Section 29.0881 at a campus that:

(1) includes students at any grade level from prekindergarten through fifth grade;

(2) is assigned an overall performance rating of D or F; and

(3) is in the bottom five percent of campuses in the state based on student performance on the grade three reading language arts assessment administered under Section 39.023(a) during the previous school year, as determined by the commissioner.

SECTION 4.020. Effective September 1, 2026, Section 48.317(c), Education Code, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, and effective September 1,

2026, is amended to read as follows:

(c) Subject to Subsection (d), beginning with the 2030-2031 school year, the agency shall reduce the school district's entitlement under this chapter each school year by the total amount of grant money received by a student under Subsection (a) for each student who:

(1) fails to perform satisfactorily on the third grade reading language arts assessment instrument administered under Section 39.023(a);

(2) received and used a grant under Section 28.02111; and

(3) was enrolled in the district from kindergarten through third grade.

SECTION 4.021. The following provisions of the Education Code are repealed:

(1) Section 33.0812;

(2) Section 39.029; and

(3) Section 39.032.

ARTICLE 5. TRANSITION AND EFFECTIVE DATE

SECTION 5.001. A rule of the State Board of Education under Section 39.022, Education Code, that is in effect on the effective date of this Act remains in effect until changed by the commissioner of education in accordance with that section as amended by this Act.

SECTION 5.002. The changes in law made by Sections 39.009(a) and 39.0541(a), Education Code, as added by this Act, and Sections 39.053(a) and 39.054, Education Code, as amended by this Act, apply to an action or determination related to public school

1 accountability and accountability ratings beginning with the
2 2022-2023 school year, regardless of whether the action or
3 determination occurred before, on, or after the effective date of
4 this Act.

5 SECTION 5.003. (a) Section 39.023(i), Education Code, as
6 amended by this Act, and the repeal by this Act of Sections
7 39.023(c-3), (c-7), and (c-10), Education Code, apply beginning
8 with the 2025-2026 school year.

9 (b) Except as otherwise provided by this Act, Sections
10 7.056, 28.0063, 39.022, 39.023, 39.02342, 39.0263, 39.031, 39.035,
11 39.202, 39.203, and 39.304, Education Code, as amended by this Act,
12 Sections 39.02301 and 39.053(c-5), Education Code, as added by this
13 Act, and the repeal by this Act of Sections 33.0812, 39.026,
14 39.0262, 39.029, 39.032, 39.034(c), (d), and (d-1), 39.302, and
15 39.303, Education Code, apply beginning with the 2027-2028 school
16 year.

17 (c) Except as otherwise provided by this Act, the changes in
18 law made by Section 39.053, Education Code, as amended by this Act,
19 and Section 39.0531, Education Code, as added by this Act, apply to
20 accountability ratings beginning with the 2027-2028 school year.

21 SECTION 5.004. The changes in law made by Sections 39A.108
22 and 39A.110(a), Education Code, as amended by this Act, apply to a
23 campus for which a campus turnaround plan has been ordered before,
24 on, or after the effective date of this Act.

25 SECTION 5.005. Except as otherwise provided by this Act,
26 this Act takes effect immediately if it receives a vote of
27 two-thirds of all the members elected to each house, as provided by

H.B. No. 8

1 Section 39, Article III, Texas Constitution. If this Act does not
2 receive the vote necessary for immediate effect, this Act takes
3 effect on the 91st day after the last day of the legislative
4 session.