

By: Bettencourt, et al.
(Buckley)

S.B. No. 1962

Substitute the following for S.B. No. 1962:

By: Buckley

C.S.S.B. No. 1962

A BILL TO BE ENTITLED

AN ACT

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 decisions related to public school accountability.

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

SECTION 1. Section 11.185(b), Education Code, is amended to read as follows:

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

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

(2) include annual goals for aggregate student growth on the third grade reading language arts or mathematics assessment instrument, as applicable, administered under Section 39.023 or on an alternative assessment instrument determined by the board of trustees;

(3) provide for targeted professional development for classroom teachers in kindergarten or first, second, or third grade who are assigned to campuses that the board of trustees identifies

as not meeting the plan's goals;

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

(A) coordinate implementation of the plan; and

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

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

SECTION 2. Section 21.4552(c), Education Code, is amended to read as follows:

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

(1) 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 under Section 39.054(e) on the basis of student performance on the reading language arts assessment instrument administered under Section 39.023(a) to students in any grade level at the campus;

(2) grant priority to teachers employed by a school district at a campus at which 50 percent or more of the students enrolled are educationally disadvantaged; and

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

5 SECTION 3. Section 26.005, Education Code, is amended to
6 read as follows:

7 Sec. 26.005. ACCESS TO STATE ASSESSMENTS AND ASSESSMENT
8 RESULTS. (a) Except as provided by Section 39.023(e), a parent is
9 entitled to access to a copy of each state assessment instrument
10 administered under Section 39.023 to the parent's child.

11 (b) The agency shall make available to a parent the results
12 of each state assessment instrument administered under Section
13 39.023 to the parent's child. The results must be accessible by one
14 click from the home page of an Internet website maintained by the
15 agency. Identifying information that is necessary to access a
16 child's results must:

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

21 SECTION 4. Section 28.0211(a-8), Education Code, is amended
22 to read as follows:

23 (a-8) A school district may not be required to provide
24 supplemental instruction under Subsection (a-1)(2) to a student in
25 more than two subject areas per school year. If the district would
26 otherwise be required to provide supplemental instruction to a
27 student in more than two subject areas for a school year, the

1 district shall prioritize providing supplemental instruction to
2 the student in mathematics and reading language arts [~~, or Algebra~~
3 ~~I, English I, or English II, as applicable,~~] for that school year.

4 SECTION 5. Section 29.056(g), Education Code, is amended to
5 read as follows:

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

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

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

23 (3) agency-approved norm-referenced or
24 criterion-referenced tests and the results of a subjective teacher
25 evaluation.

26 SECTION 6. Section 29.1543, Education Code, is amended to
27 read as follows:

1 Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall
2 produce and make available to the public on the agency's Internet
3 website annual district and campus-level reports containing
4 information from the previous school year on early education in
5 school districts and open-enrollment charter schools. A report
6 under this section must contain:

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

10 (2) a description of the diagnostic reading
11 instruments administered in accordance with Section 28.006(c) or
12 (c-2);

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

16 (4) the number of students whose scores from a
17 diagnostic reading instrument administered in accordance with
18 Section 28.006(c) or (c-2) indicate reading proficiency;

19 (5) the number of kindergarten students who were
20 enrolled in a prekindergarten program in the previous school year
21 in the same district or school as the district or school in which
22 the student attends kindergarten;

23 (6) the number and percentage of students who perform
24 satisfactorily on the third grade reading language arts or
25 mathematics assessment instrument administered under Section
26 39.023, disaggregated by whether the student was eligible for free
27 prekindergarten under Section 29.153;

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

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

(B) whether the student attended prekindergarten in the district; and

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

(8) the information described by Subdivisions (6) and (7) disaggregated by whether the student is educationally disadvantaged.

SECTION 7. Section 39.022, Education Code, is amended to read as follows:

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

(1) provides for progress monitoring;
(2) is balanced, innovative, and streamlined; and
(3) is knowledge- and skills-based [to ensure school accountability for student achievement that achieves the goals provided under Section 4.002].

(b) The primary objective of an instructionally supportive assessment program created and implemented under this section is to

1 benefit the students of this state.

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

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

9 (1) provide information regarding student academic
10 achievement and learning progress to:

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

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

16 (C) education researchers for the purpose of
17 comparing student academic achievement and learning progress data
18 at the national and statewide levels; and

19 (D) the public for the purpose of allowing the
20 public to assess the costs and benefits of using public money for
21 the assessment program;

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

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

1 management;

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

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

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

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

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

16 SECTION 8. Section 39.023, Education Code, is amended by
17 amending Subsections (a), (a-1), (a-2), (a-3), (a-11), (a-12),
18 (a-13), (b), (b-1), (c), (c-1), (c-8), (g), (h), and (n) and adding
19 Subsections (a-5), (a-10), (o-1), (q), and (r) to read as follows:

20 (a) In creating and implementing the instructionally
21 supportive assessment program under Section 39.022, the [The]
22 agency shall adopt nationally norm-referenced [or—develop
23 ~~appropriate criterion-referenced]~~ assessment instruments that are
24 capable of being administered at the beginning, middle, and end of
25 the school year and designed to assess essential knowledge and
26 skills in reading language arts, mathematics, [social studies,] and
27 science. Except as provided by Subsection (a-2), all students,

other than students assessed under Subsection (b) or (1) or exempted under Section 39.027, shall be assessed in:

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

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

(3) ~~[social studies, in grade eight,~~
~~[(4)]~~ science, in grades five and eight; and

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

(a-1) An ~~[The agency shall develop]~~ assessment instrument adopted ~~[instruments required]~~ under Subsection (a) must provide for the assessment of students in a manner that ~~[allows, to the extent practicable]~~:

(1) ensures the score a student receives provides ~~[to provide]~~ reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; ~~[and]~~

(2) allows for an appropriate range of performances to serve as a valid indication of growth in student achievement;

(3) focuses primarily on supporting excellent instruction, while also providing essential summative information that fulfills applicable federal requirements;

(4) 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 the agency in coordination with the

advisory committees established under Section 39.02302;

(5) does not require a student to complete a separate, standalone essay or extended constructed response component;

(6) for a reading language arts assessment, assesses writing skills through questions integrated within the context of the overall assessment;

(7) is adaptive to each student-appropriate measurement of individual student performance and growth;

(8) provides, not later than 24 hours after the date the assessment instrument is administered, detailed diagnostic reports of individual student results that include recommendations based on a student's performance on the assessment instrument for teachers and parents regarding practical and useful instructional strategies to better meet the individual needs of the student;

(9) for a beginning-of-year or middle-of-year assessment instrument, includes instructional growth projections for individual students based on each student's results; and

(10) for an end-of-year assessment:

(A) measures student performance in relation to state curriculum standards and a student's annual through-year instructional growth;

(B) fulfills the state's public school accountability plan for purposes of satisfying federal public school accountability requirements;

(C) provides valid, reliable, and useful results; and

(D) complies with applicable peer review

1 requirements under federal law.

2 (a-2) Except as required by federal law, a student is not
3 required to be assessed in a subject otherwise assessed at the
4 student's grade level under Subsection (a) if the student:

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

10 (2) is enrolled in a course in the subject for which
11 the student will receive high school academic credit and will be
12 administered an end-of-course assessment instrument adopted under
13 Subsection (c) for the course.

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

20 (a-5) The agency shall annually review and validate the
21 readability of each item on an assessment instrument adopted under
22 Subsection (a) to confirm alignment of the item with grade-level
23 expectations and ensure that the item accurately measures student
24 mastery of essential knowledge and skills without introducing undue
25 complexity that is not related to the assessed standard.

26 (a-10) An assessment instrument adopted under Subsection
27 (a) must be administered as closely as possible to the following

1 schedule:

2 (1) for a beginning-of-year assessment instrument,
3 between October 1 and October 31;

4 (2) for a middle-of-year assessment instrument,
5 between January 13 and February 21; and

6 (3) for an end-of-year assessment instrument, between
7 May 15 and May 30.

8 (a-11) Before an assessment instrument adopted [~~or~~
9 ~~developed~~] under Subsection (a) may be administered under that
10 subsection, the assessment instrument must, on the basis of
11 empirical evidence, be determined to be valid and reliable by an
12 entity that is independent of the agency and of any other entity
13 that developed the assessment instrument.

14 (a-12) An assessment instrument adopted [~~or developed~~]
15 under Subsection (a) must be designed to minimize the impact on
16 student instructional time [~~may not have more than three parts. A~~
17 ~~part of an assessment instrument must be designed~~] so that:

18 (1) for a beginning-of-year or middle-of-year
19 assessment instrument [~~if~~] administered to students in grades three
20 and four, 85 percent of students are expected [~~will be able~~] to
21 complete the assessment instrument [~~that part~~] within 60 minutes;
22 [~~and~~]

23 (2) for a beginning-of-year or middle-of-year
24 assessment instrument [~~if~~] administered to students in grades five
25 through eight, 85 percent of students are expected [~~will be able~~] to
26 complete the assessment instrument [~~that part~~] within 75 minutes;
27 and

1 (3) for an end-of-year assessment instrument
2 administered to students in grades three through eight, 85 percent
3 of students are expected to complete the assessment instrument
4 within 90 minutes.

5 (a-13) The amount of time allowed for administration of an
6 assessment instrument in reading language arts, mathematics, or
7 science adopted ~~[or developed]~~ under Subsection (a) may not exceed
8 six ~~[eight]~~ hours, and the administration may occur in multiple
9 parts over more than one day.

10 (b) The agency shall ~~[develop or]~~ adopt appropriate
11 nationally norm-referenced ~~[criterion-referenced]~~ alternative
12 assessment instruments to be administered to each student in a
13 special education program under Subchapter A, Chapter 29, for whom
14 an assessment instrument adopted under Subsection (a), even with
15 allowable accommodations, would not provide an appropriate measure
16 of student achievement, as determined by the student's admission,
17 review, and dismissal committee~~[, including assessment instruments~~
18 ~~approved by the commissioner that measure growth]~~. The assessment
19 instruments ~~[developed or]~~ adopted under this subsection~~[,~~
20 ~~including the assessment instruments approved by the~~
21 ~~commissioner,~~ must, to the extent allowed under federal law,
22 provide a district with options for the assessment of students
23 under this subsection. The agency may not adopt a performance
24 standard that indicates that a student's performance on the
25 alternate assessment does not meet standards if the lowest level of
26 the assessment accurately represents the student's developmental
27 level as determined by the student's admission, review, and

1 dismissal committee.

2 (b-1) The agency, in conjunction with appropriate
3 interested persons, shall redevelop assessment instruments adopted
4 ~~[or developed]~~ under Subsection (b) for administration to
5 significantly cognitively disabled students in a manner consistent
6 with federal law. An assessment instrument under this subsection
7 may not require a teacher to prepare tasks or materials for a
8 student who will be administered such an assessment instrument. A
9 classroom portfolio method used to assess writing performance may
10 require a teacher to prepare tasks and materials.

11 (c) The agency shall also adopt end-of-course assessment
12 instruments for secondary-level courses in reading language arts,
13 mathematics, and science, for the purpose of complying with the
14 Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.), to be
15 administered only as necessary to meet the minimum requirements of
16 that law ~~[Algebra I, biology, English I, English II, and United~~
17 ~~States history. The Algebra I end-of-course assessment instrument~~
18 ~~must be administered with the aid of technology, but may include one~~
19 ~~or more parts that prohibit the use of technology. The English I and~~
20 ~~English II end-of-course assessment instruments must each assess~~
21 ~~essential knowledge and skills in both reading and writing and must~~
22 ~~provide a single score]~~. A school district shall comply with State
23 Board of Education rules regarding administration of the assessment
24 instruments listed in this subsection. If a student is in a special
25 education program under Subchapter A, Chapter 29, the student's
26 admission, review, and dismissal committee shall determine whether
27 any allowable modification is necessary in administering to the

1 student an assessment instrument required under this subsection.
2 The State Board of Education shall administer the assessment
3 instruments. An end-of-course assessment instrument may be
4 administered in multiple parts over more than one day. The State
5 Board of Education shall adopt a schedule for the administration of
6 end-of-course assessment instruments that complies with the
7 requirements of Subsection (c-3).

8 (c-1) An ~~[The agency shall develop any]~~ assessment
9 instrument adopted by the agency ~~[required]~~ under this section must
10 allow ~~[in a manner that allows]~~ for the measurement of annual
11 improvement in student achievement as required by Sections
12 [39.034](#)(c) and (d).

13 (c-8) Not ~~[Beginning with the 2022-2023 school year, not]~~
14 more than 25 ~~[75]~~ percent of the available points on an assessment
15 instrument adopted ~~[developed]~~ under Subsection (a) or (c) may be
16 attributable to questions presented as technology-enhanced or
17 constructed-response items ~~[in a multiple choice format]~~.

18 (g) The State Board of Education may adopt one appropriate,
19 nationally recognized, norm-referenced assessment instrument in
20 reading language arts and mathematics to be administered to a
21 selected sample of students in the spring. If adopted, a
22 norm-referenced assessment instrument must be a secured test. The
23 state may pay the costs of purchasing and scoring the adopted
24 assessment instrument and of distributing the results of the
25 adopted instrument to the school districts. A district that
26 administers the norm-referenced test adopted under this subsection
27 shall report the results to the agency in a manner prescribed by the

1 commissioner.

2 (h) The agency shall notify school districts and campuses of
3 the results of end-of-year and end-of-course assessment
4 instruments administered under this section and preliminary
5 academic accountability ratings assigned to the district and campus
6 by the agency based on those results not later than the 14th ~~[21st]~~
7 day after the date the applicable end-of-year or end-of-course
8 assessment instrument is administered. The school district shall
9 disclose to each district teacher the results of assessment
10 instruments administered to students taught by the teacher in the
11 subject for the school year in which the assessment instrument is
12 administered.

13 (n) This subsection applies only to a student who is
14 determined to have dyslexia or a related disorder and who is an
15 individual with a disability under 29 U.S.C. Section 705(20) and
16 its subsequent amendments. The agency shall adopt ~~[or develop]~~
17 appropriate norm-referenced ~~[criterion-referenced]~~ assessment
18 instruments designed to assess the ability of and to be
19 administered to each student to whom this subsection applies for
20 whom the assessment instruments adopted under Subsection (a), even
21 with allowable modifications, would not provide an appropriate
22 measure of student achievement, as determined by the committee
23 established by the board of trustees of the district to determine
24 the placement of students with dyslexia or related disorders. The
25 committee shall determine whether any allowable modification is
26 necessary in administering to a student an assessment instrument
27 required under this subsection. The assessment instruments

required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).

(o-1) The agency shall adopt the following optional assessment instruments that a school district or open-enrollment charter school may elect to administer:

(1) an assessment instrument in social studies for students in grade eight; and

(2) an end-of-course assessment instrument for United States history.

(q) If there is a conflict between this section and a federal law or regulation, including the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.), the agency shall seek a waiver from the application of the conflicting federal law or regulation.

(r) Notwithstanding any provision of this section or other law, if changes to federal law or regulations, including the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.), reduce the number or frequency of assessment instruments required to be administered to students, the State Board of Education shall adopt rules reducing the number or frequency of assessment instruments required to be administered to students under state law, and the agency shall 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.

SECTION 9. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02301 to read as follows:

Sec. 39.02301. OPTIONAL USE OF WRITING PORTFOLIO

1 ASSESSMENT. (a) A school district may elect to use a writing
2 portfolio assessment to assess writing performance for students
3 enrolled in the district as an alternative to administering a
4 portion of a reading language arts assessment instrument under
5 Section 39.023(a) or reading language arts end-of-course
6 assessment instrument under Section 39.023(c) that is not presented
7 in a multiple choice format.

8 (b) A school district that elects to use a writing portfolio
9 assessment under this section shall design the assessment in
10 consultation with a public or private institution of higher
11 education and submit the assessment to the agency for approval. The
12 agency shall approve the assessment if the assessment is:

13 (1) determined by the public or private institution of
14 higher education that consulted on the design of the assessment to
15 be valid and reliable; and

16 (2) designed to assess:

17 (A) a student's mastery of the essential
18 knowledge and skills in writing through timed writing samples;

19 (B) improvement of a student's writing skills
20 from the beginning of the school year to the end of the school year;

21 (C) a student's ability to follow the writing
22 process from rough draft to final product; and

23 (D) a student's ability to produce more than one
24 type of writing style.

25 (c) A school district that elects to use a writing portfolio
26 assessment under this section may adopt a policy allowing the
27 assessment to be scored by a classroom teacher assigned to the same

1 campus as the student to whom the assessment is administered. The
2 district may coordinate with the regional education service center
3 for the district's region in grading the assessments.

4 (d) A school district that elects to use a writing portfolio
5 assessment under this section is not required to administer the
6 portion of a reading language arts assessment instrument under
7 Section 39.023(a) or reading language arts end-of-course
8 assessment instrument under Section 39.023(c) that is not presented
9 in a multiple choice format during the period the district is
10 administering the writing portfolio assessment. The agency shall,
11 to the greatest extent practicable, apply cost savings that result
12 from the exemption under this subsection to offset the costs
13 accrued under this section.

14 (e) The commissioner shall adopt rules as necessary to
15 implement this section.

16 SECTION 10. Section 39.0237, Education Code, is amended to
17 read as follows:

18 Sec. 39.0237. CONSIDERATION OF PREKINDERGARTEN THROUGH
19 SECOND GRADE ASSESSMENT INSTRUMENTS PROHIBITED. Performance on an
20 assessment instrument administered to students in prekindergarten,
21 kindergarten, first grade, or second grade may not be considered
22 for any purpose under this chapter or Chapter 39A.

23 SECTION 11. Sections 39.025(a-1) and (a-3), Education Code,
24 are amended to read as follows:

25 (a-1) A student enrolled in a college preparatory
26 mathematics or English language arts course under Section 28.014
27 who satisfies the Texas Success Initiative (TSI) college readiness

1 benchmarks prescribed by the Texas Higher Education Coordinating
2 Board under Section 51.334 on an assessment instrument designated
3 by the coordinating board under that section administered at the
4 end of the college preparatory mathematics or English language arts
5 course satisfies the requirements concerning and is exempt from the
6 administration of the applicable mathematics or reading language
7 arts [~~Algebra I or the English I and English II~~] end-of-course
8 assessment instruments[, ~~as applicable,~~] as prescribed by Section
9 39.023(c), even if the student did not perform satisfactorily on a
10 previous administration of the applicable end-of-course assessment
11 instrument. A student who fails to perform satisfactorily on the
12 assessment instrument designated by the coordinating board under
13 Section 51.334 administered as provided by this subsection may
14 retake that assessment instrument for purposes of this subsection
15 or may take the appropriate end-of-course assessment instrument.

16 (a-3) A student who, after retaking an end-of-course
17 assessment instrument for mathematics or reading language arts
18 [~~Algebra I or English II~~], has failed to perform satisfactorily as
19 required by Subsection (a), but who receives a score of proficient
20 on the Texas Success Initiative (TSI) diagnostic assessment for the
21 corresponding subject for which the student failed to perform
22 satisfactorily on the end-of-course assessment instrument
23 satisfies the requirement concerning the mathematics or reading
24 language arts [~~Algebra I or English II~~] end-of-course assessment,
25 as applicable.

26 SECTION 12. Section 39.027(e), Education Code, is amended
27 to read as follows:

(e) The commissioner shall adopt a norm-referenced ~~[develop~~
~~an]~~ assessment system that shall be used for evaluating the
academic progress, including reading proficiency in English, of all
emergent bilingual students, as defined by Section 29.052. A
student who is exempt from the administration of an assessment
instrument under Subsection (a)(1) or (2) who achieves reading
proficiency in English as determined by the assessment system
adopted ~~[developed]~~ under this subsection shall be administered the
assessment instruments described by Sections 39.023(a) and (c).
The performance under the assessment system adopted ~~[developed]~~
under this subsection of students to whom Subsection (a)(1) or (2)
applies shall be included in the indicator systems under Section
39.301, as applicable, the performance report under Section 39.306,
and the comprehensive biennial report under Section 39.332. This
information shall be provided in a manner that is disaggregated by
the bilingual education or special language program, if any, in
which the student is enrolled.

SECTION 13. Section 39.028, Education Code, is amended to
read as follows:

Sec. 39.028. COMPARISON OF STATE RESULTS TO NATIONAL
RESULTS. The state assessment program shall obtain nationally
comparative results for the subject areas and grade levels for
which norm-referenced or criterion-referenced assessment
instruments are adopted under Section 39.023.

SECTION 14. Subchapter C, Chapter 39, Education Code, is
amended by adding Sections 39.0511 and 39.0521 to read as follows:

Sec. 39.0511. WAIVER REQUEST FOR CERTAIN FEDERAL

1 ACCOUNTABILITY-RELATED REQUIREMENTS. (a) This section applies to
2 a school district campus in which at least 90 percent of the
3 students receive special education services under Subchapter A,
4 Chapter 29.

5 (b) Not later than January 1, 2026, the commissioner shall
6 apply to the United States Department of Education for a waiver of
7 requirements under the Every Student Succeeds Act (20 U.S.C.
8 Section 6301 et seq.) related to the rate of participation in the
9 assessment program and high school graduation rates for each school
10 district campus to which this section applies.

11 (c) This section expires September 1, 2027.

12 Sec. 39.0521. ASSIGNMENT OF PERFORMANCE RATINGS FOR
13 2025-2026 SCHOOL YEAR. (a) Notwithstanding any other law, a
14 reference in this title to the overall performance rating assigned
15 to a district or campus under Section 39.054(a) or to a domain
16 performance rating assigned to a district or campus under that
17 subsection for the 2025-2026 school year means the higher of:

18 (1) the overall performance rating or the applicable
19 domain performance rating the school district or campus received
20 for the 2024-2025 school year; or

21 (2) the overall performance rating or the applicable
22 domain performance rating the school district or campus received
23 for the 2025-2026 school year.

24 (b) This section expires August 31, 2026.

25 SECTION 15. Section 39.053, Education Code, is amended by
26 amending Subsections (a), (c), and (f) and adding Subsections
27 (c-4), (c-5), and (f-1) to read as follows:

1 (a) The commissioner shall adopt rules as necessary to
2 implement this section [~~a set of indicators of the quality of~~
3 ~~learning and achievement, including the indicators under~~
4 ~~Subsection (c)]~~. The commissioner may not modify [~~periodically~~
5 ~~shall review~~] the domains or performance indicators adopted under
6 this subchapter unless the legislature provides written approval
7 for the modification [~~for the consideration of appropriate~~
8 ~~revisions~~].

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

12 (1) in the student achievement domain, indicators of
13 student achievement that must include:

14 (A) for evaluating the performance of districts
15 and campuses generally:

16 (i) an indicator that accounts for the
17 results of assessment instruments required under Sections
18 [39.023](#)(a), (c), and (1), as applicable for the district and campus,
19 including the results of assessment instruments required for
20 graduation retaken by a student, aggregated across grade levels by
21 subject area, including:

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

27 (b) for the college readiness

1 performance standard as determined under Section 39.0241, the
2 percentage of students who performed satisfactorily on the
3 assessment instruments, aggregated across grade levels by subject
4 area; and

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

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

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

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

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

25 (iv) students who demonstrate military
26 readiness:

27 (a) through verified enlistment

1 ~~[enlist]~~ in the armed forces of the United States or the Texas
2 National Guard;

3 (b) by achieving a passing score, as
4 determined by the commissioner, on the Armed Services Vocational
5 Aptitude Battery test; or

6 (c) by successfully completing a
7 Junior Reserve Officer Training Corps program;

8 (v) students who earn industry
9 certifications;

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

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

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

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

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

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

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

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

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

(A) for assessment instruments, including assessment instruments under Subdivisions (1)(A)(i) and (ii), the percentage of students who met the standard for annual through-year instructional growth or improvement in reading language arts, mathematics, and science, as determined by the commissioner; and

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

(3) in the closing the gaps domain, the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups and [7] socioeconomic backgrounds [~~and other factors, including:~~

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

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

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

(c-4) In addition to the indicators adopted under

Subsection (c), not later than the July 1 immediately preceding the school year for which the district requests consideration of an indicator described by this subsection, a school district may submit a request to the agency to consider in the student achievement domain or the school progress domain, as provided by Section 39.054(a-1)(2), 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:

(1) 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 Section 39.0533, as that section existed immediately before September 1, 2023;

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

(3) 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 established under Sections 21.4552 and 21.4553;

(4) 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 under Section 48.106; and

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

4 (c-5) Not later than September 1 following the date a school
5 district submits a request under Subsection (c-4), the commissioner
6 shall notify the district regarding the commissioner's decision to
7 approve or deny the request.

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

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

21 (2) ensuring ~~[to ensure]~~ this state ranks nationally
22 ~~[is a national leader]~~ in the top five states in preparing students
23 for postsecondary success in comparison to states with similar
24 student demographics and public education enrollment rates.

25 (f-1) The commissioner may increase the scores needed to
26 achieve performance standards on indicators adopted under this
27 subchapter only every fifth school year. The commissioner shall

1 notify each school district of an increase in score under this
2 subsection not later than two school years before the school year in
3 which the agency intends to evaluate the performance of school
4 districts and campuses under that increased score.

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

7 Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) The
8 agency, Texas Higher Education Coordinating Board, and Texas
9 Workforce Commission shall jointly develop and make available a
10 list of industry certifications that are eligible for purposes of
11 Section 39.053(c)(1)(B)(v). In developing the list, the agencies
12 shall:

13 (1) adhere to the requirements for inclusion in the
14 credential library established under Section 2308A.007, Government
15 Code; and

16 (2) consider the inventory of industry-recognized
17 certifications developed under Section 312.003, Labor Code.

18 (b) The industry certifications included in the list under
19 Subsection (a) must:

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

23 (2) allow students to demonstrate mastery of the
24 skills required for occupations within an approved program of
25 study; and

26 (3) be obtained through an assessment of the knowledge
27 and skills provided by or determined by an independent, third-party

1 certifying entity using predetermined standards for knowledge,
2 skills, and competencies.

3 (c) The agency, Texas Higher Education Coordinating Board,
4 and Texas Workforce Commission shall regularly review and, if
5 necessary, update the eligibility of industry certifications under
6 Subsection (a), including whether the programs of study for those
7 certifications still meet the requirements under that subsection:

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

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

12 (d) If, after reviewing an industry certification under
13 Subsection (c), the agency, Texas Higher Education Coordinating
14 Board, and Texas Workforce Commission jointly determine the
15 certification is no longer eligible for purposes of Section
16 39.053(c)(1)(B)(v) and should be removed from the list maintained
17 under Subsection (a), the agencies shall, to the extent
18 practicable, post on the agencies' respective Internet websites
19 information regarding the removal of the certification not later
20 than two years before the date the agencies intend to remove the
21 certification from the list.

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

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

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

6 SECTION 17. Section 39.054, Education Code, is amended by
7 amending Subsections (a-1) and (b) and adding Subsections (f) and
8 (g) to read as follows:

9 (a-1) For purposes of assigning an overall performance
10 rating for a district or campus under Subsection (a), the
11 commissioner shall:

12 (1) consider either the district's or campus's
13 performance rating under the student achievement domain under
14 Section 39.053(c)(1) or the school progress domain under Section
15 39.053(c)(2), whichever performance rating is higher, unless the
16 district or campus received a performance rating of F in either
17 domain, in which case the district or campus may not be assigned a
18 performance rating higher than a B for the composite for the two
19 domains; ~~and~~

20 (2) for campuses that serve students in
21 prekindergarten through eighth grade, attribute not less than 10
22 percent of the performance rating under the student achievement
23 domain under Section 39.053(c)(1) or the school progress domain
24 under Section 39.053(c)(2), whichever performance rating is
25 higher, to the student engagement and workforce development
26 indicators described by Section 39.053(c-4) and approved by the
27 commissioner under Section 39.053(c-5);

1 (3) attribute not ~~more~~ [less] than five [30] percent
2 of the performance rating to the closing the gaps domain under
3 Section 39.053(c)(3);

4 (4) for campuses that serve grades three through
5 eight:

6 (A) attribute not less than 50 percent of the
7 domain performance rating for the student achievement domain under
8 Section 39.053(c)(1) to the indicators adopted under Section
9 39.053(c)(1)(A);

10 (B) attribute 100 percent of the score for the
11 indicators adopted under Section 39.053(c)(1)(A) to student
12 performance on end-of-year assessment instruments and may not
13 consider the results of beginning-of-year and middle-of-year
14 assessment instruments when scoring those indicators; and

15 (C) attribute 100 percent of the score for the
16 indicator adopted under Section 39.053(c)(2)(A) to student
17 performance on annual through-year instructional growth in
18 assigning the domain performance rating for the school progress
19 domain under Section 39.053(c)(2); and

20 (5) for campuses that serve grades 9 through 12, for
21 the student achievement domain under Section 39.053(c)(1),
22 attribute not more than:

23 (A) 40 percent of the domain performance rating
24 to the indicators adopted under Section 39.053(c)(1)(A);

25 (B) 40 percent of the domain performance rating
26 to the college, career, and military readiness indicators adopted
27 under Section 39.053(c)(1)(B); and

1 (C) 20 percent of the domain performance rating
2 to graduation rates.

3 (b) For purposes of assigning school districts and campuses
4 an overall and a domain performance rating under Subsection (a),
5 the commissioner shall ensure that:

6 (1) if the agency adds or removes an assessment
7 instrument on which student performance is evaluated for the
8 purpose of assigning district and campus performance ratings or
9 makes significant revisions to the state's assessment program, the
10 agency shall review, adjust, and recalculate the cut scores and
11 standards used in evaluating district and campus performance to
12 ensure fairness and consistency in the assignment of district and
13 campus performance ratings;

14 (2) the overall performance rating and each domain
15 performance rating an elementary school, middle or junior high
16 school, or high school campus receives has minimal or no
17 statistical correlation to the percentage of educationally
18 disadvantaged students enrolled at the campus in order to identify
19 effective campuses regardless of student family income;

20 (3) any changes made to the college, career, or
21 military readiness indicators adopted under Section
22 39.053(c)(1)(B) or to the methodology that relies on data from
23 those indicators for the preceding school year take effect
24 beginning with students entering ninth grade in the school year
25 immediately following the change, regardless of whether the change
26 was made statutorily or by commissioner rule;

27 (4) a campus that is in the first year of operation,

1 that is assigned a new campus identification number, or that is
2 significantly impacted by demographic shifts due to rezoning,
3 closure, or consolidation is not evaluated in the closing the gaps
4 domain under Section 39.053(c)(3) for the first year following the
5 applicable event; and

6 (5) the method used to evaluate performance is
7 implemented in a manner that provides the mathematical possibility
8 that all districts and campuses receive an A rating.

9 (f) If the provisions of the Every Student Succeeds Act (20
10 U.S.C. Section 6301 et seq.) regarding public school accountability
11 and assessment requirements are repealed or otherwise no longer
12 have effect, the commissioner shall reallocate any percentage of
13 the overall performance ratings attributable to the indicators
14 adopted under Section 39.053(c)(3) to the student engagement and
15 workforce development indicators described by Section 39.053(c-4),
16 if applicable.

17 (g) If the agency fails to assign a performance rating to a
18 school district or campus before the deadline established by
19 Subsection (a-3), the district or campus shall be automatically
20 reissued the performance rating assigned to the district or campus
21 for the preceding school year. A performance rating assigned under
22 this subsection remains in effect for all official purposes,
23 including any interventions or sanctions under Chapter 39A, until
24 the agency assigns the district or campus a new rating.

25 SECTION 18. Section 39.0541, Education Code, is amended to
26 read as follows:

27 Sec. 39.0541. ADOPTION OF [~~INDICATORS AND~~] STANDARDS. (a)

1 The commissioner shall ~~[may]~~ adopt performance ~~[indicators and]~~
2 standards under Sections 39.0241 and 39.053(f) not later than the
3 July 15 immediately preceding the school year for which the
4 commissioner intends to assign school district and campus
5 performance ratings under Section 39.054 based on those standards.
6 If the commissioner does not adopt performance standards by the
7 date required under this subsection for a school year, district and
8 campus performance ratings for that school year shall be based on
9 the performance standards in effect for the preceding school year
10 ~~[this subchapter at any time during a school year before the~~
11 ~~evaluation of a school district or campus].~~

12 (b) The commissioner may modify the standards, methods,
13 measures, or procedures used to evaluate school districts and
14 campuses and assign performance ratings on or after the date
15 described by Subsection (a) only with the express approval of the
16 legislature.

17 SECTION 19. Section 39.0542(a), Education Code, is amended
18 to read as follows:

19 (a) Not later than July 15 of each ~~[Each school]~~ year, the
20 commissioner shall provide each school district a document in a
21 simple, accessible format that explains the accountability
22 performance standards adopted under Sections 39.0241 and 39.053(f)
23 for the following school year and the measures, methods, and
24 procedures that will be applied for that school year in assigning
25 each school district and campus a performance rating under Section
26 39.054.

27 SECTION 20. Section 39.0544, Education Code, is amended by

1 adding Subsections (f) and (g) to read as follows:

2 (f) From money appropriated or otherwise available for the
3 purpose, the agency shall establish a grant program to assist at
4 least one school district in each education service center region
5 in developing a local accountability plan that complies with the
6 requirements of this section.

7 (g) The commissioner may adopt rules as necessary to
8 implement this section, including rules applying to a school
9 district applying for a grant under Subsection (f). If the
10 commissioner awards a grant to a district and has not adopted rules
11 applying to the district, the district may select and collaborate
12 with a third-party organization with expertise in assessment and
13 accountability to develop a local accountability plan.

14 SECTION 21. Subchapter F, Chapter 39, Education Code, is
15 amended by adding Section 39.152 to read as follows:

16 Sec. 39.152. LIMITATION ON ACTIONS CHALLENGING CERTAIN
17 AGENCY DECISIONS; EXPEDITED APPEALS. (a) A school district or
18 open-enrollment charter school may bring an action challenging a
19 decision that is made by the agency under this chapter and that is
20 based on the lawful exercise of discretion granted to the agency by
21 the legislature only if the district's or school's petition alleges
22 the agency's decision is unconstitutional, arbitrary, capricious,
23 or without lawful authority.

24 (b) In an action brought by a school district or
25 open-enrollment charter school described by Subsection (a), a trial
26 court shall expedite the action and render a final order or judgment
27 not later than the 60th day after the date each defendant has filed

1 an answer or other pleading responsive to the petition. The trial
2 court may extend the time period within which the court must render
3 a final order or judgment under this subsection by not more than 30
4 additional days for good cause. The trial court may set deadlines
5 for discovery, briefing, trial, and all other proceedings necessary
6 to render a final order or judgment in accordance with this
7 subsection.

8 (c) If a final order or judgment described by Subsection (b)
9 is appealed, the appellate court shall expedite the appeal and
10 render a final order or judgment not later than the 60th day after
11 the date the appeal is filed. The appellate court may extend the
12 time period within which the court must render a final order or
13 judgment under this subsection by not more than 30 additional days
14 for good cause. The appellate court may set deadlines for briefing,
15 oral argument, and all other proceedings necessary to render a
16 final order or judgment in accordance with this subsection.

17 (d) A court may grant any appropriate relief to a prevailing
18 party in an action brought by a school district or open-enrollment
19 charter school described by Subsection (a).

20 SECTION 22. Section 39.203(c), Education Code, is amended
21 to read as follows:

22 (c) In addition to the distinction designations described
23 by Subsections (a) and (b), a campus that satisfies the criteria
24 developed under Section 39.204 shall be awarded a distinction
25 designation by the commissioner for outstanding performance in
26 academic achievement in reading [~~English~~] language arts,
27 mathematics, or science[~~, or social studies~~].

SECTION 23. Section 39A.064(a), Education Code, is amended to read as follows:

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

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

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

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

SECTION 24. Subchapter C, Chapter 39A, Education Code, is amended by adding Section 39A.1111 to read as follows:

Sec. 39A.1111. GRACE PERIOD FOR CERTAIN CAMPUSES. (a) Notwithstanding Section 39A.111, the commissioner may not take action under that section against a campus ordered to prepare and submit a campus turnaround plan under Section 39A.101 during the 2024-2025 school year until the second anniversary of the date on which the campus implements a campus turnaround plan.

(b) This section expires September 1, 2031.

SECTION 25. Section 2308A.007, Government Code, is amended to read as follows:

Sec. 2308A.007. CREDENTIAL LIBRARY. (a) The coordinating board and the commission jointly shall [~~may~~] establish a publicly

1 accessible web-based library of credentials, such as diplomas,
2 certificates, certifications, digital badges, apprenticeships,
3 licenses, or degrees, that are:

4 (1) delivered, issued, funded, or governed by the
5 state;

6 (2) aligned with recognized skills and industry
7 standards;

8 (3) available to residents of the state; and

9 (4) used by employers in the state.

10 (a-1) The [A] credential library established under this
11 section must:

12 (1) include:

13 (A) the information included in the electronic
14 tools or platforms developed by the coordinating board under
15 Section 61.09022(a), Education Code; and

16 (B) the list of industry certifications
17 developed under Section 39.0531, Education Code; and

18 (2) ensure data interoperability between relevant
19 state agencies.

20 (b) The coordinating board and the commission jointly shall
21 ~~[may]~~ designate a host agency to contract with an experienced and
22 recognized third-party vendor ~~[or operating entity]~~ for the [a]
23 credential library established under this section.

24 (c) In establishing the [a] credential library under this
25 section, the coordinating board and the commission shall solicit
26 input from the agency and relevant stakeholders.

27 SECTION 26. Section 39.023(c-9), Education Code, is

1 repealed.

2 SECTION 27. Section 39.152, Education Code, as added by
3 this Act, applies to an action filed on or after September 1, 2025.
4 An action filed before September 1, 2025, is governed by the law in
5 effect on the date the action was filed, and the former law is
6 continued in effect for that purpose.

7 SECTION 28. Except as otherwise provided by this Act, this
8 Act applies beginning with the 2025-2026 school year.

9 SECTION 29. 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.