

By: Buckley

H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the assessment of public school students, public school
3 accountability and actions, and proceedings challenging the
4 operations of the public school system.

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

6 SECTION 1. Section 7.056(e), Education Code, is amended to
7 read as follows:

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

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

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

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

18 (A) essential knowledge or skills under Section
19 28.002 or high school graduation requirements under Section 28.025;

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

22 (C) extracurricular activities under Section
23 33.081 [~~or participation in a University Interscholastic League~~
24 ~~area, regional, or state competition under Section 33.0812~~];

- 1 (D) health and safety under Chapter 38;
- 2 (E) purchasing under Subchapter B, Chapter 44;
- 3 (F) elementary school class size limits, except
- 4 as provided by Section 25.112;
- 5 (G) removal of a disruptive student from the
- 6 classroom under Subchapter A, Chapter 37;
- 7 (H) at-risk programs under Subchapter C, Chapter
- 8 29;
- 9 (I) prekindergarten programs under Subchapter E,
- 10 Chapter 29;
- 11 (J) educator rights and benefits under
- 12 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
- 13 A, Chapter 22;
- 14 (K) special education programs under Subchapter
- 15 A, Chapter 29;
- 16 (L) bilingual education programs under
- 17 Subchapter B, Chapter 29; or
- 18 (M) the requirements for the first day of
- 19 instruction under Section 25.0811.

20 SECTION 2. Section 7.057(d), Education Code, is amended to
21 read as follows:

22 (d) A person aggrieved by an action of the agency or
23 decision of the commissioner under this section may appeal to a
24 district court in Travis County. An appeal must be made by serving
25 the commissioner with citation issued and served in the manner
26 provided by law for civil suits. The petition must state the action
27 or decision from which the appeal is taken. At trial, the court

1 shall determine all issues of law and fact, except as provided by
2 Section 33.081(g).

3 SECTION 3. Section 11.182(b), Education Code, is amended to
4 read as follows:

5 (b) A board of trustees may determine whether to use the
6 evaluation tool, except as required by Section 39A.002 [~~39.102(a)~~].

7 SECTION 4. The heading to Section 39.022, Education Code,
8 is amended to read as follows:

9 Sec. 39.022. INSTRUCTIONALLY SUPPORTIVE ASSESSMENT
10 PROGRAM.

11 SECTION 5. Section 39.022, Education Code, is amended by
12 amending Subsection (a) and adding Subsections (a-1) and (c) to
13 read as follows:

14 (a) The agency [~~State Board of Education by rule~~] shall
15 create and implement a balanced and streamlined statewide
16 assessment program for assessment instruments administered under
17 this subchapter [~~that is knowledge- and skills-based~~] to ensure
18 school accountability for student achievement that:

19 (1) is aligned with the essential knowledge and skills
20 adopted by the State Board of Education under Section 28.002;

21 (2) achieves the goals provided under Section 4.002;
22 and

23 (3) supports classroom instruction.

24 (a-1) The agency [~~After adopting rules under this section,~~
25 ~~the State Board of Education~~] shall consider the importance of
26 maintaining stability in the statewide assessment program when
27 modifying the program [~~adopting any subsequent modification of the~~

1 rules].

2 (c) The assessment program implemented under this section
3 must include:

4 (1) assessment instruments administered under
5 Sections 39.023(a), (c), and (l);

6 (2) optional interim assessment instruments described
7 by Section 39.023(o); and

8 (3) technical assistance and guidance to school
9 districts and open-enrollment charter schools for implementing the
10 assessment program, including assistance and guidance on:

11 (A) implementing a comprehensive assessment
12 strategy that:

13 (i) improves student performance and
14 promotes mastery of the essential knowledge and skills; and

15 (ii) informs educators regarding
16 assessment requirements; and

17 (B) reducing the assessment burden on students
18 and school personnel.

19 SECTION 6. Subchapter B, Chapter 39, Education Code, is
20 amended by adding Section 39.0225 to read as follows:

21 Sec. 39.0225. REDESIGN OF ASSESSMENT INSTRUMENTS. (a) The
22 agency shall redesign the assessment instruments administered
23 under this subchapter to incorporate improvements identified in
24 reports submitted under Section 39.0236(d). To the extent
25 practicable, the agency shall:

26 (1) reduce the length of the assessment instruments;

27 (2) begin administration of the redesigned assessment

1 instruments with assessment instruments administered during the
2 2026 spring semester; and

3 (3) begin providing technical assistance and guidance
4 under Section 39.022(c) to school districts and open-enrollment
5 charter schools regarding the redesigned assessment instruments in
6 the 2026-2027 school year.

7 (b) This section expires September 1, 2028.

8 SECTION 7. Sections 39.023(a-11), (c), (c-3), (c-8), (e),
9 (g), (i), (l), and (o), Education Code, are amended to read as
10 follows:

11 (a-11) Before an assessment instrument adopted or developed
12 under Subsection (a) may be administered under that subsection, the
13 assessment instrument must, on the basis of empirical evidence, be
14 determined to be valid and reliable by the advisory committees
15 established under Section 39.02302 or an entity that is, as
16 determined by the commissioner, independent of the agency and of
17 any other entity that developed the assessment instrument.

18 (c) The agency shall also adopt end-of-course assessment
19 instruments for secondary-level courses in Algebra I, biology,
20 English I, English II, and United States history. The Algebra I
21 end-of-course assessment instrument must be administered with the
22 aid of technology, but may include one or more parts that prohibit
23 the use of technology. The English I and English II end-of-course
24 assessment instruments must each assess essential knowledge and
25 skills in both reading and writing and must provide a single score.
26 A school district shall comply with agency [~~State Board of~~
27 ~~Education~~] rules regarding administration of the assessment

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

12 (c-3) The agency shall adopt a schedule for the
13 administration of assessment instruments under this section for
14 each school year and, to the extent practicable, provide the
15 schedule to each school district and open-enrollment charter school
16 two years before the school year to which the schedule applies. To
17 the extent practicable and for the purpose of mitigating local
18 scheduling conflicts, including University Interscholastic League
19 athletic competitions, the schedule adopted under this section must
20 establish testing windows for the administration of each assessment
21 instrument and allow a district or school to administer an
22 assessment instrument on any date selected by the district or
23 school that falls within the testing window for the instrument
24 [~~Except as provided by Subsection (c-7) or (c-10) or as otherwise~~
25 ~~provided by this subsection, in adopting a schedule for the~~
26 ~~administration of assessment instruments under this section, the~~
27 ~~State Board of Education shall ensure that assessment instruments~~

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

9 (c-8) Not ~~[Beginning with the 2022-2023 school year, not]~~
10 more than 75 percent of the available points on an assessment
11 instrument developed under Subsection (a) or (c) may be
12 attributable to questions presented in a multiple choice format.
13 To the extent practicable, the agency shall include classroom
14 teachers in the process of scoring questions not presented in a
15 multiple choice format.

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

1 score. During the 2014-2015 and 2015-2016 school years, the agency
2 shall release the questions and answer keys to assessment
3 instruments as described by this subsection each year.

4 (g) The agency [~~State Board of Education~~] may adopt one
5 appropriate, nationally recognized, norm-referenced assessment
6 instrument in reading and mathematics to be administered to a
7 selected sample of students in the spring. If adopted, a
8 norm-referenced assessment instrument must be a secured test. The
9 state may pay the costs of purchasing and scoring the adopted
10 assessment instrument and of distributing the results of the
11 adopted instrument to the school districts. A district that
12 administers the norm-referenced test adopted under this subsection
13 shall report the results to the agency in a manner prescribed by the
14 commissioner.

15 (i) The provisions of this section, except Subsection (d),
16 are subject to modification by rules adopted under Section [39.001](#)
17 [~~39.022~~]. Each assessment instrument adopted under those rules and
18 each assessment instrument required under Subsection (d) must be
19 reliable and valid and must meet any applicable federal
20 requirements for measurement of student progress.

21 (l) The agency [~~State Board of Education~~] shall adopt rules
22 for the administration of the assessment instruments adopted under
23 Subsection (a) in Spanish to emergent bilingual students in grades
24 three through five, as defined by Section [29.052](#), whose primary
25 language is Spanish, and who are not otherwise exempt from the
26 administration of an assessment instrument under Section
27 [39.027](#)(a)(1) or (2). Each emergent bilingual student whose primary

1 language is Spanish, other than a student to whom Subsection (b)
2 applies, may be assessed using assessment instruments in Spanish
3 under this subsection for up to three years or assessment
4 instruments in English under Subsection (a). The language
5 proficiency assessment committee established under Section 29.063
6 shall determine which students are administered assessment
7 instruments in Spanish under this subsection.

8 (o) The agency shall adopt or develop optional interim
9 assessment instruments for each subject or course for each grade
10 level subject to assessment under this section. A school district
11 or open-enrollment charter school may ~~[not be required to]~~
12 administer to students enrolled at the district or school interim
13 assessment instruments adopted or developed under this subsection.
14 An interim assessment instrument:

15 (1) must be:

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

19 (B) administered electronically; and

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

21 SECTION 8. Section 39.0238(b), Education Code, is amended
22 to read as follows:

23 (b) The board of trustees of a school district or the
24 governing body of an open-enrollment charter school may consider
25 the dates of religious holy days or periods of observance likely to
26 be observed by the students enrolled in the district or school
27 during the period set by the agency ~~[State Board of Education]~~ for

1 the administration of assessment instruments required under
2 Section 39.023 in establishing:

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

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

11 SECTION 9. Section 39.026, Education Code, is amended to
12 read as follows:

13 Sec. 39.026. LOCAL OPTION. In addition to the assessment
14 instruments adopted and administered by the agency [~~and~~
15 ~~administered by the State Board of Education~~], a school district
16 may adopt and administer criterion-referenced or norm-referenced
17 assessment instruments, or both, at any grade level. A
18 norm-referenced assessment instrument adopted under this section
19 must be economical, nationally recognized, and state-approved.

20 SECTION 10. Section 39.027(b), Education Code, is amended
21 to read as follows:

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

1 measure.

2 SECTION 11. Section 39.029, Education Code, is amended to
3 read as follows:

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

12 SECTION 12. Section 39.030(a), Education Code, is amended
13 to read as follows:

14 (a) In adopting academic skills assessment instruments
15 under this subchapter, the agency [~~State Board of Education~~] or a
16 school district shall ensure the security of the instruments and
17 tests in their preparation, administration, and grading. Meetings
18 or portions of meetings held by the agency [~~State Board of~~
19 ~~Education~~] or a school district at which individual assessment
20 instruments or assessment instrument items are discussed or adopted
21 are not open to the public under Chapter 551, Government Code, and
22 the assessment instruments or assessment instrument items are
23 confidential.

24 SECTION 13. Sections 39.032(c-1) and (e), Education Code,
25 are amended to read as follows:

26 (c-1) The standardization norms computed under Subsection
27 (c) shall be:

1 (1) based on a national probability sample that meets
2 accepted standards for educational and psychological testing; and

3 (2) updated at least every eight years using proven
4 psychometric procedures approved by the agency [~~State Board of~~
5 ~~Education~~].

6 (e) The agency [~~State Board of Education~~] shall adopt rules
7 for the implementation of this section and for the maintenance of
8 the security of the contents of all assessment instruments.

9 SECTION 14. Section 39.054(b-1), Education Code, is
10 transferred to Section 39.052, Education Code, redesignated as
11 Section 39.052(b-1), Education Code, and amended to read as
12 follows:

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

16 (1) must:

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

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

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

24 SECTION 15. Section 39.053, Education Code, is amended by
25 amending Subsections (a), (c), and (f) and adding Subsections
26 (c-4), (f-1), (f-2), (f-3), and (f-4) to read as follows:

27 (a) The commissioner shall adopt a set of indicators of the

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

7 (c) School districts and campuses must be evaluated based on
8 three domains of indicators of achievement adopted under this
9 section that include:

10 (1) in the student achievement domain, indicators of
11 student achievement that must include:

12 (A) for evaluating the performance of districts
13 and campuses generally:

14 (i) an indicator that accounts for the
15 results of assessment instruments required under Sections
16 39.023(a), (c), and (l), as applicable for the district and campus,
17 including the results of assessment instruments required for
18 graduation retaken by a student, aggregated across grade levels by
19 subject area, including:

20 (a) for the performance standard
21 determined by the commissioner under Section 39.0241(a), the
22 percentage of students who performed satisfactorily on the
23 assessment instruments, aggregated across grade levels by subject
24 area; and

25 (b) for the college readiness
26 performance standard as determined under Section 39.0241, the
27 percentage of students who performed satisfactorily on the

1 assessment instruments, aggregated across grade levels by subject
2 area; and

3 (ii) an indicator that accounts for the
4 results of assessment instruments required under Section
5 39.023(b), as applicable for the district and campus, including the
6 percentage of students who performed satisfactorily on the
7 assessment instruments, as determined by the performance standard
8 adopted by the agency, aggregated across grade levels by subject
9 area; and

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

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

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

21 (iii) students who earn dual course credits
22 in the dual credit courses;

23 (iv) students who demonstrate military
24 readiness:

25 (a) through verified enlistment
26 [~~enlist~~] in the armed forces of the United States or the Texas
27 National Guard; or

1 (b) by achieving a passing score set
2 by the commissioner on the Armed Services Vocational Aptitude
3 Battery Test and successfully completing a Junior Reserve Officer
4 Training Corps program;

5 (v) students who earn industry
6 certifications;

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

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

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

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

25 (x) students who successfully completed an
26 OnRamps dual enrollment course;

27 (xi) students who successfully completed a

1 practicum or internship approved by the State Board of Education;

2 (xii) students who are awarded an associate
3 degree; and

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

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

8 (A) for assessment instruments, including
9 assessment instruments under Subdivisions (1)(A)(i) and (ii), the
10 percentage of students who met the standard for improvement, as
11 determined by the commissioner; and

12 (B) for evaluating relative performance, the
13 performance of districts and campuses compared to similar districts
14 or campuses; and

15 (3) in the closing the gaps domain, the use of
16 disaggregated data to demonstrate the differentials among students
17 from different racial and ethnic groups, socioeconomic
18 backgrounds, and other factors, including:

19 (A) students formerly receiving special
20 education services;

21 (B) students continuously enrolled; and

22 (C) students who are mobile.

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

1 be:

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

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

5 (f) Annually, the commissioner shall define and may modify
6 the state standards [~~standard for the current school year~~] for each
7 [~~achievement~~] indicator adopted under this subchapter in
8 [~~section. In~~] consultation with educators, parents, and business
9 and industry representatives, as necessary. The [~~, the~~]
10 commissioner shall increase the rigor by which the commissioner
11 determines the overall performance ratings under Section 39.054(a)
12 [~~establish and modify standards~~] to continuously improve student
13 performance to, not later than the 15th year after the date the
14 commissioner modifies the performance standards under Subsection
15 (f-1), achieve the goals of:

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

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

22 (f-1) Beginning with the indicators adopted for the
23 2027-2028 school year and as required to meet the goals under
24 Subsection (f), the commissioner shall increase the scores needed
25 to achieve performance standards on indicators adopted under this
26 subchapter only every fifth school year unless an indicator adopted
27 under Subsection (c) requires adjustment before that school year to

1 ensure consistency of performance standards.

2 (f-2) To the extent practicable, for each of the two school
3 years preceding a school year the commissioner increases a score
4 under Subsection (f-1), the commissioner shall report, in a manner
5 that can be reviewed by school administrators, the overall
6 performance of school districts and campuses under that increased
7 score.

8 (f-3) In reporting the performance of school districts and
9 campuses on indicators adopted under this subchapter for a school
10 year in which the score needed to achieve performance standards on
11 one or more of those indicators was increased under Subsection
12 (f-1), the commissioner shall include in the report an
13 informational report on the performance of districts and campuses
14 during the preceding school year under the increased score.

15 (f-4) Notwithstanding Subsection (f), the commissioner may
16 define state standards for an indicator adopted under this
17 subchapter for multiple school years provided that the commissioner
18 annually affirms that those standards are applicable to the current
19 school year. The commissioner is not required to adopt the
20 affirmation described by this subsection by rule.

21 SECTION 16. Subchapter C, Chapter 39, Education Code, is
22 amended by adding Section 39.0531 to read as follows:

23 Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) The agency
24 shall maintain a list of industry certifications that are eligible
25 for purposes of Section 39.053(c)(1)(B)(v). In developing the
26 list, the agency shall consider the inventory of
27 industry-recognized certifications developed under Section

1 312.003, Labor Code. The certifications must:

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

5 (2) allow students to demonstrate mastery of the
6 skills required for occupations within an approved program of
7 study; and

8 (3) be obtained through an assessment of the knowledge
9 and skills provided by or determined by an independent, third-party
10 certifying entity using predetermined standards for knowledge,
11 skills, and competencies.

12 (b) The agency shall review the eligibility of industry
13 certifications under Subsection (a), including whether the
14 programs of study for those certifications still meet the
15 requirements under that subsection:

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

18 (2) to the extent practicable, concurrently with the
19 modification of performance standards under Section 39.053(f-1).

20 (c) If, after reviewing an industry certification under
21 Subsection (b), the agency determines the certification is no
22 longer eligible for purposes of Section 39.053(c)(1)(B)(v) and
23 should be removed from the list maintained under Subsection (a),
24 the agency shall, to the extent practicable, post on the agency's
25 Internet website information regarding the removal of the
26 certification not later than two years before the date the agency
27 intends to remove the certification from the list.

1 (d) During the three years following an agency's
2 determination under Subsection (c) that an industry certification
3 is no longer eligible for purposes of Section 39.053(c)(1)(B)(v), a
4 school district may receive the benefit of achievement indicators
5 based on that industry certification for purposes of Section
6 39.053(c) only for a cohort of students who:

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

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

12 SECTION 17. Section 39.054, Education Code, is amended by
13 amending Subsections (a), (a-3), (a-4), (a-5), and (b) and adding
14 Subsections (a-6), (c), and (d) to read as follows:

15 (a) Except as provided by Subsection (a-4), the
16 commissioner shall adopt rules to evaluate school district and
17 campus performance and, each school year, assign each district and
18 campus an overall performance rating of A, B, C, D, or F. In
19 addition to the overall performance rating, each school year, the
20 commissioner shall assign each district and campus a separate
21 domain performance rating of A, B, C, D, or F for each domain under
22 Section 39.053(c). An overall or domain performance rating of A
23 reflects exemplary performance. An overall or domain performance
24 rating of B reflects recognized performance. An overall or domain
25 performance rating of C reflects acceptable performance. An
26 overall or domain performance rating of D reflects performance that
27 needs improvement. An overall or domain performance rating of F

1 reflects unacceptable performance. A district may not receive an
2 overall or domain performance rating of A if the district includes
3 any campus with a corresponding overall or domain performance
4 rating of D or F. If a school district has been approved under
5 Section 39.0544 to assign campus performance ratings and the
6 commissioner has not assigned a campus an overall performance
7 rating of D or F, the commissioner shall assign the campus an
8 overall performance rating based on the school district assigned
9 performance rating under Section 39.0544.

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

14 (1) the performance ratings for each school district
15 and campus; and

16 (2) if applicable, the number of consecutive school
17 years of unacceptable performance ratings for each district and
18 campus.

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

24 (1) the district or campus is located in an area that
25 is subject to a declaration of a state of disaster under Chapter
26 418, Government Code, and due to the disaster, performance
27 indicators for the district or campus are difficult to measure or

1 evaluate and would not accurately reflect quality of learning and
2 achievement for the district or campus;

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

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

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

13 (a-5) Notwithstanding any other law, an overall performance
14 rating of "Not Rated" is not included in calculating consecutive
15 school years of unacceptable performance ratings and is not
16 considered a break in consecutive school years of unacceptable
17 performance ratings for purposes of any provision of this code. Any
18 interventions or sanctions to which a school district or campus is
19 subject under Chapter 39A shall continue during a period in which
20 the district or campus is assigned an overall performance rating of
21 "Not Rated."

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

25 (b) For purposes of assigning school districts and campuses
26 an overall and a domain performance rating under Subsection (a),
27 the commissioner shall, to the extent practicable, ensure that the

1 method used to evaluate performance is implemented in a manner that
2 provides the mathematical possibility that all districts and
3 campuses receive an A rating.

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

8 (d) Failure to assign a performance rating to a school
9 district or campus before the deadline provided by Subsection (a-3)
10 does not invalidate the performance rating assigned to the district
11 or campus or any resulting intervention or sanction imposed on the
12 district or campus.

13 SECTION 18. Section 39.0541, Education Code, is amended to
14 read as follows:

15 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The
16 commissioner may adopt indicators and standards under this
17 subchapter at any time [~~during a school year~~] before issuing the
18 evaluation of a school district or campus.

19 SECTION 19. Section 39.0542, Education Code, is amended by
20 amending Subsection (a) and adding Subsection (d) to read as
21 follows:

22 (a) The [~~Each school year, the~~] commissioner shall provide
23 each school district a document in a simple, accessible format that
24 explains the accountability performance measures, methods, and
25 procedures that will be applied [~~for that school year~~] in assigning
26 each school district and campus a performance rating under Section
27 39.054.

1 (d) Failure to provide the document described by Subsection
2 (a) does not prevent the assignment of performance ratings under
3 Section 39.054 and may not be the basis of a challenge to a
4 performance rating assigned under that section.

5 SECTION 20. Section 39.151(e), Education Code, is amended
6 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 21. Section 39.201(a), Education Code, is amended
17 to read as follows:

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

27 SECTION 22. Subchapter H, Chapter 39, Education Code, is

1 amended by adding Section 39.231 to read as follows:

2 Sec. 39.231. LOCAL ACCOUNTABILITY GRANT PROGRAM. (a) From
3 money appropriated or otherwise available for the purpose, the
4 agency shall establish a grant program with capacity to assist at
5 least one school district per education service center region in
6 developing a local accountability system that complies with the
7 requirements of Section 39.0544.

8 (b) The commissioner shall adopt rules to implement this
9 section.

10 SECTION 23. Section 39A.001, Education Code, is amended to
11 read as follows:

12 Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. The
13 commissioner shall take any of the actions authorized by this
14 subchapter to the extent the commissioner determines necessary if:

15 (1) a school district does not satisfy:

16 (A) the accreditation criteria under Section
17 39.052;

18 (B) the academic performance standards under
19 Section 39.053 or 39.054; or

20 (C) any financial accountability standard as
21 determined by commissioner rule; ~~or~~

22 (2) the commissioner considers the action to be
23 appropriate on the basis of a special investigation under Section
24 39.003; or

25 (3) a school district initiates or maintains an action
26 or proceeding against the state or an agency or officer of the
27 state.

1 SECTION 24. Subchapter A, Chapter 39A, Education Code, is
2 amended by adding Section 39A.008 to read as follows:

3 Sec. 39A.008. INTERVENTION RELATED TO SCHOOL DISTRICT OR
4 OPEN-ENROLLMENT CHARTER SCHOOL ACTION OR PROCEEDING AGAINST STATE.

5 (a) This section applies to a school district or open-enrollment
6 charter school subject to commissioner action under Section
7 39A.001(3).

8 (b) The commissioner shall appoint a conservator to a school
9 district or open-enrollment charter school to which this section
10 applies.

11 (c) The conservator appointed under Subsection (b) shall
12 require the school district or open-enrollment charter school to
13 demonstrate, by a deadline established by the conservator, that the
14 district or school is in compliance with Sections 45.105(c-1) and
15 45.1051. If the conservator determines that the district or school
16 is not in compliance with those sections, the conservator shall
17 order the district or school to, as applicable:

18 (1) withdraw from the action or proceeding; or

19 (2) take the necessary actions to come into compliance
20 with Section 45.1051.

21 (d) If a school district or open-enrollment charter school
22 fails to comply with an order by the conservator by the deadline
23 established by the conservator, the commissioner may:

24 (1) for a school district, appoint a board of managers
25 to oversee the operations of the district; or

26 (2) for an open-enrollment charter school, order
27 reconstitution of the school's governing board.

1 (e) An action taken or decision made by the commissioner or
2 a conservator under this section is final and not subject to appeal
3 under Section 7.057, Chapter 39, or this chapter.

4 SECTION 25. Subchapter 2, Chapter 39A, Education Code, is
5 amended by adding Section 39A.908 to read as follows:

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

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

15 (1) assign performance ratings for each school year
16 and to each school district, open-enrollment charter school, and
17 district or school campus for which the agency was enjoined from
18 assigning performance ratings; and

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

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

1 (1) calculating consecutive years of performance; and

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

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

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

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

16 (2) may be removed based on the subsequent performance
17 of a school district, open-enrollment charter school, or district
18 or school campus.

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

1 (g) The commissioner shall revoke a charter holder's
2 charter for an open-enrollment charter school for which the charter
3 holder received a charter renewal based on the absence of a
4 performance rating for a school year for which the agency was
5 enjoined from assigning a performance rating if, after the
6 assignment of performance ratings for that year, the charter would
7 not have been renewed under Section 12.1141(d), regardless of the
8 performance of the school in a subsequent school year.

9 SECTION 26. Section 45.105(c-1), Education Code, is amended
10 to read as follows:

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

23 SECTION 27. Subchapter E, Chapter 45, Education Code, is
24 amended by adding Section 45.1051 to read as follows:

25 Sec. 45.1051. LIMITATION ON ATTORNEY PAYMENTS FOR CERTAIN
26 ACTIONS. (a) If a school district or open-enrollment charter
27 school brings an action against the agency, the State Board of

1 Education, or the State Board for Educator Certification or an
2 agent or officer of those entities that alleges ultra vires conduct
3 by the entity or an agent or officer of the entity, the district or
4 school must deposit all payments relating to the action made to the
5 district's or school's attorney in an escrow account. The district
6 or school may use money deposited in the escrow account to pay the
7 district's or school's attorney only:

8 (1) after:

9 (A) a final judgment is rendered; and

10 (B) all appeals are fully resolved; and

11 (2) if the district or school prevails in the action.

12 (b) A school district or open-enrollment charter school
13 shall provide money deposited in an escrow account under this
14 section that may not be paid to the district's or school's attorney
15 under Subsection (a) after the rendering of a final judgment and the
16 resolution of all appeals to the state for deposit in the foundation
17 school fund.

18 (c) This section may not be interpreted to authorize an
19 action not otherwise authorized by law.

20 SECTION 28. Section 22A.001(a), Government Code, is amended
21 to read as follows:

22 (a) The attorney general may petition the chief justice of
23 the supreme court to convene a special three-judge district court
24 in any suit filed in a district court in this state in which this
25 state or a state officer or agency is a defendant in a claim that:

26 (1) challenges the finances or operations of this
27 state's public school system, including challenges to the

1 implementation of the public school accountability system under
2 Chapter 39, Education Code; or

3 (2) involves the apportionment of districts for the
4 house of representatives, the senate, the State Board of Education,
5 or the United States Congress, or state judicial districts.

6 SECTION 29. The heading to Section 312.003, Labor Code, is
7 amended to read as follows:

8 Sec. 312.003. INVENTORY OF CERTIFICATIONS [~~CREDENTIALS AND~~
9 ~~CERTIFICATES~~].

10 SECTION 30. Sections 312.003(a), (b), (c), and (d), Labor
11 Code, are amended to read as follows:

12 (a) The advisory council shall develop an inventory of
13 industry-recognized certifications [~~credentials and certificates~~]
14 that may be earned by a public high school student through a career
15 and technology education program and that:

16 (1) are aligned to state and regional workforce needs;
17 [~~and~~]

18 (2) serve as an entry point to middle- and high-wage
19 jobs; and

20 (3) meet the requirements of Section 39.0531(a),
21 Education Code.

22 (b) The inventory must include for each certification
23 [~~credential or certificate~~]:

24 (1) the associated career cluster;

25 (2) the awarding entity;

26 (3) the level of education required and any additional
27 requirements for the certification [~~credential or certificate~~];

1 (4) any fees for obtaining the certification
2 ~~[credential or certificate]~~; and

3 (5) the average wage or salary for jobs that require or
4 prefer the certification ~~[credential or certificate]~~.

5 (c) In developing the inventory, the advisory council may
6 consult with local workforce boards, the Texas Workforce Investment
7 Council, the Texas Economic Development and Tourism Office, the
8 Texas Education Agency, and the Texas Higher Education Coordinating
9 Board.

10 (d) The advisory council shall establish a process for
11 developing the inventory, including the criteria for the inclusion
12 of a certification ~~[credential or certificate]~~ in the inventory.

13 SECTION 31. (a) Section 15, Chapter 925 (S.B. 1566), Acts
14 of the 85th Legislature, Regular Session, 2017, which amended
15 Section 39.102(a), Education Code, is repealed.

16 (b) The following provisions of the Education Code are
17 repealed:

18 (1) Section 33.0812; and

19 (2) Sections 39.023(a-4), (c-7), and (c-10).

20 SECTION 32. A rule of the State Board of Education under
21 Sections 39.022, 39.029, and 39.032(e), Education Code, that is in
22 effect on the effective date of this Act remains in effect until
23 changed by the commissioner of education in accordance with those
24 sections as amended by this Act.

25 SECTION 33. The changes in law made by Sections
26 39.023(a-11), 39.053(a), 39.054, 39.0541, and 39.0542, Education
27 Code, as amended by this Act, apply to an action or determination

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

5 SECTION 34. The changes in law made by Section 39.053,
6 Education Code, as amended by this Act, and Section 39.0531,
7 Education Code, as added by this Act, apply to accountability
8 ratings beginning with the 2027-2028 school year.

9 SECTION 35. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2025.