

BILL ANALYSIS

C.S.S.B. 1962
By: Bettencourt
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that recent lawsuits and feedback from educational leaders underscore a growing need for reforms to the public school accountability system and the state testing program. C.S.S.B. 1962 seeks to reconstruct both the state testing program and the metrics by which the success of public schools is evaluated to better enable both stakeholder involvement and responsiveness by, among other provisions, implementing an instructionally supportive state testing program, revising the manner in which indicators of achievement and public school performance ratings under the public school accountability system are modified and implemented, establishing a grant program for school district local accountability plans, and providing for actions challenging Texas Education Agency decisions related to public school accountability to be settled in a timely manner.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Education in SECTIONS 7 and 8 of this bill and to the commissioner of education in SECTIONS 9, 15, and 20 of this bill.

ANALYSIS

C.S.S.B. 1962 amends the Education Code and the Government Code to revise provisions relating to public school accountability, including the implementation of an instructionally supportive assessment program and the adoption and administration of assessment instruments in public schools, indicators of achievement and public school performance ratings under the public school accountability system, a grant program for school district local accountability plans, and actions challenging Texas Education Agency (TEA) decisions related to public school accountability.

Access to State Assessments and Assessment Results

C.S.S.B. 1962 requires TEA to make available to a parent, including a person standing in parental relation, the results of each state assessment test administered to the parent's child and requires the results to be accessible by one click from the home page of a website maintained by TEA. The bill requires that identifying information that is necessary to access a child's results to meet TEA security protocols, be unique to the child, and be under the control of the child's parent without the need to secure additional information from a third party.

Academic Skills Assessments

Statewide Assessment Program

C.S.S.B. 1962 changes the knowledge- and skills-based assessment program the State Board of Education (SBOE) is required by rule to create and implement by specifying that it is an instructionally supportive statewide assessment program and by requiring the program, in addition to being knowledge- and skills-based, to provide for progress monitoring and be balanced, innovative, and streamlined. The bill establishes that the primary objective of the instructionally supportive assessment program is to benefit Texas students. Additionally, the bill changes specified state policy with respect to the design of the assessment program, from being designed to provide tests that are as short as practicable and to minimize the disruption to the educational program to being designed to do the following:

- provide information regarding student academic achievement and learning progress to the following:
 - public schools for the purpose of improving student instruction;
 - students, parents, and teachers for the purpose of guiding learning objectives;
 - education researchers for the purpose of comparing student academic achievement and learning progress data at the national and statewide levels; and
 - the public for the purpose of allowing the public to assess the costs and benefits of using public money for the assessment program;
- evaluate the achievement level and learning progress of each assessed student in reading language arts, mathematics, and science;
- provide information to TEA for the purpose of making decisions regarding public school accountability, campus recognition, and the improvement of public school operations and management;
- identify the educational strengths and needs of individual students and the readiness of those students to be promoted to the next grade level or to graduate from high school;
- assess whether educational goals and curricular standards are being met at the campus, district, state, and national levels;
- provide information to help evaluate and develop educational programs and policies; and
- provide instructional staff with immediate, actionable, and useful information regarding student achievement of standards and benchmarks that may be used to improve the staff's delivery of student instruction.

Procedures for the Adoption and Administration of Certain Tests

C.S.S.B. 1962 replaces the requirement for TEA to adopt or develop statewide standardized tests with a requirement for TEA, in creating and implementing the instructionally supportive assessment program, to instead adopt nationally norm-referenced tests that are capable of being administered at the beginning, middle, and end of the school year. Additionally, the bill reflects the change from adopting or developing statewide standardized tests to adopting appropriate nationally norm-reference tests in the following provisions:

- the requirement for TEA to adopt alternative tests to be administered to certain students in a special education program;
- the requirement for TEA, in conjunction with appropriate interested persons, to redevelop applicable tests for administration to significantly cognitively disabled students in a manner consistent with federal law; and
- the requirement for TEA to adopt applicable tests designed to assess the ability of and to be administered to certain students who are determined to have dyslexia or a related disorder and who are individuals with a disability under federal law.

With respect to the requirement for TEA to adopt alternative tests to be administered to certain students in a special education program, the bill also removes tests approved by the commissioner of education that measure growth from the tests for which TEA must adopt an alternative.

C.S.S.B. 1962 requires the state assessment program to obtain nationally comparative results for the subject areas and grade levels for which norm-referenced tests are adopted. The bill revises the requirements for an applicable test to be designed to assess certain state curriculum standards as follows:

- removes the requirement that an applicable test be designed to assess state curriculum standards in social studies and that all students, with certain exceptions, be assessed in social studies in grade eight; and
- changes from reading to reading language arts the state curriculum standards for which an applicable test must be designed to assess and the subject in which all students, with certain exceptions, be assessed annually in grades three through eight.

The bill retains the requirements that an applicable test be designed to assess state curriculum standards in mathematics and science and that all students, subject to the same exceptions, be assessed as follows:

- annually in mathematics in grades three through eight;
- in science in grades five and eight; and
- in any other subject and grade required by federal law.

Additionally, C.S.S.B. 1962 reflects the change from tests in reading to tests in reading language arts in the following provisions:

- the requirement for each early childhood literacy and mathematic proficiency plan to include annual goals for aggregate student growth on the third grade reading language arts tests;
- the requirement for the commissioner to require a teacher to attend a literacy achievement academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that fails to satisfy any standard on an annual performance review on the basis of student performance on the reading language arts test;
- the requirement for an early education report produced by TEA to contain the number and percentage of students who perform satisfactorily on the third grade reading language arts test, disaggregated by whether the student was eligible for free prekindergarten;
- the authorization for a district to transfer an emergent bilingual student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by certain standards including satisfactory performance on the applicable reading language arts test with the test administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA;
- the authorization for the SBOE to adopt one appropriate, nationally recognized, norm-referenced test in reading language arts to be administered to a selected sample of students in the spring; and
- the authorization for the commissioner to require a district or open-enrollment charter school to comply with all requirements of the strong foundations grant program at a campus that meets certain conditions including being in the bottom five percent of campuses in the state based on student performance on the grade three reading language arts assessment administered during the previous school year, as determined by the commissioner.

C.S.S.B. 1962 replaces the requirement for TEA to develop the applicable tests in a manner that allows, to the extent practicable, the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under state law and an appropriate range of performances to serve as a valid indication of growth in student achievement with a requirement for the applicable tests adopted by TEA to provide for the assessment of students in a manner that:

- ensures the score a student receives provides such reliable information;
- allows for such an appropriate range of performances;
- focuses primarily on supporting excellent instruction, while also providing essential summative information that fulfills applicable federal requirements;
- consists only of questions written at the appropriate reading level for the applicable grade level, as determined by Lexile measures or another research-based readability metric approved by TEA in coordination with the technical and educator advisory committees established under state law;
- does not require a student to complete a separate, standalone essay or extended constructed response component;
- for a reading language arts assessment, assesses writing skills through questions integrated within the context of the overall assessment;
- is adaptive to each student-appropriate measurement of individual student performance and growth;
- provides, not later than 24 hours after the date the test is administered, detailed diagnostic reports of individual student results that include recommendations based on a student's performance on the test for teachers and parents regarding practical and useful instructional strategies to better meet the individual needs of the student;
- for a beginning-of-year or middle-of-year test, includes instructional growth projections for individual students based on each student's results; and
- for an end-of-year assessment:
 - measures student performance in relation to state curriculum standards and a student's annual through-year instructional growth;
 - fulfills the state's public school accountability plan for purposes of satisfying federal public school accountability requirements;
 - provides valid, reliable, and useful results; and
 - complies with applicable peer review requirements under federal law.

C.S.S.B. 1962 prohibits TEA from adopting or developing a nationally norm-referenced test based on common core state standards. The bill requires TEA to annually review and validate the readability of each item on an adopted nationally norm-referenced test to confirm alignment of the item with grade-level expectations and ensure that the item accurately measures student mastery of state curriculum standards without introducing undue complexity that is not related to the assessed standard. The bill requires an adopted test to be administered as closely as possible to the following schedule:

- for a beginning-of-year test, between October 1 and October 31;
- for a middle-of-year test, between January 13 and February 21; and
- for an end-of-year test, between May 15 and May 30.

The bill subjects a test adopted under the bill to provisions providing for design requirements applicable to a criterion-referenced test replaced by the bill but differs as follows:

- removes the prohibition against such a test having more than three parts;
- clarifies that the tests must be designed to minimize the impact on student instructional time; and
- replaces the requirement for the tests to be designed so that if administered to students in grades three and four, 85 percent of students will be able to complete the applicable part within 60 minutes and if administered to students in grades five through eight, 85 percent of students will be able to complete the applicable part within 75 minutes, with a requirement for such tests to be designed so that:
 - for a beginning-of-year or middle-of-year test administered to students in grades three and four, 85 percent of students are expected to complete the test within 60 minutes;
 - for a beginning-of-year or middle-of-year test administered to students in grades five through eight, 85 percent of students are expected to complete the test within 75 minutes; and

- for an end-of-year test administered to students in grades three through eight, 85 percent of students are expected to complete the test within 90 minutes.

The bill reduces from eight hours to six hours the maximum amount of time allowed for administering an applicable test.

C.S.S.B. 1962 replaces the requirement for TEA to adopt end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history with a requirement for TEA to adopt end-of-course tests for secondary-level courses in reading language arts, mathematics, and science for the purpose of complying with the federal Every Student Succeeds Act to be administered only as necessary to meet the minimum requirements of that act. The bill reflects this change in provisions relating to secondary-level performance requirements and relating to supplemental instruction. The bill provides the following:

- if changes to federal law or regulations, including the federal Every Student Succeeds Act, reduce the number or frequency of tests required to be administered to students:
 - the SBOE must adopt rules reducing the number or frequency of tests required to be administered to students under state law; and
 - TEA must ensure that students are not required to be assessed in subject areas or in grade levels that are no longer required to meet the minimum requirements of the law; and
- if there is a conflict between provisions relating to the adoption and administration of tests and a federal law or regulation, including the federal Every Student Succeeds Act, TEA must seek a waiver from the application of the conflicting federal law or regulation.

The bill repeals provisions that set out content requirements for the U.S. history end-of-course test, require TEA to ensure that the test's questions align with applicable state curriculum standards, and require TEA to annually issue a report relating to those questions.

C.S.S.B. 1962 replaces the prohibition against more than 75 percent of the available points on an applicable test being attributable to questions presented in a multiple choice format with a prohibition against more than 25 percent of the available points on an applicable test being attributable to questions presented as technology-enhanced or constructed-response items.

C.S.S.B. 1962 requires TEA to adopt an optional test in social studies for students in grade eight and an optional end-of-course U.S. history test that a public school district or open-enrollment charter school may elect to administer. The bill revises the requirement for TEA to notify districts and campuses of the results of certain tests as follows:

- clarifies that the tests subject to the requirement are end-of-year and end-of-course tests;
- additionally requires TEA to notify districts and campuses of preliminary academic accountability ratings assigned to the district and campus by TEA based on those results; and
- changes the deadline by which TEA must provide such notifications from not later than the 21st day after the applicable test is administered to not later than the 14th day after that date.

Optional Use of Writing Portfolio Assessment

C.S.S.B. 1962 authorizes a district to elect to use a writing portfolio assessment to assess writing performance for students enrolled in the district as an alternative to administering the portion of a statewide standardized reading language arts test for grades three through eight or an end-of-course test for secondary-level courses in reading language arts that is not presented in a multiple choice format. A district that elects to use a writing portfolio assessment is not required to administer the portion of those reading language arts tests that are not presented in a multiple choice format during the period the district is administering the writing portfolio assessment. The bill requires TEA, to the greatest extent practicable, to apply cost savings that result from that exemption to offset the costs accrued under the bill's provisions.

C.S.S.B. 1962 requires a district that elects to use a writing portfolio assessment to design the assessment in consultation with a public or private institution of higher education and submit the assessment to TEA for approval. The bill requires TEA to approve the assessment if it is determined to be valid and reliable by the institution that consulted on the design and it is designed to assess the following:

- a student's mastery of the state curriculum standards in writing through timed writing samples;
- improvement of a student's writing skills from the beginning of the school year to the end of the school year;
- a student's ability to follow the writing process from rough draft to final product; and
- a student's ability to produce more than one type of writing style.

C.S.S.B. 1962 authorizes a district that elects to use a writing portfolio assessment to adopt a policy allowing the assessment to be scored by a classroom teacher assigned to the same campus as the student to whom the assessment is administered. The bill authorizes the district to coordinate with the regional education service center for the district's region in grading the assessments.

C.S.S.B. 1962 requires the commissioner to adopt rules as necessary to implement these provisions relating to the optional use of a writing portfolio.

Prohibited Consideration of Tests Administered to Certain Grade Levels

C.S.S.B. 1962 includes kindergarten, first grade, and second grade among the grade levels for which performance on a test administered to students in that grade level is prohibited from being considered for any purpose under the public school accountability system or statutory provisions relating to accountability interventions and sanctions.

Assessment System for Certain Emergent Bilingual Students

C.S.S.B. 1962 replaces the requirement for the commissioner to develop an assessment system to be used for evaluating the academic progress, including reading proficiency in English, of all emergent bilingual students, as defined by reference to statutory provisions relating to bilingual education and special language programs, with a requirement for the commissioner to adopt a norm-referenced assessment system to be used for that purpose.

Enrollment of Emergent Bilingual Students in Certain Programs

With respect to the criteria that authorize a district to transfer an emergent bilingual student out of a bilingual education or special language program for the first time or a subsequent time, C.S.S.B. 1962 includes as one such criterion that the student is able to participate equally in a regular all-English instructional program as determined by TEA-approved norm-referenced tests and the results of a subjective teacher evaluation as an alternative to such a determination by criterion-referenced tests and the results of a subjective teacher evaluation.

Accreditation, Evaluation, and Local Accountability Plans

Waiver Request for Certain Federal Accountability-Related Requirements

C.S.S.B. 1962 adds a temporary provision, set to expire September 1, 2027, requiring the commissioner, not later than January 1, 2026, to apply to the U.S. Department of Education for a waiver of requirements under the federal Every Student Succeeds Act related to the rate of participation in the assessment program and high school graduation rates for each school district campus in which at least 90 percent of the students receive special education services under the state's special education program.

Assignment of Performance Ratings for 2025-2026 School Year

C.S.S.B. 1962 adds a temporary provision, set to expire August 1, 2026, establishing that a reference in statutory provisions relating to public education to the overall performance rating assigned to a district or campus for academic accountability or to a domain performance rating assigned to a district or campus for the 2025-2026 school year means the higher of the overall performance rating or the applicable domain performance rating the district or campus received for the 2024-2025 school year or the overall performance rating or the applicable domain performance rating the district or campus received for the 2025-2026 school year.

Review of and Adjustments to Performance Indicators Regarding Student Achievement

C.S.S.B. 1962 revises the duties of the commissioner with respect to the adoption of certain performance indicators under the public school accountability system as follows:

- replaces the requirement for the commissioner to adopt a set of indicators of the quality of learning and achievement, including performance indicators in the three domains of student achievement, with a requirement for the commissioner to adopt rules as necessary to implement provisions relating to performance indicators regarding student achievement; and
- replaces the requirement for the commissioner to periodically review the indicators for the consideration of appropriate revisions with a prohibition against the commissioner modifying the domains or performance indicators adopted for purposes of accreditation unless the legislature provides written approval for the modification.

C.S.S.B. 1962 further revises the performance indicators for evaluating districts and campuses in the three domains of student achievement under the public school accountability system as follows:

- in the student achievement domain, changes one of the indicators for evaluating high school campuses and districts that include high school campuses from an indicator that accounts for students who enlist in the U.S. armed forces or the Texas National Guard to an indicator that accounts for students who demonstrate military readiness through verified enlistment in the U.S. armed forces or the Texas National Guard, by achieving a passing score as determined by the commissioner on the armed services vocational aptitude battery test, or by successfully completing a JROTC program;
- in the school progress domain, changes one of the indicators for effectiveness in promoting learning from an indicator for tests on the percentage of students who met the standard for improvement, as determined by the commissioner, to an indicator for tests on the percentage of students who met the standard for annual through-year instructional growth or improvement in reading language arts, mathematics, and science, as determined by the commissioner; and
- in the closing the gaps domain, removes the use of disaggregated data to demonstrate the differentials among the following students:
 - students formerly receiving special education services;
 - students continuously enrolled; and
 - students who are mobile.

C.S.S.B. 1962 authorizes a district, in addition to performance indicators in the three domains of student achievement and not later than the July 1 immediately preceding the school year for which the district requests consideration of an indicator, to submit a request to TEA to consider in the student achievement domain or the school progress domain, one or more of the following student engagement and workforce development indicators for use in evaluating the performance of campuses that serve students in prekindergarten through eighth grade:

- an indicator that accounts for the percentage of students participating in school-sponsored extracurricular or cocurricular student activities consistent with the findings of the extracurricular and cocurricular student activity indicator study required under state law, as that law existed immediately before September 1, 2023;

- for campuses that serve students in prekindergarten, an indicator that accounts for student participation in full-day prekindergarten programs;
- for campuses that serve students in kindergarten through fifth grade, an indicator that accounts for teacher completion rates of the literacy achievement academies and mathematics achievement academies;
- an indicator that accounts for students in grades six, seven, and eight who successfully complete a career and technology course approved for purposes of the career and technology education allotment; and
- an indicator that accounts for students who successfully complete and receive credit for a course designated for a grade higher than the grade in which the student is enrolled.

The bill requires the commissioner to notify a district submitting a request for consideration of such an indicator, not later than September 1 following the date the district submits the request, regarding the commissioner's decision to approve or deny the request.

C.S.S.B. 1962 revises provisions relating to the state standards the commissioner is required to define for certain achievement indicators as follows:

- clarifies that the state standards that the commissioner is required to define for each achievement indicator are the state standards for each achievement indicator adopted for purposes of accreditation;
- requires the commissioner to adopt those standards in addition to the requirement in current law to define those standards;
- changes the time frame in which the commissioner must define and adopt those standards from annually to not later than July 15 of each year; and
- replaces the requirement for the commissioner to establish and modify the standards in consultation with educators, parents, and business and industry representatives, as necessary, with a requirement for the commissioner to define and adopt the standards for the current school year in consultation with such individuals, as necessary.

The bill requires the commissioner to increase the rigor by which the commissioner determines the overall performance ratings for academic accountability to continuously improve student performance and establishes the 15th anniversary after the date the commissioner modifies the performance standards as provided by the bill as the deadline by which the following goals must be achieved:

- eliminating achievement gaps based on race, ethnicity, and socioeconomic status; and
- ensuring Texas is a national leader in preparing students for postsecondary success.

The bill specifies that such success is measured by Texas ranking nationally in the top five states in preparing students for postsecondary success in comparison to states with similar student demographics and public education enrollment rates.

C.S.S.B. 1962 authorizes the commissioner to increase the scores needed to achieve performance standards on achievement indicators adopted for purposes of accreditation only every fifth school year and requires the commissioner to notify each district of such an increase in score not later than two school years before the school year in which TEA intends to evaluate the performance of districts and campuses under that increased score.

Industry Certifications Eligible as a Student Achievement Indicator

C.S.S.B. 1962 requires TEA, the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC), to jointly develop and make available a list of eligible industry certifications for the student achievement indicator that accounts for students who earn industry certifications for purposes of evaluating the performance of high school campuses and districts that include high school campuses. In developing the list, the agencies must adhere to the requirements for inclusion in the credential library established under the Tri-Agency Workforce Initiative and consider the inventory of industry-recognized certifications developed by the industry-based certification advisory council. The bill requires the industry certifications included in the list:

- to be aligned to a program of study that, according to labor market data, prepares students for high-wage, high-skill, in-demand occupations;
- to allow students to demonstrate mastery of the skills required for occupations within an approved program of study; and
- to be obtained through an assessment of the knowledge and skills provided by or determined by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.

C.S.S.B. 1962 requires TEA, the THECB, and TWC, to regularly review, and if necessary, update the eligibility of such industry certifications, including whether the programs of study for those certifications still meet the applicable requirements, in consultation with the industry-based certification advisory council and, to the extent practicable, concurrently with the modification of performance standards by the commissioner as provided by the bill. The bill requires TEA, the THECB, and TWC, if the agencies jointly determine that a certification is no longer eligible to qualify as an applicable student achievement indicator and should be removed from the list of eligible certifications, to post on their respective websites, to the extent practicable, information regarding the certification's removal not later than two years before the date the agencies intend to remove the certification from the list. During the three years following such a determination, a district may receive the benefit of achievement indicators based on that industry certification for evaluation purposes only for a cohort of students who were participating in the program of study aligned with that certification during the school year TEA makes the determination and who earn the certification within the three-year period.

Methods and Standards for Evaluating Performance

C.S.S.B. 1962 revises provisions relating to the calculation used in assigning a district or campus an overall performance rating for academic accountability and a separate domain performance rating for each of the three domains of student achievement, as follows:

- requires the commissioner, for campuses that serve students in prekindergarten through eighth grade, to attribute not less than 10 percent of the performance rating under the student achievement domain or the school progress domain, whichever performance rating is higher, to the student engagement and workforce development indicators requested for consideration by a district and approved by the commissioner under the bill's provisions;
- decreases the amount of the performance rating attributable to the closing the gaps domain from not less than 30 percent of the performance rating to not more than five percent of the performance rating;
- requires the commissioner, for campuses that serve grades three through eight, to do the following:
 - attribute not less than 50 percent of the domain performance rating for the student achievement domain to the indicators for evaluating the performance of districts and campuses generally;
 - attribute 100 percent of the score for the indicators in the student achievement domain for evaluating the performance of districts and campuses generally to student performance on end-of-year tests and may not consider the results of beginning-of-year and middle-of-year tests when scoring those indicators; and
 - attribute 100 percent of the score for the indicator in the school progress domain for tests to student performance on annual through-year instructional growth in assigning the domain performance rating for the school progress domain; and
- requires the commissioner, for campuses that serve grades 9 through 12 with respect to the student achievement domain, to attribute not more than 40 percent of the domain performance rating to the indicators for evaluating the performance of districts and campuses generally, 40 percent of the domain performance rating to the college, career, and military readiness indicators, and 20 percent of the domain performance rating to graduation rates.

C.S.S.B. 1962, for purposes of assigning a district or campus an overall performance rating for academic accountability and a separate domain rating for each of the three domains of student achievement, requires the commissioner to ensure the following:

- if TEA adds or removes a test on which student performance is evaluated for the purpose of assigning district and campus performance ratings or makes significant revisions to the state's assessment program, that TEA is required to review, adjust, and recalculate the cut scores and standards used in evaluating district and campus performance to ensure fairness and consistency in the assignment of district and campus performance ratings;
- that the overall performance rating and each domain performance rating an elementary school, middle or junior high school, or high school campus receives has minimal or no statistical correlation to the percentage of educationally disadvantaged students enrolled at the campus in order to identify effective campuses regardless of student family income;
- that any changes made to the college, career, or military readiness indicators or to the methodology that relies on data from those indicators for the preceding school year take effect beginning with students entering ninth grade in the school year immediately following the change, regardless of whether the change was made statutorily or by commissioner rule; and
- that a campus that is in the first year of operation, that is assigned a new campus identification number, or that is significantly impacted by demographic shifts due to rezoning, closure, or consolidation is not evaluated in the closing the gaps domain for the first year following the applicable event.

The bill retains the requirement under current law for the commissioner to ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

C.S.S.B. 1962 requires the commissioner, if the provisions of the federal Every Student Succeeds Act regarding public school accountability and assessment requirements are repealed or otherwise no longer have effect, to reallocate any percentage of the overall performance ratings attributable to the indicators adopted in the three domains of student achievement to the student engagement and workforce development indicators, if applicable. If TEA fails to assign a performance rating to a district or campus before the annual August 15 deadline under current state law, the bill requires the district or campus to be automatically reissued the performance rating assigned to the district or campus for the preceding school year. Such an assigned performance rating remains in effect for all official purposes, including any interventions or sanctions under state law, until TEA assigns the district or campus a new rating.

Procedures Relating to the Adoption of Standards and the Provision of Explanatory Materials for the Accountability Rating System

C.S.S.B. 1962 replaces the authorization for the commissioner to adopt indicators and standards for purposes of accreditation at any time during a school year before the evaluation of a district or campus with a requirement for the commissioner to adopt performance standards relating to academic skills assessments and achievement indicators adopted for purposes of accreditation not later than the July 15 immediately preceding the school year for which the commissioner intends to assign district and campus performance ratings based on those standards. If the commissioner does not adopt performance standards by July 15 for a school year, the bill requires district and campus performance ratings for that school year to be based on the performance standards in effect for the preceding school year. The bill authorizes the commissioner to modify the standards, methods, measures, or procedures used to evaluate districts and campuses and assign performance ratings on or after July 15 only with the express approval of the legislature. Accordingly, the bill specifies not later than July 15 of each year as the date by which the commissioner is required to provide each district a document in a simple, accessible format that explains certain accountability performance measures, methods, and procedures that will be applied for that school year in assigning the performance rating. The bill

includes the performance standards adopted for the following school year among the required contents of the document.

Distinction Designations

C.S.S.B. 1962, with respect to the award of a distinction designation for a district's or campus's outstanding performance in academic achievement in certain academic subjects, changes the applicable subjects from English language arts, mathematics, science, or social studies, to reading language arts, mathematics, or science.

Grant Program for District Local Accountability Plans

C.S.S.B. 1962 requires TEA to establish a grant program, from money appropriated or otherwise available for that purpose, to assist at least one district in each education service center region in developing a local accountability plan that complies with the requirements under provisions relating to the assignment of campus performance ratings under the local accountability system. The bill authorizes the commissioner to adopt rules as necessary to implement those provisions, including rules applying to a district applying for such a grant. The bill authorizes a district, if the commissioner awards a grant to the district and has not adopted rules applying to the district, to select and collaborate with a third-party organization with expertise in assessment and accountability to develop a local accountability plan.

Actions Challenging TEA Decisions Related to the Public School Accountability System

C.S.S.B. 1962 authorizes a school district or open-enrollment charter school to bring an action challenging a TEA decision that is made under the public school accountability system and that is based on the lawful exercise of discretion granted to TEA by the legislature only if the district's or school's petition alleges TEA's decision is unconstitutional, arbitrary, capricious, or without lawful authority. The bill requires the trial court in such an action to expedite the action and render a final order or judgment not later than the 60th day after the date each defendant has filed an answer or other pleading responsive to the petition. If the final order or judgment is appealed, the bill requires the appellate court to expedite the appeal and render a final order or judgment not later than the 60th day after the date the appeal is filed. The bill authorizes the trial court or the appellate court, as applicable, to extend the time period within which the court must render the final order or judgment by not more than 30 additional days for good cause. The bill authorizes the trial court to set deadlines for discovery, briefing, trial, and all other proceedings necessary to render a final order or judgment and the appellate court to set deadlines for briefing, oral argument, and all other proceedings necessary to render a final order or judgment. The bill authorizes a court to grant any appropriate relief to a prevailing party in such an action brought by a district or charter school.

The provisions of C.S.S.B. 1962 relating to actions challenging TEA decisions apply to an action filed on or after September 1, 2025. An action filed before September 1, 2025, is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

Grace Period for Certain Campuses

With respect to the requirement for the commissioner to order the appointment of a board of managers to govern a district or the closure of a campus for a campus that is considered to have an unacceptable performance rating for five consecutive school years, C.S.S.B. 1962 prohibits the commissioner from taking those actions against a campus ordered to prepare and submit a campus turnaround plan during the 2024-2025 school year until the second anniversary of the date on which the campus implements a campus turnaround plan. This provision expires September 1, 2031.

Credential Library

C.S.S.B. 1962 amends the Government Code to replace the authorization for the THECB and TWC to jointly establish a publicly accessible web-based library of credentials under provisions relating to the Tri-Agency Workforce Initiative with a requirement for those agencies to do so. The bill requires the credential library to include the list of industry certifications developed under the bill's provisions and to ensure data interoperability between relevant state agencies. The bill replaces the authorization for the THECB and TWC to jointly designate a host agency or operating entity for a credential library with a requirement for the THECB and TWC to jointly designate a host agency to contract with an experienced and recognized third-party vendor for the credential library. The bill retains the requirement under current law for the THECB and TWC to solicit input from the agency and relevant stakeholders in establishing the credential library.

Applicability

Except as otherwise provided, C.S.S.B. 1962 applies beginning with the 2025-2026 school year.

Repealed Provision

C.S.S.B. 1962 repeals Section 39.023(c-9), Education Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1962 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Access to State Assessments and Assessment Results

The substitute includes the following requirements absent from the engrossed:

- a requirement for TEA to make available to a parent the results of each child's state assessment test administered to the parent's child and for the results to be accessible by one click from the home page of a website maintained by TEA; and
- a requirement that identifying information that is necessary to access a child's results meet TEA security protocols, be unique to the child, and be under the control of the child's parent without the need to secure additional information from a third party.

Statewide Assessment Program

With respect to the statewide assessment program, the engrossed included the following provisions absent from the substitute:

- a provision that replaced the requirement that the SBOE by rule create and implement a statewide assessment program with the requirement that TEA create and implement a balanced and streamlined statewide assessment system for tests administered to assess academic skills to ensure school accountability for student achievement that is aligned with the state curriculum standards adopted by the SBOE, achieves certain public education academic goals, and prioritizes student learning;
- a provision that replaced the requirement that the SBOE consider the importance of maintaining stability in the statewide assessment program when adopting subsequent modification of the rules with the requirement that TEA do so when modifying the system; and

- a provision that required the assessment system to be designed to accomplish certain goals and include certain tests and technical assistance and guidance to district and charter schools for implementing the system.

The substitute instead includes provisions absent from the engrossed that change the assessment program to an instructionally supportive statewide assessment program that, in addition to being knowledge- and skills-based, provides for progress monitoring and is balanced, innovative, and streamlined and that provides for the program's primary objective and design requirements.

Procedures for the Adoption and Administration of Certain Tests; Transfer of Certain Authority and Duties From the SBOE to TEA

With respect to the redesign, adoption and administration of tests, the engrossed included the following provisions absent from the substitute:

- a temporary provision that required TEA to transition the system for academic skills tests to incorporate improvements identified in TEA-submitted reports on the integrated formative assessment pilot program and to take certain actions relating to adopting and developing certain tests to be administered beginning no later than the 2027-2028 school year and reducing the length of the tests as well as providing technical assistance and guidance and conducting a performance comparison analysis;
- a provision that clarified, for purposes of determining the validity and reliability of statewide standardized tests before the test's administration, that the entities making such a determination include the technical and educator advisory committees appointed by the commissioner and that the independence of another entity authorized to make such a determination from TEA and any other entity that developed the tests is determined by the commissioner;
- a provision that removed the requirement for the SBOE to ensure that certain tests are not administered on the first instruction day of the week unless certain conditions are met and instead required TEA to adopt a testing schedule for each school year, to the extent practicable, provide the schedule to each district and charter school during a certain time frame and include a testing window for the administration of applicable tests;
- a provision that changed the provisions under which the adoption and administration of tests are subject to modification;
- a provision that replaced the prohibition against a district or charter school being required to administer an optional interim test with the authorization for a district or charter school to administer such a test to students enrolled at the district or charter school, respectively; and
- a provision that required TEA, beginning with the 2027-2028 school year, to adopt or develop optional beginning-of-year and middle-of-year progress monitoring tests for certain subjects and grade levels, authorized a district or charter school to administer the monitoring tests, and set out required content for such tests.

Additionally, the engrossed included provisions absent from the substitute that transferred certain authority and duties from the SBOE to TEA, including authority and duties relating to the following:

- administering certain end-of-course tests for secondary-level courses and being responsible for rules regarding the administration of such tests;
- adopting rules that require TEA to release certain questions and answer keys;
- adopting one appropriate, nationally recognized, norm-referenced test in reading and mathematics to be administered to a selected sample of students in the spring;
- adopting rules for the administration of statewide standardized tests in Spanish to certain emergent bilingual students;
- adopting rules under which an eligible dyslexic student may use appropriate testing accommodations;

- providing by rule alternate dates for the administration of tests to a student who is a migratory child;
- ensuring the security of instruments and tests in their preparation, administration, and grading;
- adopting rules for the implementation of provisions relating to group-administered achievement test standards and for the maintenance of the security of the contents of all such tests; and
- approving proven psychometric procedures used to update standardization norms for certain test standards.

The substitute instead includes provisions absent from the engrossed that do the following:

- replace the requirement for TEA to adopt or develop statewide standardized tests with a requirement for TEA to instead adopt nationally norm-referenced tests that are capable of being administered at the beginning, middle, and end of the school year;
- reflect that change in certain other provisions containing TEA requirements;
- with respect to the requirement for TEA to adopt alternative tests to be administered to certain students in a special education program, remove tests approved by the commissioner that measure growth from the tests for which TEA must adopt an alternative;
- require the state assessment program to obtain nationally comparative results for the subject areas and grade levels for which norm-referenced tests are adopted;
- remove the requirements that an applicable test be designed to assess state curriculum standards in social studies and that all students, with certain exceptions, be assessed in social studies in grade eight;
- change from reading to reading language arts the state curriculum standards for which an applicable test must be designed to assess and the subject in which all students, with certain exceptions, be assessed annually in grades three through eight and reflects this change in provisions relating to the following:
 - early childhood literacy and mathematic proficiency plans;
 - literacy achievement academies for certain teachers;
 - early education reports;
 - criteria for transferring certain emergent bilingual students out of a bilingual education or special language program;
 - the authorization for the SBOE to adopt certain tests to be administered to a selected sample of students in the spring; and
 - compliance with all requirements of the strong foundations grant program at a campus that meets certain conditions;
- require applicable tests adopted by TEA to provide for the assessment of students in a specified manner;
- prohibits TEA from adopting or developing a nationally norm-referenced test based on common core state standards;
- require TEA to annually review and validate the readability of each item on an adopted nationally norm-referenced test for certain purposes and require the test to be administered as closely as possible to a specified schedule;
- remove the prohibition against applicable tests having more than three parts and further change requirements for the design of such tests by:
 - clarifying that the tests must be designed to minimize the impact on student instructional time;
 - replacing the requirement for the test to be designed so that students will be able to complete the test within applicable time frames with a requirement for the test to be designed so that students are expected to do so for beginning-of-year or middle-of-year tests; and
 - including a requirement that for an end-of-year test administered to students in grades three through eight, 85 percent of students are expected to complete the assessment instrument within 90 minutes;

- reduce from eight hours to six hours the maximum amount of time allowed for administering an applicable test;
- replace the requirement for TEA to adopt end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history with a requirement for TEA to adopt end-of-course tests for secondary-level courses in reading language arts, mathematics, and science for the purpose of complying with the federal Every Student Succeeds Act and make related changes regarding the continued application of or waivers from federal law or regulation, secondary-level performance requirements, and supplemental instruction;
- revise the requirement for TEA to notify districts and campuses of the results of certain tests and additionally requires TEA to notify districts and campuses of preliminary academic accountability ratings; and
- require TEA to adopt an optional test in social studies for students in grade eight and an optional end-of-course U.S. history test.

Both the engrossed and the substitute revise the distribution of available points on a test designed to assess state curriculum standards by removing the provision prohibiting more than 75 percent of available points from being attributable to certain questions in a multiple choice format. However, the engrossed replaced that provisions with a requirement for at least 25 percent of the available points to be attributable to questions that are not presented in a multiple choice format, whereas the substitute replaces that provision with a provision establishing that not more than 25 percent of the available point may be attributable to questions presented as technology-enhanced or constructed-response items.

Optional Use of Writing Portfolio Assessment

The substitute sets out provisions absent from the engrossed authorizing a district to elect to use a writing portfolio assessment to assess writing performance for students enrolled in the district as an alternative to administering specified reading language arts tests and the following related provisions:

- a provision establishing that a district that elects to use a writing portfolio assessment is not required to administer the portion of those reading language arts tests during the period the district is administering the writing portfolio assessment;
- a requirement for TEA to apply cost savings resulting from that exemption in a specified manner;
- requirements providing for the design of the assessment and its approval by TEA;
- provisions relating to scoring and grading of a writing portfolio assessment; and
- a requirement for the commissioner to adopt rules as necessary to implement these provisions relating to the optional use of a writing portfolio.

Administration of District-Required or Campus-Required Benchmark Tests

The substitute omits a provision from the engrossed that revised statutory provisions governing the administration of district-required benchmark tests to prepare students for state-administered tests in the following ways:

- with respect to the definition of "benchmark assessment instrument" as a district-required test designed to prepare students for a corresponding state-administered test, included a campus-required test in the definition and further specified that such a district-required or campus-required test be administered to all or most students for a subject or course in a particular grade level and that is not curriculum-embedded, including a test, such as a practice test or a nationally norm-referenced test;
- replaced a prohibition against a school district administering to any student more than two benchmark tests to prepare the student for a corresponding state-administered tests with a prohibition against a school district or campus doing so before the administration of an end-of-year test;

- included the following among the tests and examinations to which that prohibition, as revised by the engrossed, does not apply:
 - a diagnostic assessment included in a screening or testing for dyslexia or a related disorder; and
 - a test required under state law, including under statutory provisions relating to courses of study and advancement and to educational programs; and
- authorized TEA, on determining that a district or campus is in violation of provisions governing the administration of district-required benchmark tests, in addition to any enforcement actions or remedies available to TEA under other law, to require the district or campus to receive technical assistance for implementing the instructionally supportive assessment system described by the engrossed version's provisions.

Prohibited Consideration of Tests Administered to Certain Grade Levels

The substitute includes a provision absent from the engrossed that prohibits the performance on tests administered to kindergarten, first, and second grade students from being considered for any purpose under the public school accountability system or statutory provisions relating to accountability interventions and sanctions.

Repealed Provisions

The engrossed repealed provisions that are not repealed by the substitute that do the following:

- require the SBOE by rule to prohibit participation in a University Interscholastic League (UIL) area, regional, or state competition during certain dates reserved for testing by the commissioner and require the commissioner to adopt rules to provide UIL with a periodic calendar of such dates for planning purposes;
- authorize the SBOE by rule to designate sections of a mathematics test for grade levels three through eight that may be completed with the aid of technology and that must be completed without the aid of technology;
- exempt a classroom portfolio method used to assess less than 50 percent of a student's overall assessed performance in writing from the requirement for the SBOE to ensure that tests are not administered on the first instructional day of a week; and
- authorize an entity that operates a dropout recovery education program to administer certain tests on any date selected by the entity that falls within a testing window established for the administration of the test, subject to that SBOE requirement to ensure that tests are not administered on the first instructional day of a week.

The substitute instead repeals a provision that sets out content requirements for the U.S. history end-of-course test, requires TEA to ensure that the test's questions align with applicable state curriculum standards, and requires TEA to annually issue a report relating to those questions, whereas the engrossed did not repeal that provision.

Assessment System for Certain Emergent Bilingual Students

The substitute includes a provision absent from the engrossed that replaces a requirement for the commissioner to develop an assessment system to be used for evaluating the academic progress, including reading proficiency in English, of all emergent bilingual students with a requirement for the commissioner to adopt such a norm-referenced assessment system to be used for that purpose.

Enrollment of Emergent Bilingual Students in Certain Programs

The substitute includes a provision absent from the engrossed, with respect to the criteria that authorize a district to transfer an emergent bilingual student out of a bilingual education or special language program for the first time or a subsequent time, that includes as one such criterion that the student is able to participate equally in a regular all-English instructional program as determined by TEA-approved norm-referenced tests and the results of a subjective

teacher evaluation as an alternative to such a determination by criterion-referenced tests and the results of a subjective teacher evaluation.

Waiver Request for Certain Federal Accountability-Related Requirements

The substitute includes a temporary provision, set to expire September 1, 2027, requiring the commissioner, not later than January 1, 2026, to apply to the U.S. Department of Education for a waiver of requirements under the federal Every Student Succeeds Act related to the rate of participation in the assessment program and high school graduation rates for each school district campus in which at least 90 percent of the students receive special education services under the state's special education program, whereas the engrossed did not include such a provision.

Assignment of Performance Ratings for 2025-2026 School Year

The substitute includes a temporary provision, set to expire August 1, 2026, establishing that a reference in statutory provisions relating to public education to the overall performance rating assigned to a district or campus for academic accountability or to a domain performance rating assigned to a district or campus for the 2025-2026 school year means the higher of the overall performance rating or the applicable domain performance rating the district or campus received for the 2024-2025 school year or the overall performance rating or the applicable domain performance rating the district or campus received for the 2025-2026 school year, whereas the engrossed did not include such a provision.

Review of and Adjustments to Certain Performance Indicators

The substitute omits the following provisions that appeared in the engrossed:

- a provision that authorized the commissioner to exclude certain indicators from the set of adopted indicators upon determining that the indicators are not valid or reliable; and
- a provision that required TEA to study the college, career, and military readiness indicators to determine the correlation of each indicator with postsecondary success and required the value assigned to each such indicator to be based on the strength of the indicator's correlation with successful outcomes.

The substitute includes provisions absent from the engrossed that do the following:

- requires the commissioner to adopt rules as necessary to implement provisions relating to performance indicators regarding student achievement;
- replaces the requirement for the commissioner to periodically review the indicators for the consideration of appropriate revisions with a prohibition against the commissioner modifying the domains or performance indicators adopted for purposes of accreditation unless the legislature provides written approval for the modification; and
- authorizes a district to submit a request to TEA to consider in the student achievement domain or the school progress domain certain student engagement and workforce development indicators for use in evaluating the performance of campuses that serve students in prekindergarten through eighth grade and requires TEA to notify the district regarding the decision to approve or deny the request.

Both the engrossed and the substitute change one of the indicators in the student achievement domain for evaluating high school campuses and districts that include high school campuses from an indicator that accounts for students who enlist in the U.S. armed forces or the Texas National Guard to an indicator that accounts for students who demonstrate military readiness through such verified enlistment or by another method. However, the engrossed established as the alternate method for demonstrating military readiness both achieving a passing score set by the commissioner on the armed services vocational aptitude battery test and successfully completing a JROTC program, whereas the substitute establishes as the alternate method either achieving such a passing score or successfully completing the JROTC program.

Additionally, the substitute includes provisions absent from the engrossed revising the school progress domain and the closing the gaps domain.

The substitute clarifies the deadline by which certain goals must be achieved after the date the commissioner modifies the performance standards from the 15th year after the date the commissioner modifies such standards, as in the engrossed, to the 15th anniversary after that date. Additionally, the engrossed specified that the goal of ensuring Texas is a national leader in preparing students for postsecondary success is measured by Texas ranking nationally in the top five states in preparing students for postsecondary success and on the National Assessment of Educational Progress or its successor assessment, whereas the substitute specifies that such success is measured by Texas ranking nationally in the top five states in preparing students for postsecondary success in comparison to states with similar student demographics and public education enrollment rates.

While both the substitute and the engrossed revise provisions relating to the state standards the commissioner is required to define for certain achievement indicators, the versions differ as follows:

- the engrossed clarified that the applicable state standards are the state standards for each indicator adopted for purposes of accreditation, whereas the substitute clarifies the applicable state standards are state standards for each achievement indicator adopted for those purposes;
- the substitute requires the commissioner to adopt those standards in addition to the requirement to define those standards, whereas the engrossed did not;
- the engrossed removed the specification that those standards be defined for the current school year, whereas the substitute does not remove that specification;
- the substitute specifies July 15 of each year as the date by which the commissioner is required to annually define and adopt those standards, whereas the engrossed did not specify a date;
- the engrossed replaced the requirement for the commissioner to establish and modify the standards in consultation with educators, parents, and business and industry representatives, as necessary, with an authorization for the commissioner to do so, whereas the substitute requires the commissioner to define and adopt the standards for the current school year in consultation with such individuals, as necessary;
- the engrossed required the commissioner, beginning with the indicators adopted for the 2027-2028 school year, to increase the scores needed to achieve performance standards on achievement indicators only every fifth school year unless an indicator in the domains of student achievement, school progress, or closing the gaps requires adjustment before that school year to ensure consistency of performance standards, whereas the substitute authorizes the commissioner to increase the scores needed to achieve performance standards on achievement indicators adopted under provisions relating to accreditation only every fifth school year;
- the engrossed required the commissioner, beginning with the indicators adopted for the 2027-2028 school year and for each of the two school years preceding a school year the commissioner increases a score, to report the overall performance of districts and campuses under that increased score in a manner that can be reviewed by school administrators, whereas the substitute does not require the commissioner to do so;
- the substitute instead requires the commissioner to notify each district of an increase in score not later than two school years before the school year in which TEA intends to evaluate the performance of districts and campuses under that increased score;
- the engrossed required the commissioner, in reporting the performance of districts and campuses on achievement indicators adopted for a school year in which the score needed to achieve performance standards on one or more of those indicators was increased, to include in the report an informational report on the performance of districts and campuses during the preceding school year under the increased score, whereas the substitute does not include such a requirement; and

- the engrossed authorized the commissioner to define state standards for an achievement indicator for multiple school years provided that the commissioner annually affirms that those standards are applicable to the current school year, whereas the substitute does not include such an authorization.

Industry Certifications Eligible as a Student Achievement Indicator

Both the engrossed and the substitute set out provisions relating to a list of eligible industry certifications for the student achievement indicator that accounts for students who earn industry certifications for purposes of evaluating the performance of high school campuses and districts that include high school campuses. Whereas the engrossed required TEA to maintain a list of such certifications, the substitute requires TEA, the THECB, and TWC to jointly develop and make available such a list. Accordingly, the substitute changes from a requirement for TEA to take certain actions if after reviewing an industry certification TEA determines it qualifies as an applicable student achievement indicator to a requirement for TEA, the THECB, and TWC to take such actions. With respect to developing the list, the substitute requires the applicable agencies to adhere to the requirements for inclusion in the credential library established under the Tri-Agency Workforce Initiative and consider the inventory of industry-recognized certifications developed by the industry-based certification advisory council, whereas the engrossed did not.

Additionally, the engrossed included provisions absent from the substitute that revised Labor Code provisions governing the industry-based certification advisory council as follows:

- changed from a requirement for the industry-based certification advisory council to develop an inventory of industry-recognized credentials and certificates that may be earned by a public high school student through a career and technology education program and that meets certain requirements to a requirement for the advisory council to develop an inventory of industry-recognized certifications for such purposes;
- required the industry-recognized certifications of which the advisory council must develop an inventory to meet the achievement indicator eligibility requirements as provided by the engrossed version's provisions regarding TEA's industry certification list; and
- included TEA among the agencies with which the advisory council may consult in developing its inventory.

Methods and Standards for Evaluating Performance

With respect to the methods and standards for evaluating performance, the engrossed included the following provisions absent from the substitute:

- a provision that clarified that the requirements for the commissioner to assign each district and campus an overall performance rating for academic accountability and a separate domain rating for each of the three domains of student achievement apply to each school year;
- provisions relating to sanctions and interventions remaining during the assignment of an overall performance rating of "Not Rated," a prohibition against assigning such an overall performance rating on a statewide basis, and ensuring the mathematical possibility that all districts and campuses receive an "A" rating is only to the extent practicable;
- a requirement for TEA to conduct a performance comparison analysis if TEA makes changes to the assessment system for certain tests between the system as changed and the preceding system to establish roughly comparable standards for issuing performance ratings and a provision establishing that failure to conduct the performance comparison analysis does not prevent the assignment of performance ratings and may not be the basis of a challenge to an assigned performance rating;

- a provision that required the commissioner to make performance ratings available in years in which the standards for evaluating district and campus performance are modified or recalibrated or in which a new test is offered; and
- a provision that established that failure to meet the August 15 deadline for assigning performance ratings does not invalidate the performance rating assigned to a district or campus or any resulting intervention or sanction.

The substitute instead includes provisions absent from the engrossed that do the following:

- revise provisions relating to the calculation used in assigning a district or campus an overall performance rating for academic accountability and a separate domain performance rating for each of the three domains of student achievement;
- require the commissioner to ensure certain conditions are met and actions are taken for purposes of assigning an overall performance rating for academic accountability and a separate domain rating for each of the three domains of student achievement with respect to cut scores and standards, certain statistical correlations, changes to the college, career, or military readiness indicators, and an exemption from evaluation for certain districts in the closing the gaps domain after certain qualifying events;
- provide for the reallocation of certain percentages in the event of a repeal or change in effectiveness of the applicable provisions of the federal Every Student Succeeds Act; and
- require a district or campus to be automatically reissued the performance rating assigned to the district or campus for the preceding school year if TEA fails to assign a performance rating by the deadline under state law and establish that such a rating remains in effect for all official purposes.

Procedures Relating to the Adoption of Standards and the Provision of Explanatory Materials for the Accountability Rating System

With respect to the procedures relating to the adoption standards and the provision of explanatory materials for the accountability rating system, the engrossed included the following provisions that are not present in the substitute:

- a provision that changed the period during which the commissioner may adopt indicators and standards to evaluate districts and campuses for accreditation purposes from any time during a school year before the evaluation of the district or campus to any time before issuing such an evaluation;
- a provision that established that the commissioner's failure to provide to each district the document required under state law that explains the accountability performance measures, methods, and procedures that will be applied in assigning each district and campus a performance rating does not prevent that assignment and may not be the basis of a challenge to an assigned performance rating; and
- a provision that removed the specification that such a document be provided each school year.

The substitute instead includes provisions absent from the engrossed that do the following:

- replaces the authorization for the commissioner to adopt indicators and standards for purposes of accreditation at any time during a school year before the evaluation of a district or campus with a requirement for the commissioner to adopt performance standards relating to academic skills assessments and achievement indicators adopted for purposes of accreditation by a certain date;
- if the commissioner does not adopt performance standards by a certain date, requires district and campus performance ratings for that school year to be based on the performance standards in effect for the preceding school year;
- authorizes the commissioner to modify the standards, methods, measures, or procedures used to evaluate districts and campuses and assign performance ratings on or after a certain date only with the express approval of the legislature; and

- revises the required content and the date by which the commissioner must provide each district a document in a simple, accessible format that explains certain accountability performance measures, methods, and procedures that will be applied.

Challenges to Accountability Determinations and Certain Interventions Based on Determinations

The substitute omits a provision of the engrossed that changed the prohibition against a district or charter school challenging a TEA decision relating to an academic or financial accountability rating in a proceeding other than one conducted pursuant to the process established by the commissioner for that purpose as follows:

- specified that the prohibition applies with respect to a challenge on any basis, including a lack of commissioner or TEA authority;
- removed as a condition on the prohibition the district or charter school having an opportunity to challenge the decision under that process established by the commissioner; and
- exempted from the prohibition a district or charter school that has exhausted the district's or school's remedies under that process.

The engrossed also repealed a provision giving the commissioner the option to order the use of a board of trustees improvement and evaluation tool developed by the commissioner if a district does not satisfy the accreditation criteria, the academic performance standards, or any financial accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation, whereas the substitute does not repeal that provision.

Distinction Designations

The substitute, with respect to the award of a distinction designation for a district's or campus's outstanding performance in academic achievement in certain academic subjects, changes the applicable subjects from English language arts, mathematics, science, or social studies, to reading language arts, mathematics, or science, whereas the engrossed did not make such a change.

Additionally, the substitute omits a provision of the engrossed that replaced the provision setting the deadline by which the commissioner is required to award distinction designations for a district's or campus's outstanding performance in academic achievement as not later than August 8 of each year with a provision requiring those designations to be awarded concurrently with the assignment of performance ratings.

Grant Program for District Local Accountability Plans

While both the engrossed and the substitute establish a grant program relating to local accountability plans from money appropriated or otherwise available for that purpose, the versions differ as follows:

- the engrossed specified that the grant program have the capacity to assist at least one district per education service center region in developing a local accountability system, whereas the substitute instead specifies that the grant program assist at least one district in each education service center region in developing a local accountability system plan;
- the engrossed required the commissioner to adopt rules to implement the grant program, whereas the substitute authorizes the commissioner to adopt rules as necessary to implement provisions relating to the assignment of campus performance ratings under the local accountability system, including rules applying to a district applying for the grant; and
- the substitute authorizes a district, if the commissioner awards a grant to a district and has not adopted rules applying to the district, to select and collaborate with a third-party

organization with expertise in assessment and accountability to develop a local accountability plan, whereas the engrossed did not include such an authorization.

Actions Challenging TEA Decisions Related to the Public School Accountability System

The substitute includes provisions absent from the engrossed that authorize a district or charter school to bring an action challenging a TEA decision that is made under the public school accountability system and that is based on the lawful exercise of discretion granted to TEA by the legislature only if the district's or school's petition alleges TEA's decision is unconstitutional, arbitrary, capricious, or without lawful authority, set out deadlines relating to an applicable trial court or appellate court expediting the action and rendering a final order or judgment, and authorize a court to grant appropriate relief. Additionally, the substitute includes a provision absent from the engrossed establishing that these provisions apply to an action filed on or after September 1, 2025. An action filed before September 1, 2025, is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

Venue for Appeals

The substitute omits a provision included in the engrossed that specified that the authorization for a person aggrieved by a TEA action or commissioner decision to appeal to a district court in Travis County applies to a person appealing on the grounds of being aggrieved by the state's school laws or actions or decisions of any district board of trustees that violate those laws or violate a provision of a written employment contract between a district and a district employee, if a contract violation causes or would cause monetary harm to the employee.

Commissioner Action and Intervention Related to District or Charter School Action or Proceeding Against the State

The substitute omits the following provisions included in the engrossed relating to certain commissioner action and intervention:

- a provision that included among the grounds for commissioner action under statutory provisions relating to interventions and sanctions for districts, to the extent the commissioner determines necessary, the initiation or maintenance by a district or charter school of an action or proceeding against the state or an agency or officer of the state; and
- a provision that authorized the commissioner to appoint a conservator to a district or charter school that is subject to commissioner action based on the initiation or maintenance of such an action or proceeding and set out provisions relating to the duties of the conservator, failure to comply with a conservator order, and certain actions taken or decisions made by the commissioner or conservator being final and not subject to appeal.

Interventions and Sanctions While the Assignment of Performance Ratings Is Enjoined

The substitute omits the following provisions included in the engrossed relating to TEA interventions and sanctions while enjoined from assigning performance ratings:

- a provision that required any previously imposed interventions or sanctions to which the district, charter school, or campus is subject continue throughout a period in which TEA is enjoined from assigning performance ratings to a district, charter school, or district or charter school campus;
- a provision that required TEA, as soon as practicable after the dissolution of an injunction enjoining TEA from assigning performance ratings, to assign performance ratings for each school year and to each applicable educational entity for which TEA was so enjoined and, as applicable, to impose any appropriate interventions or sanctions based on the assigned ratings;

- a provision that required TEA to consider the applicable educational entity to have received a "Not Rated" rating for purposes of calculating consecutive years of performance and determining interventions or sanctions for that school year if TEA is permanently enjoined from assigning performance ratings;
- a provision that authorized TEA to modify or waive a deadline or time frame required by law or TEA rule applicable to the assignment of performance ratings for a school year for which TEA was enjoined from assigning performance ratings; and
- a provision that required TEA to impose an applicable intervention or sanction unless the intervention or sanction, as determined by the commissioner, has been superseded by a subsequent intervention or sanction or may be removed based on the subsequent performance of a district, charter school, or campus.

Additionally, the substitute omits the following provisions included in the engrossed relating to commissioner action under circumstances in which TEA is enjoined:

- a provision that required the commissioner to impose certain interventions on applicable educational entities if that entity would have been subject to commissioner action under applicable state law based on the entity's performance rating for a school year for which TEA was enjoined from assigning performance ratings, regardless of the entity's performance in a subsequent school year; and
- a provision that required the commissioner to revoke a charter holder's charter for an open-enrollment charter school for which the charter holder received a renewal based on the absence of a performance rating for a school year for which TEA 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 state law providing the circumstances under which the commissioner may allow a charter to expire, regardless of the school's performance in a subsequent school year, unless the renewal was based on the charter holder entering into and meeting the requirements of a performance agreement with TEA.

Interventions or Sanctions Related to 2022-2023 or 2023-2024 School Year Performance Ratings

The substitute omits the following provisions present in the engrossed:

- a requirement for the commissioner to impose certain applicable interventions on a district, charter school, or district or school campus if the district, school, or campus would have been subject to commissioner action based on the performance rating of the district, school, or campus for the 2022-2023 or 2023-2024 school year, regardless of the performance of the district, school, or campus in a subsequent school year; and
- a requirement for the commissioner to revoke a charter holder's charter for a charter school for which the charter holder received a charter renewal based on the absence of a performance rating for the 2022-2023 or 2023-2024 school year if, after the assignment of performance ratings for those years, the charter would not have been renewed under state law, regardless of the performance of the school in a subsequent school year.

Prohibited Use of Funding for Certain Actions or Proceedings

The substitute omits provisions of the engrossed that revised the prohibition against the use of certain public school funds to initiate or maintain any action or proceeding against the state or a state agency or officer as follows:

- expanded the funds subject to the prohibition to include federal, state, or local funding, including funding relating to assistance with instructional facilities and payment of existing debt, the foundation school program, and options for local revenue levels in excess of entitlement;
- removed the specification that the type of action or proceeding against the state for which those funds may not be used is an action or proceeding arising out of a decision, order, or determination that is final and unappealable under Education Code provisions;

- clarified that such an action or proceeding against the state or a state agency of officer includes an action or proceeding that includes a claim of ultra vires conduct; and
- removed the exception that allows funds to be used for such an action or proceeding that is specifically authorized by a rule adopted under the Education Code that results in a final and unappealable decision, order, or determination and instead created an exception that allows funds to be used for such an action or proceeding that is specifically authorized under Government Code provisions relating to declaratory judgments.

Eligible Proceedings for a Special Three-Judge District Court

The substitute omits a provision of the engrossed specifying that, for purposes of the attorney general's authority to petition the chief justice of the supreme court to convene a special three-judge district court in a suit filed in a district court in which the state or a state officer or agency is a defendant in a claim that challenges the finances or operations of the state's public school system, such claims include a claim that challenges the implementation of the public school system accountability system.

Grace Period for Certain Campuses

The substitute includes a temporary provision set to expire September 1, 2031, prohibiting the commissioner from taking certain actions against a campus ordered to prepare and submit a campus turnaround plan during the 2024-2025 school year until the second anniversary of the date on which the campus implements a campus turnaround plan, whereas the engrossed did not include such a provision.

Credential Library

The substitute revises Government Code provisions relating to a credential library as follows, whereas the engrossed did not revise such provisions:

- replaces the authorization for the THECB and TWC to jointly establish a publicly accessible web-based library of credentials with a requirement for those agencies to do so;
- requires the credential library to include the list of industry certifications developed under the bill's provisions and to ensure data interoperability between relevant state agencies; and
- replaces the authorization for the THECB and TWC to jointly designate a host agency or operating entity for a credential library with a requirement for the THECB and TWC to jointly designate a host agency to contract with an experienced and recognized third-party vendor for the credential library.