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<p>SECTION 1. Section 11.185(b), Education Code, is amended to read as follows:</p> <p>(b) Each plan adopted under Subsection (a) must:</p> <p>(1) identify annual goals for students in each group evaluated under the closing the gaps domain under Section 39.053(c)(3);</p> <p>(2) include annual goals for aggregate student growth on the third grade reading <u>language arts</u> or mathematics assessment instrument, as applicable, administered under Section 39.023 or on an alternative assessment instrument determined by the board of trustees;</p> <p>(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;</p> <p>(4) assign at least one district-level administrator or employee of the regional education service center for the district's region to:</p> <p>(A) coordinate implementation of the plan; and</p> <p>(B) submit an annual report to the board of trustees on the district's progress toward the goals set under the plan; and</p> <p>(5) be reviewed annually by the board of trustees at a public meeting.</p>	<p>No equivalent provision.</p>	
<p>SECTION 2. Section 21.4552(c), Education Code, is amended to read as follows:</p> <p>(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:</p> <p>(1) require a teacher to attend a literacy achievement academy if the teacher provides instruction in reading, mathematics,</p>	<p>No equivalent provision.</p>	

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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

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

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

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

(b) The agency shall make available to a parent the results of their child's state assessment tests by no more than one click from an Internet website maintained by the agency. Student identifying information needed to access assessment information must meet agency security protocols, be unique to the student, and be in control of a parent or guardian without the need to secure additional information from any third party.

No equivalent provision.

SECTION 4. Section 28.0211(a-8), Education Code, is

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amended to read as follows:

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

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

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

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

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

(3) agency-approved norm-referenced or criterion-referenced

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tests and the results of a subjective teacher evaluation.

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

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

- (1) the information required by Section 29.1532(c) to be reported through the Public Education Information Management System (PEIMS);
- (2) a description of the diagnostic reading instruments administered in accordance with Section 28.006(c) or (c-2);
- (3) the number of students who were administered a diagnostic reading instrument administered in accordance with Section 28.006(c) or (c-2);
- (4) the number of students whose scores from a diagnostic reading instrument administered in accordance with Section 28.006(c) or (c-2) indicate reading proficiency;
- (5) the number of kindergarten students who were enrolled in a prekindergarten program in the previous school year in the same district or school as the district or school in which the student attends kindergarten;
- (6) the number and percentage of students who perform satisfactorily on the third grade reading language arts or mathematics assessment instrument administered under Section 39.023, disaggregated by whether the student was eligible for free prekindergarten under Section 29.153;
- (7) the number of students described by Subdivision (6) who

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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.

No equivalent provision.

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

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

- (1) a prohibition on conduct that constitutes a criminal offense;
- (2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or
- (3) a requirement, restriction, or prohibition relating to:
 - (A) essential knowledge or skills under Section 28.002 or high school graduation requirements under Section 28.025;
 - (B) public school accountability as provided by Subchapters B, C, D, and J, Chapter 39, and Chapter 39A;
 - (C) extracurricular activities under Section 33.081 [~~or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812~~];
 - (D) health and safety under Chapter 38;

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	(E) purchasing under Subchapter B, Chapter 44; (F) elementary school class size limits, except as provided by Section 25.112; (G) removal of a disruptive student from the classroom under Subchapter A, Chapter 37; (H) at-risk programs under Subchapter C, Chapter 29; (I) prekindergarten programs under Subchapter E, Chapter 29; (J) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22; (K) special education programs under Subchapter A, Chapter 29; (L) bilingual education programs under Subchapter B, Chapter 29; or (M) the requirements for the first day of instruction under Section 25.0811.	
No equivalent provision.	SECTION 2. Section 7.057(d), Education Code, is amended to read as follows: (d) A person aggrieved by an action of the agency or decision of the commissioner <u>under this section</u> may appeal to a district court in Travis County. An appeal must be made by serving the commissioner with citation issued and served in the manner provided by law for civil suits. The petition must state the action or decision from which the appeal is taken. At trial, the court shall determine all issues of law and fact, except as provided by Section 33.081(g).	
No equivalent provision.	SECTION 3. Section 11.182(b), Education Code, is amended to read as follows:	

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

SECTION 4. The heading to Section 39.001, Education Code, is amended to read as follows:
Sec. 39.001. RULES; ACTION FOR DECLARATORY JUDGMENT.

SECTION 5. Section 39.001, Education Code, is amended by adding Subsection (c) to read as follows:
(c) A school district or open-enrollment charter school must bring an action for declaratory judgment under Section 2001.038, Government Code, challenging the validity or applicability of a rule adopted under this chapter or Chapter 39A not later than six months after the date the rule is adopted.

SECTION 6. Section 39.022, Education Code, is amended to read as follows:
Sec. 39.022. INSTRUCTIONALLY SUPPORTIVE ASSESSMENT SYSTEM [PROGRAM]. (a) The agency [State Board of Education by rule] shall create and implement a balanced and streamlined statewide assessment system for assessment instruments administered under this subchapter [program that is knowledge- and skills-based] to ensure school accountability for student achievement that:
(1) is aligned with the essential knowledge and skills adopted by the State Board of Education under Section 28.002;

No equivalent provision.

No equivalent provision.

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

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(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 benefit the students of this state.~~

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

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

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

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

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

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

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

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

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

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

(3) prioritizes student learning.

(b) ~~The agency [After adopting rules under this section, the State Board of Education]~~ shall consider the importance of maintaining stability in the statewide assessment system [program] when modifying the system [adopting any subsequent modification of the rules].

(c) ~~[(b)]~~ It is the policy of this state that the statewide assessment system [program] be designed to:

(1) provide assessment instruments that are as short as practicable; and

(2) minimize the disruption to the educational program.

(d) The assessment system implemented under this section must include:

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

(2) beginning-of-year and middle-of-year assessment instruments described by Section 39.023(o-1); and

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

(A) implementing a comprehensive assessment strategy that:

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

(ii) informs educators regarding assessment requirements; and

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

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operations and management;
(4) identify the educational strengths and needs of individual students and the readiness of those students to be promoted to the next grade level or to graduate from high school;
(5) assess whether educational goals and curricular standards are being met at the campus, district, state, and national levels;
(6) provide information to help evaluate and develop educational programs and policies; and
(7) provide instructional staff with immediate, actionable, and useful information regarding student achievement of standards and benchmarks that may be used to improve the staff's delivery of student instruction [and
~~[(2) minimize the disruption to the educational program].~~

No equivalent provision.

SECTION 7. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0225 to read as follows:
Sec. 39.0225. TRANSITION OF ASSESSMENT SYSTEM.
(a) The agency shall transition the system for assessment instruments administered under this subchapter to incorporate improvements identified in reports submitted under Section 39.0236(d).
(b) For purposes of making the transition under Subsection (a), the agency shall adopt or develop the following assessment instruments to be administered beginning no later than the 2027-2028 school year:
(1) an end-of-year assessment instrument for each subject or course for each grade level subject to assessment under Section 39.023; and
(2) optional beginning-of-year and middle-of-year progress monitoring assessment instruments for each subject and grade level subject to assessment under Sections 39.023(a)(1)

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through (4).

(c) To the extent practicable, the end-of-year assessment instruments described by Subsection (b)(1) shall:

(1) be shorter than the assessment instruments administered during the 2024-2025 school year under Sections 39.023(a), (c), and (l);

(2) be scheduled as close to the end of the school year as practicable;

(3) allow for results to be provided as quickly as practicable;

and

(4) for a reading language arts assessment instrument, include open-ended questions that are:

(A) administered separately; and

(B) scored using a process that:

(i) involves classroom teachers; and

(ii) allows for a school district or open-enrollment charter school to submit student responses for rescoring.

(d) To the extent practicable, the progress monitoring assessment instruments described by Subsection (b)(2) shall:

(1) provide progress monitoring information related to essential knowledge and skills for the assessed subject to support instruction during the school year;

(2) be designed to be predictive of, without intervention, a student's performance on the applicable end-of-year assessment instrument; and

(3) serve as an optional and free benchmark assessment tool for school districts and open-enrollment charter schools.

(e) The agency shall provide technical assistance and guidance to school districts and open-enrollment charter schools as described by Section 39.022(d)(3) that, to the extent practicable, includes strategies for districts and schools to reduce assessment burdens not later than the beginning of

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the 2027-2028 school year.
(f) Students shall continue to be assessed under the preceding assessment program for assessment instruments administered under this subchapter until the applicable assessment instrument for a subject or course and grade level is replaced by an assessment instrument adopted or developed under this section.
(g) The agency shall conduct a performance comparison analysis between the assessment system adopted or developed under this section and the preceding assessment program for assessment instruments administered under this subchapter to establish roughly comparable standards for the issuance of performance ratings under Section 39.054 for the school year the system adopted or developed under this section is implemented.
(h) This section expires September 1, 2028.

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

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

SECTION 8. Section 39.023, Education Code, is amended by amending Subsections (a-11), (c), (c-3), (c-8), (e), (g), (i), (l), and (o) and adding Subsection (o-1) to read as follows:

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<p>under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:</p> <p>(1) mathematics, annually in grades three through eight;</p> <p>(2) reading <u>language arts</u>, annually in grades three through eight;</p> <p>(3) [social studies, in grade eight;</p> <p>[(4)] science, in grades five and eight; and</p> <p>(4) [(5)] any other subject and grade required by federal law.</p> <p>(a-1) <u>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]:</u></p> <p>(1) <u>ensures</u> the score a student receives <u>provides</u> [to provide] reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; [and]</p> <p>(2) <u>allows for</u> an appropriate range of performances to serve as a valid indication of growth in student achievement;</p> <p>(3) <u>focuses primarily on supporting excellent instruction, while also providing essential summative information that fulfills applicable federal requirements;</u></p> <p>(4) <u>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;</u></p> <p>(5) <u>does not require a student to complete a separate, standalone essay or extended constructed response component;</u></p> <p>(6) <u>for a reading language arts assessment, assesses writing skills through questions integrated within the context of the</u></p>	<p>No equivalent provision.</p>	

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<p><u>overall assessment;</u></p> <p><u>(7) is adaptive to each student-appropriate measurement of individual student performance and growth;</u></p> <p><u>(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;</u></p> <p><u>(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</u></p> <p><u>(10) for an end-of-year assessment:</u></p> <p><u>(A) measures student performance in relation to state curriculum standards and a student's annual through-year instructional growth;</u></p> <p><u>(B) fulfills the state's public school accountability plan for purposes of satisfying federal public school accountability requirements;</u></p> <p><u>(C) provides valid, reliable, and useful results; and</u></p> <p><u>(D) complies with applicable peer review requirements under federal law.</u></p> <p>(a-2) Except as required by federal law, a student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:</p> <p>(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted [or—developed] under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or</p>	<p>No equivalent provision.</p>	

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(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.		
(a-3) The agency may not adopt or develop a <u>nationally norm-referenced</u> or criterion-referenced assessment instrument under this section based on common core state standards as defined by Section 28.002(b-1). This subsection does not prohibit the use of college advanced placement tests or international baccalaureate examinations as those terms are defined by Section 28.051.	No equivalent provision.	
(a-5) <u>The agency shall annually review and validate the readability of each item on an assessment instrument adopted under Subsection (a) to confirm alignment of the item with grade-level expectations and ensure that the item accurately measures student mastery of essential knowledge and skills without introducing undue complexity that is not related to the assessed standard.</u>	No equivalent provision.	
(a-10) <u>An assessment instrument adopted under Subsection (a) must be administered as closely as possible to the following schedule:</u> <u>(1) for a beginning-of-year assessment instrument, between October 1 and October 31;</u> <u>(2) for a middle-of-year assessment instrument, between January 13 and February 21; and</u> <u>(3) for an end-of-year assessment instrument, between May 15 and May 30.</u>	No equivalent provision.	

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

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

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

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

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

(a-13) The amount of time allowed for administration of an assessment instrument in reading language arts, mathematics, or science adopted ~~[or developed]~~ under Subsection (a) may

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

No equivalent provision.

No equivalent provision.

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not exceed six ~~[eight]~~ hours, and the administration may occur in multiple parts over more than one day.

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

No equivalent provision.

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

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assess writing performance may require a teacher to prepare tasks and materials.

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in reading language arts, mathematics, and science, for the purpose of complying with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.), to be administered only as necessary to meet the minimum requirements of that law ~~[Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score]~~. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. An end-of-course assessment instrument may be administered in multiple parts over more than one day. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(c-1) An ~~[The agency shall develop any]~~ assessment instrument adopted by the agency ~~[required]~~ under this section

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

No equivalent provision.

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must allow ~~[in a manner that allows]~~ for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).

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(c-3) The agency shall adopt a schedule for the administration of assessment instruments under this section for each school year and, to the extent practicable, provide the schedule to each school district and open-enrollment charter school two years before the school year to which the schedule applies. To the extent practicable and for the purpose of mitigating local scheduling conflicts, including University Interscholastic League athletic competitions, the schedule adopted under this section must establish testing windows for the administration of each assessment instrument and allow a district or school to administer an assessment instrument on any date selected by the district or school that falls within the testing window for the instrument ~~[Except as provided by Subsection (c-7) or (c-10) or as otherwise provided by this subsection, in adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall ensure that assessment instruments administered under Subsection (a) or (c) are not administered on the first instructional day of a week. On request by a school district or open-enrollment charter school, the commissioner may allow the district or school to administer an assessment instrument required under Subsection (a) or (c) on the first instructional day of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions].~~

(c-8) Not ~~[Beginning with the 2022-2023 school year, not more than 25~~ 75] percent of the available points on an

(c-8) At least 25 ~~[Beginning with the 2022-2023 school year, not more than 75]~~ percent of the available points on an

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assessment instrument **adopted** ~~[developed]~~ under Subsection (a) or (c) ~~may~~ be attributable to questions presented **as technology-enhanced or constructed-response items** ~~[in a multiple choice format]~~.

No equivalent provision.

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

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assessment instrument **developed** under Subsection (a) or (c) ~~must~~ ~~[may]~~ be attributable to questions **that are not** presented in a multiple choice format.

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

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

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manner prescribed by the commissioner.	manner prescribed by the commissioner.	
(h) The agency shall notify school districts and campuses of the results of <u>end-of-year and end-of-course</u> assessment instruments administered under this section <u>and preliminary academic accountability ratings assigned to the district and campus by the agency based on those results</u> not later than the <u>14th</u> [21 st] day after the date the <u>applicable end-of-year or end-of-course</u> assessment instrument is administered. The school district shall disclose to each district teacher the results of assessment instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.	No equivalent provision.	
No equivalent provision.	(i) The provisions of this section, except Subsection (d), are subject to modification by rules adopted under Section <u>39.001</u> [39.022]. Each assessment instrument adopted under those rules and each assessment instrument required under Subsection (d) must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.	
No equivalent provision.	(l) The <u>agency</u> [State Board of Education] shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to emergent bilingual students in grades three through five, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each emergent bilingual student whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this	

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

No equivalent provision.

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subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection.

No equivalent provision.

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(o) The agency shall adopt or develop optional interim assessment instruments for each ~~[subject or]~~ course ~~[for each grade level]~~ subject to an end-of-course assessment under this section. A school district or open-enrollment charter school may ~~[not be required to]~~ administer to students enrolled at the

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district or school interim assessment instruments adopted or developed under this subsection. An interim assessment instrument:

- (1) must be:
 - (A) when possible, predictive of the end-of-course assessment instrument for the applicable ~~[subject or]~~ course ~~[for that grade level]~~ required under this section; and
 - (B) administered electronically; and
- (2) may not be used for accountability purposes.

(o-1) The agency shall adopt or develop optional beginning-of-year and middle-of-year progress monitoring assessment instruments for each subject and grade level subject to assessment under Sections 39.023(a)(1) through (4). A school district or open-enrollment charter school may administer to students enrolled at the district or school progress monitoring assessment instruments adopted or developed under this subsection. A progress monitoring assessment instrument must:

- (1) provide to the district or school administering the assessment instrument information regarding student proficiency in the essential knowledge and skills for the assessed subject to support instruction during the school year; and
- (2) be designed to be predictive of, without intervention, a student's performance on the applicable end-of-year assessment instrument.

No equivalent provision.

(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

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<p><u>regulation.</u></p> <p>(r) <u>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.</u></p> <p>SECTION 9. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02301 to read as follows: Sec. 39.02301. <u>OPTIONAL USE OF WRITING PORTFOLIO ASSESSMENT. (a) A school district may elect to use a writing portfolio assessment to assess writing performance for students enrolled in the district as an alternative to administering a portion of a reading language arts assessment instrument under Section 39.023(a) or reading language arts end-of-course assessment instrument under Section 39.023(c) that is not presented in a multiple choice format.</u> <u>(b) A school district that elects to use a writing portfolio assessment under this section shall design the assessment in consultation with a public or private institution of higher education and submit the assessment to the agency for approval. The agency shall approve the assessment if the assessment is:</u> <u>(1) determined by the public or private institution of higher</u></p>	<p>No equivalent provision.</p> <p>No equivalent provision.</p>	

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education that consulted on the design of the assessment to be valid and reliable; and
(2) designed to assess:
(A) a student's mastery of the essential knowledge and skills in writing through timed writing samples;
(B) improvement of a student's writing skills from the beginning of the school year to the end of the school year;
(C) a student's ability to follow the writing process from rough draft to final product; and
(D) a student's ability to produce more than one type of writing style.
(c) A school district that elects to use a writing portfolio assessment under this section may adopt a policy allowing the assessment to be scored by a classroom teacher assigned to the same campus as the student to whom the assessment is administered. The district may coordinate with the regional education service center for the district's region in grading the assessments.
(d) A school district that elects to use a writing portfolio assessment under this section is not required to administer the portion of a reading language arts assessment instrument under Section 39.023(a) or reading language arts end-of-course assessment instrument under Section 39.023(c) that is not presented in a multiple choice format during the period the district is administering the writing portfolio assessment. The agency shall, to the greatest extent practicable, apply cost savings that result from the exemption under this subsection to offset the costs accrued under this section.
(e) The commissioner shall adopt rules as necessary to implement this section.

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<p>SECTION 10. Section 39.0237, Education Code, is amended to read as follows:</p> <p>Sec. 39.0237. CONSIDERATION OF PREKINDERGARTEN <u>THROUGH SECOND GRADE</u> ASSESSMENT INSTRUMENTS PROHIBITED. Performance on an assessment instrument administered to students in <u>prekindergarten, kindergarten, first grade, or second grade</u> may not be considered for any purpose under this chapter or Chapter 39A.</p>	No equivalent provision.	
<p>SECTION 11. Sections 39.025(a-1) and (a-3), Education Code, are amended to read as follows:</p> <p>(a-1) A student enrolled in a college preparatory mathematics or English language arts course under Section 28.014 who satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.334 on an assessment instrument designated by the coordinating board under that section administered at the end of the college preparatory mathematics or English language arts course satisfies the requirements concerning and is exempt from the administration of the <u>applicable mathematics or reading language arts</u> [Algebra I or the English I and English II] end-of-course assessment instruments[, as applicable,] as prescribed by Section 39.023(c), even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument designated by the coordinating board under Section 51.334 administered as provided by this subsection may retake that assessment instrument for purposes of this</p>	No equivalent provision.	

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<p>subsection or may take the appropriate end-of-course assessment instrument.</p> <p>(a-3) A student who, after retaking an end-of-course assessment instrument for <u>mathematics or reading language arts</u> [Algebra I or English II], has failed to perform satisfactorily as required by Subsection (a), but who receives a score of proficient on the Texas Success Initiative (TSI) diagnostic assessment for the corresponding subject for which the student failed to perform satisfactorily on the end-of-course assessment instrument satisfies the requirement concerning the <u>mathematics or reading language arts</u> [Algebra I or English II] end-of-course assessment, as applicable.</p>		
<p>SECTION 12. Section 39.027(e), Education Code, is amended to read as follows:</p> <p>(e) The commissioner shall <u>adopt a norm-referenced</u> [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 <u>adopted</u> [developed] under this subsection shall be administered the assessment instruments described by Sections 39.023(a) and (c). The performance under the assessment system <u>adopted</u> [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</p>	<p>No equivalent provision.</p>	

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disaggregated by the bilingual education or special language program, if any, in which the student is enrolled.

No equivalent provision.

SECTION 9. Section 39.0238(b), Education Code, is amended to read as follows:
(b) The board of trustees of a school district or the governing body of an open-enrollment charter school may consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district or school during the period set by the agency [~~State Board of Education~~] for the administration of assessment instruments required under Section 39.023 in establishing:
(1) the district's or school's calendar for that school year; and
(2) the instructional days within that period on which district or school students are administered the required assessment instruments, provided that the board of trustees or governing body may not exclude more than two instructional days from that period based solely on the occurrence of a single religious holy day or period of observance.

No equivalent provision.

SECTION 10. Section 39.026, Education Code, is amended to read as follows:
Sec. 39.026. LOCAL OPTION. In addition to the assessment instruments adopted and administered by the agency [~~and administered by the State Board of Education~~], a school district may, subject to Section 39.0263, adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. A norm-referenced assessment instrument adopted under this section must be economical, nationally recognized, and state-approved.

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No equivalent provision.

SECTION 11. The heading to Section 39.0263, Education Code, is amended to read as follows:
Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED OR CAMPUS-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS ~~[TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS]~~.

No equivalent provision.

SECTION 12. Section 39.0263, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:
(a) In this section, "benchmark assessment instrument" means a district-required or campus-required assessment instrument that is administered to all or most students for a subject or course in a particular grade level and that is not curriculum-embedded, including an assessment instrument, such as a practice test or a nationally norm-referenced assessment instrument, designed to prepare students for a corresponding state-administered assessment instrument.
(b) Except as provided by Subsection (c), a school district or campus may not administer to any student more than two benchmark assessment instruments during a school year before the administration of an end-of-year ~~[to prepare the student for a corresponding state-administered]~~ assessment instrument.
(c) The prohibition prescribed by this section does not apply to:
(1) the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or

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the ACT, an advanced placement test, or an international baccalaureate examination;
(2) ~~[, or]~~ an independent classroom examination designed or adopted and administered by a classroom teacher;
(3) a diagnostic assessment included in a screening or testing for dyslexia or a related disorder; or
(4) an assessment instrument required under state law, including under Chapter 28 or 29.
(e) If the agency determines that a school district or campus is in violation of this section, in addition to any enforcement actions or remedies available to the agency under other law, the agency may require the district or campus to receive technical assistance described by Section 39.022(d)(3).

SECTION 13. Section 39.027(b), Education Code, is amended to read as follows:
(b) The agency ~~[State Board of Education]~~ shall adopt rules under which a dyslexic student who is not exempt under Subsection (a) may use procedures including oral examinations if appropriate or may be allowed additional time or the materials or technology necessary for the student to demonstrate the student's mastery of the competencies the assessment instruments are designed to measure.

SECTION 14. Section 39.028, Education Code, is amended to read as follows:
Sec. 39.028. COMPARISON OF STATE RESULTS TO NATIONAL RESULTS. The state assessment system ~~[program]~~ shall obtain nationally comparative results for the subject areas and grade levels for which criterion-referenced

No equivalent provision.

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

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assessment instruments are adopted under Section 39.023.

assessment instruments are adopted under Section 39.023.

SECTION 14. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0511 to read as follows:
Sec. 39.0511. WAIVER REQUEST FOR CERTAIN FEDERAL ACCOUNTABILITY-RELATED REQUIREMENTS. (a) This section applies to a school district campus in which at least 90 percent of the students receive special education services under Subchapter A, Chapter 29.
(b) Not later than January 1, 2026, the commissioner shall apply to the United States Department of Education for a waiver of requirements under the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) related to the rate of participation in the assessment program and high school graduation rates for each school district campus to which this section applies.
(c) This section expires September 1, 2027.

No equivalent provision.

SECTION 15. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0521 to read as follows:
Sec. 39.0521. ASSIGNMENT OF PERFORMANCE RATINGS FOR 2025-2026 SCHOOL YEAR. (a) Notwithstanding any other law, a reference in this title to the overall performance rating assigned to a district or campus under Section 39.054(a) or to a domain performance rating assigned to a district or campus under that subsection for the 2025-2026 school year means the higher of:
(1) the overall performance rating or the applicable domain performance rating the school district or campus received for

No equivalent provision.

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<p><u>the 2024-2025 school year; or</u></p> <p><u>(2) the overall performance rating or the applicable domain performance rating the school district or campus received for the 2025-2026 school year.</u></p> <p><u>(b) This section expires August 31, 2026.</u></p>		
<p>No equivalent provision.</p>	<p>SECTION 15. Section 39.029, Education Code, is amended to read as follows:</p> <p>Sec. 39.029. MIGRATORY CHILDREN. The <u>agency</u> [State Board of Education] by rule may provide alternate dates for the administration of the assessment instruments to a student who is a migratory child as defined by 20 U.S.C. Section 6399. The alternate dates may be chosen following a consideration of migrant work patterns, and the dates selected may afford maximum opportunity for the students to be present when the assessment instruments are administered.</p>	
<p>No equivalent provision.</p>	<p>SECTION 16. Section 39.030(a), Education Code, is amended to read as follows:</p> <p>(a) In adopting academic skills assessment instruments under this subchapter, the <u>agency</u> [State Board of Education] or a school district shall ensure the security of the instruments and tests in their preparation, administration, and grading. Meetings or portions of meetings held by the <u>agency</u> [State Board of Education] or a school district at which individual assessment instruments or assessment instrument items are discussed or adopted are not open to the public under Chapter 551, Government Code, and the assessment instruments or assessment instrument items are confidential.</p>	

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No equivalent provision.	<p>SECTION 17. Sections 39.032(c-1) and (e), Education Code, are amended to read as follows:</p> <p>(c-1) The standardization norms computed under Subsection (c) shall be:</p> <p>(1) based on a national probability sample that meets accepted standards for educational and psychological testing; and</p> <p>(2) updated at least every eight years using proven psychometric procedures approved by the <u>agency</u> [State Board of Education].</p> <p>(e) The <u>agency</u> [State Board of Education] shall adopt rules for the implementation of this section and for the maintenance of the security of the contents of all assessment instruments.</p>	
No equivalent provision.	<p>SECTION 18. Section 39.054(b-1), Education Code, is transferred to Section 39.052, Education Code, redesignated as Section 39.052(b-1), Education Code, and amended to read as follows:</p> <p>(b-1) Consideration of the effectiveness of district programs under <u>Subsection (b)(2)(B)</u> [Section 39.052(b)(2)(B)] or (C):</p> <p>(1) must:</p> <p>(A) be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability under this chapter; and</p> <p>(B) include the results of assessments required under Section 39.023; and</p> <p>(2) may be based on the results of a special investigation conducted under Section 39.003.</p>	
SECTION 16. Section 39.053, Education Code, is amended	SECTION 19. Section 39.053, Education Code, is amended	

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by amending Subsections (a), (c), and (f) and adding Subsections (c-4), ~~(c-5)~~, and (f-1) to read as follows:

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

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

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

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

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

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

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

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by amending Subsections (a), (c), and (f) and adding Subsections (c-4), (f-1), ~~(f-2)~~, ~~(f-3)~~, and ~~(f-4)~~ to read as follows:

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

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

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

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

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

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

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

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aggregated across grade levels by subject area; and

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

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

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

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

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

(iv) students who demonstrate military readiness:

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

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

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

(v) students who earn industry certifications;

(vi) students admitted into postsecondary industry certification programs that require as a prerequisite for

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aggregated across grade levels by subject area; and

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

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

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

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

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

(iv) students who demonstrate military readiness:

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

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

(v) students who earn industry certifications;

(vi) students admitted into postsecondary industry certification programs that require as a prerequisite for

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entrance successful performance at the secondary level;

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

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

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

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entrance successful performance at the secondary level;

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

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

(ix) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) subject to the exclusions provided by Subsections (g), (g-1), (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 improvement, as determined by the commissioner; and

(B) for evaluating relative performance, the performance of

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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 [5] 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

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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, socioeconomic backgrounds, and other factors, including:

(A) students formerly receiving special education services;

(B) students continuously enrolled; and

(C) students who are mobile.

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

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

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

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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

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

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

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

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

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

(f-1) The commissioner may increase the scores needed to

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

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

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

(f-1) Beginning with the indicators adopted for the 2027-2028

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achieve performance standards on indicators adopted under this subchapter only every fifth school year. The commissioner shall notify each school district of an increase in score under this subsection not later than two school years before the school year in which the agency intends to evaluate the performance of school districts and campuses under that increased score.

SECTION 17. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0531 to read as follows:

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

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

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

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

SECTION 20. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0531 to read as follows:

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

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

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

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

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

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

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

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

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

(2) to the extent practicable, concurrently with the

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Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) The agency shall maintain a list of industry certifications that are eligible for purposes of Section 39.053(c)(1)(B)(v). In developing the list, the agency shall consider the inventory of industry-recognized certifications developed under Section 312.003, Labor Code.

The certifications must:

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

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

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

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

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

(2) to the extent practicable, concurrently with the

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

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

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

- (1) were participating in the program of study aligned with that certification during the school year the agency determines the certification is no longer eligible; and
- (2) earn the certification within the three-year period.

SECTION 18. Section 39.054, Education Code, is amended by amending Subsections (a-1) and (b) and adding Subsections (f) and (g) to read as follows:

No equivalent provision.

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

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

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

- (1) were participating in the program of study aligned with that certification during the school year the agency determines the certification is no longer eligible; and
- (2) earn the certification within the three-year period.

SECTION 21. Section 39.054, Education Code, is amended by amending Subsections (a), (a-3), (a-4), (a-5), and (b) and adding Subsections (a-6), (a-7), (c), and (d) to read as follows:

(a) Except as provided by Subsection (a-4), the commissioner shall adopt rules to evaluate school district and campus

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performance and, each school year, assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, each school year, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c). An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544.

No equivalent provision.

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

(1) consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school progress domain under Section 39.053(c)(2), whichever performance rating is higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be

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assigned a performance rating higher than a B for the composite for the two domains; ~~and~~

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

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

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

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

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

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

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

(A) 40 percent of the domain performance rating to the

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indicators adopted under Section 39.053(c)(1)(A);
(B) 40 percent of the domain performance rating to the
college, career, and military readiness indicators adopted
under Section 39.053(c)(1)(B); and
(C) 20 percent of the domain performance rating to
graduation rates.

No equivalent provision.

(a-3) Except as provided by Subsection (c), not ~~[Not]~~ later than August 15 of each year, the following information shall be made publicly available as provided by rules adopted under this section:
(1) the performance ratings for each school district and campus; and
(2) if applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

No equivalent provision.

(a-4) Notwithstanding any other law and except as provided by Subsection (a-6), the commissioner may assign a school district or campus an overall performance rating of "Not Rated" if the commissioner determines that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because:
(1) the district or campus is located in an area that is subject to a declaration of a state of disaster under Chapter 418, Government Code, and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate and would not accurately reflect quality of learning and achievement for the district or campus;
(2) the district or campus has experienced breaches or other failures in data integrity to the extent that accurate analysis of data regarding performance indicators is not possible;

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	(3) the number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or (4) for other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.	
No equivalent provision.	(a-5) Notwithstanding any other law, an overall performance rating of "Not Rated" is not included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings for purposes of any provision of this code. <u>Any interventions or sanctions to which a school district or campus is subject under Chapter 39A shall continue during a period in which the district or campus is assigned an overall performance rating of "Not Rated."</u>	
No equivalent provision.	(a-6) <u>The commissioner may not assign an overall performance rating of "Not Rated" to all school districts or all campuses on a statewide basis.</u>	
No equivalent provision.	(a-7) <u>If the agency makes changes to the assessment system under Section 39.022 for assessment instruments administered under this subchapter that require new standards for issuing performance ratings under this section, the agency must conduct a performance comparison analysis between the system as changed and the preceding system to establish roughly comparable standards for issuing performance ratings. Failure to conduct a performance comparison analysis as required under this subsection does not prevent the assignment</u>	

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

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

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

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

(4) a campus that is in the first year of operation, that is assigned a new campus identification number, or that is significantly impacted by demographic shifts due to rezoning,

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of performance ratings under this section and may not be the basis of a challenge to a performance rating assigned under this section.

(b) For purposes of assigning school districts and campuses an overall and a domain performance rating under Subsection (a), the commissioner shall, to the extent practicable, ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

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closure, or consolidation is not evaluated in the closing the gaps domain under Section 39.053(c)(3) for the first year following the applicable event; and
(5) the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

No equivalent provision.

No equivalent provision.

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

(g) If the agency fails to assign a performance rating to a school district or campus before the deadline established by Subsection (a-3), the district or campus shall be automatically reissued the performance rating assigned to the district or

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

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

No equivalent provision.

No equivalent provision.

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campus for the preceding school year. A performance rating assigned under this subsection remains in effect for all official purposes, including any interventions or sanctions under Chapter 39A, until the agency assigns the district or campus a new rating.

SECTION 19. Section 39.0541, Education Code, is amended to read as follows:

Sec. 39.0541. ~~ADOPTION OF [INDICATORS AND] STANDARDS. (a) The commissioner shall [may] adopt performance [indicators and] standards under Sections 39.0241 and 39.053(f) not later than the July 15 immediately preceding the school year for which the commissioner intends to assign school district and campus performance ratings under Section 39.054 based on those standards. If the commissioner does not adopt performance standards by the date required under this subsection for a school year, district and campus performance ratings for that school year shall be based on the performance standards in effect for the preceding school year~~[this subchapter at any time during a school year before the evaluation of a school district or campus].
(b) The commissioner may modify the standards, methods, measures, or procedures used to evaluate school districts and campuses and assign performance ratings on or after the date described by Subsection (a) only with the express approval of the legislature.

SECTION 20. Section 39.0542(a), Education Code, is amended to read as follows:

(a) Not later than July 15 of each ~~[Each school]~~ year, the

SECTION 22. Section 39.0541, Education Code, is amended to read as follows:

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

SECTION 23. Section 39.0542, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The ~~[Each school year, the]~~ commissioner shall provide

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commissioner shall provide each school district a document in a simple, accessible format that explains the accountability performance standards adopted under Sections 39.0241 and 39.053(f) for the following school year and the measures, methods, and procedures that will be applied for that school year in assigning each school district and campus a performance rating under Section 39.054.

SECTION 21. Section 39.0544, Education Code, is amended by adding Subsections (f) and (g) to read as follows:
(f) From money appropriated or otherwise available for the purpose, the agency shall establish a grant program to assist at least one school district in each education service center region in developing a local accountability plan that complies with the requirements of this section.
(g) The commissioner may adopt rules as necessary to implement this section, including rules applying to a school district applying for a grant under Subsection (f). If the commissioner awards a grant to a district and has not adopted rules applying to the district, the district may select and collaborate with a third-party organization with expertise in assessment and accountability to develop a local accountability plan.

SECTION 22. Subchapter F, Chapter 39, Education Code, is amended by adding Section 39.152 to read as follows:
Sec. 39.152. LIMITATION ON ACTIONS CHALLENGING

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each school district a document in a simple, accessible format that explains the accountability performance measures, methods, and procedures that will be applied [for that school year] in assigning each school district and campus a performance rating under Section 39.054.

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

No equivalent provision. *(But see SECTION 26 below.)*

No equivalent provision.

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CERTAIN AGENCY DECISIONS; EXPEDITED APPEALS.

(a) A school district or open-enrollment charter school may bring an action challenging a decision that is made by the agency under this chapter and that is based on the lawful exercise of discretion granted to the agency by the legislature only if the district's or school's petition alleges the agency's decision is unconstitutional, arbitrary, capricious, or without lawful authority.

(b) In an action brought by a school district or open-enrollment charter school described by Subsection (a), a trial court shall expedite the action and render a final order or judgment not later than the 60th day after the date each defendant has filed an answer or other pleading responsive to the petition. The trial court may extend the time period within which the court must render a final order or judgment under this subsection by not more than 30 additional days for good cause. The trial court may set deadlines for discovery, briefing, trial, and all other proceedings necessary to render a final order or judgment in accordance with this subsection.

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

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

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<p>SECTION 23. Section 39.203(c), Education Code, is amended to read as follows:</p> <p>(c) In addition to the distinction designations described by Subsections (a) and (b), a campus that satisfies the criteria developed under Section 39.204 shall be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in <u>reading</u> [English] language arts, mathematics, <u>or</u> science[, or social studies].</p>	No equivalent provision.	
<p>SECTION 24. Section 39A.064(a), Education Code, is amended to read as follows:</p> <p>(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:</p> <p>(1) includes students at any grade level from prekindergarten through fifth grade;</p> <p>(2) is assigned an overall performance rating of D or F; and</p> <p>(3) is in the bottom five percent of campuses in the state based on student performance on the grade three reading <u>language arts</u> assessment administered under Section 39.023(a) during the previous school year, as determined by the commissioner.</p>	No equivalent provision.	
<p>SECTION 25. Subchapter C, Chapter 39A, Education Code, is amended by adding Section 39A.1111 to read as follows:</p> <p><u>Sec. 39A.1111. GRACE PERIOD FOR CERTAIN</u></p>	No equivalent provision.	

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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 26. 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 accessible web-based library of credentials, such as diplomas, certificates, certifications, digital badges, apprenticeships, licenses, or degrees, that are:
(1) delivered, issued, funded, or governed by the state;
(2) aligned with recognized skills and industry standards;
(3) available to residents of the state; and
(4) used by employers in the state.
(a-1) The [A] credential library established under this section must:
(1) include:
(A) the information included in the electronic tools or platforms developed by the coordinating board under Section 61.09022(a), Education Code; and
(B) the list of industry certifications developed under Section 39.0531, Education Code; and
(2) ensure data interoperability between relevant state agencies.
(b) The coordinating board and the commission jointly shall ~~may~~ designate a host agency to contract with an experienced

No equivalent provision.

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and recognized third-party vendor ~~[or operating entity]~~ for the [a] credential library established under this section.
(c) In establishing the ~~[a]~~ credential library under this section, the coordinating board and the commission shall solicit input from the agency and relevant stakeholders.

No equivalent provision.

SECTION 24. Section 39.151(e), Education Code, is amended to read as follows:
(e) A school district or open-enrollment charter school may not challenge on any basis, including a lack of commissioner or agency authority, an agency decision relating to an academic or financial accountability rating under this chapter, including a decision relating to a determination of consecutive school years of unacceptable performance ratings, in another proceeding unless ~~[if]~~ the district or school has exhausted the district's or school's remedies ~~[had an opportunity to challenge the decision]~~ under this section.

No equivalent provision.

SECTION 25. Section 39.201(a), Education Code, is amended to read as follows:
(a) The ~~[Not later than August 8 of each year, the]~~ commissioner shall award distinction designations for outstanding performance as provided by this subchapter concurrently with the assignment of performance ratings under Section 39.054. A distinction designation awarded to a district or campus under this subchapter shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054 ~~[39.054(a)]~~.

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No equivalent provision. *(But see SECTION 21 above.)*

SECTION 26. Subchapter H, Chapter 39, Education Code, is amended by adding Section 39.231 to read as follows:
Sec. 39.231. LOCAL ACCOUNTABILITY GRANT PROGRAM. (a) From money appropriated or otherwise available for the purpose, the agency shall establish a grant program with capacity to assist at least one school district per education service center region in developing a local accountability system that complies with the requirements of Section 39.0544.
(b) The commissioner shall adopt rules to implement this section.

No equivalent provision.

SECTION 27. Section 39A.001, Education Code, is amended to read as follows:
Sec. 39A.001. GROUND FOR COMMISSIONER ACTION. The commissioner shall take any of the actions authorized by this subchapter to the extent the commissioner determines necessary if:
(1) a school district does not satisfy:
(A) the accreditation criteria under Section 39.052;
(B) the academic performance standards under Section 39.053 or 39.054; or
(C) any financial accountability standard as determined by commissioner rule; ~~[or]~~
(2) the commissioner considers the action to be appropriate on the basis of a special investigation under Section 39.003; or
(3) a school district initiates or maintains an action or proceeding against the state or an agency or officer of the state.

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No equivalent provision.

SECTION 28. Subchapter A, Chapter 39A, Education Code, is amended by adding Section 39A.008 to read as follows:

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

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

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

(c) A conservator appointed under Subsection (b) shall require the school district or open-enrollment charter school to demonstrate, by a deadline established by the conservator, that the district or school is in compliance with Section 45.105(c-1). If the conservator determines that the district or school is not in compliance with that section, the conservator shall order the district or school to withdraw from the action or proceeding.

(d) If a school district or open-enrollment charter school fails to comply with an order by a conservator appointed under Subsection (b) by the deadline established by the conservator, the commissioner may:

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

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

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

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No equivalent provision.	<p>SECTION 29. Section 39A.107(c), Education Code, is amended to read as follows:</p> <p>(c) If the commissioner does not approve a campus turnaround plan, the commissioner shall order:</p> <p>(1) appointment of a board of managers to govern the school district as provided by Section 39A.202;</p> <p>(2) alternative management of the campus;</p> <p><u>(3) operation of the campus by an entity with which the school district contracts under Section 11.174; or</u></p> <p><u>(4) [(3)] closure of the campus.</u></p>	
No equivalent provision.	<p>SECTION 30. Section 39A.108, Education Code, is amended to read as follows:</p> <p>Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN. <u>Subject to Section 39A.110(a), following</u> Following approval of a campus turnaround plan by the commissioner, the school district, in consultation with the campus intervention team, <u>shall</u> may take any actions needed to <u>implement</u> prepare for the implementation of the plan.</p>	
No equivalent provision.	<p>SECTION 31. Section 39A.110(a), Education Code, is amended to read as follows:</p> <p>(a) If a campus for which a campus turnaround plan has been ordered under Section 39A.101 receives an acceptable performance rating <u>subsequent to</u> [for the school year following] the order, the [board of trustees of the] school district <u>is no longer required to</u> [may]</p>	

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~~[(1)] implement the campus turnaround plan[;~~
~~[(2) implement a modified version of the campus turnaround~~
~~plan; or~~
~~[(3) withdraw the campus turnaround plan].~~

SECTION 32. Subchapter Z, Chapter 39A, Education Code, is amended by adding Sections 39A.908 and 39A.909 to read as follows:

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

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

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

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

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

No equivalent provision.

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rating for that school year for purposes of:

(1) calculating consecutive years of performance; and

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

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

(e) Except as provided by Subsection (f) and Section 39A.909, the agency shall impose an intervention or sanction described by Subsection (b)(2) or (c)(2) as required by law unless the intervention or sanction, as determined by the commissioner:

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

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

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

(g) Except as provided by Subsection (h), the commissioner shall revoke a charter holder's charter for an open-enrollment

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charter school for which the charter holder received a charter renewal based on the absence of a performance rating for a school year for which the agency was enjoined from assigning a performance rating if, after the assignment of performance ratings for that year, the charter would not have been renewed under Section 12.1141(d), regardless of the performance of the school in a subsequent school year.

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

Sec. 39A.909. INTERVENTIONS OR SANCTIONS RELATED TO 2022-2023 OR 2023-2024 SCHOOL YEAR PERFORMANCE RATINGS. (a) The commissioner shall impose an intervention described by Section 12.115(c), 39A.004, or 39A.111, as applicable, on a school district, open-enrollment charter school, or district or school campus if the district, school, or campus would have been subject to commissioner action under the applicable section based on the performance rating of the district, school, or campus for the 2022-2023 or 2023-2024 school year, regardless of the performance of the district, school, or campus in a subsequent school year.

(b) The commissioner shall revoke a charter holder's charter for an open-enrollment charter school for which the charter holder received a charter renewal based on the absence of a performance rating for the 2022-2023 or 2023-2024 school year if, after the assignment of performance ratings for those years, the charter would not have been renewed under Section 12.1141(d), regardless of the performance of the school in a subsequent school year.

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No equivalent provision.	<p>SECTION 33. Section 45.105(c-1), Education Code, is amended to read as follows:</p> <p>(c-1) <u>Notwithstanding any other law, federal, state, or local funding, including funding under Chapters 46, 48, and 49, [Funds described by Subsection (e)]</u> may not be used to initiate or maintain any action or proceeding against the state or an agency or officer of the state, <u>including an action or proceeding that includes a claim of ultra vires conduct [arising out of a decision, order, or determination that is final and unappealable under a provision of this code]</u>, except that funds may be used for an action or proceeding that is specifically authorized by a provision of this code or <u>by Section 2001.038, Government Code [a rule adopted under this code and that results in a final and unappealable decision, order, or determination]</u>.</p>	
No equivalent provision.	<p>SECTION 34. Section 22A.001(a), Government Code, is amended to read as follows:</p> <p>(a) The attorney general may petition the chief justice of the supreme court to convene a special three-judge district court in any suit filed in a district court in this state in which this state or a state officer or agency is a defendant in a claim that:</p> <p>(1) <u>challenges the finances or operations of this state's public school system, including challenges to the implementation of the public school accountability system under Chapter 39, Education Code;</u> or</p> <p>(2) involves the apportionment of districts for the house of representatives, the senate, the State Board of Education, or the United States Congress, or state judicial districts.</p>	

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No equivalent provision.	SECTION 35. The heading to Section 312.003, Labor Code, is amended to read as follows: Sec. 312.003. INVENTORY OF <u>CERTIFICATIONS</u> [CREDENTIALS AND CERTIFICATES].	
No equivalent provision.	SECTION 36. Sections 312.003(a), (b), (c), and (d), Labor Code, are amended to read as follows: (a) The advisory council shall develop an inventory of industry-recognized <u>certifications</u> [credentials and certificates] that may be earned by a public high school student through a career and technology education program and that: (1) are aligned to state and regional workforce needs; [and] (2) serve as an entry point to middle- and high-wage jobs; <u>and</u> (3) <u>meet the requirements of Section 39.0531(a), Education Code.</u> (b) The inventory must include for each <u>certification</u> [credential or certificate]: (1) the associated career cluster; (2) the awarding entity; (3) the level of education required and any additional requirements for the <u>certification</u> [credential or certificate]; (4) any fees for obtaining the <u>certification</u> [credential or certificate]; and (5) the average wage or salary for jobs that require or prefer the <u>certification</u> [credential or certificate]. (c) In developing the inventory, the advisory council may consult with local workforce boards, the Texas Workforce Investment Council, the Texas Economic Development and Tourism Office, <u>the Texas Education Agency</u> , and the Texas Higher Education Coordinating Board. (d) The advisory council shall establish a process for	

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	developing the inventory, including the criteria for the inclusion of a <u>certification</u> [credential or certificate] in the inventory.	
SECTION 27. Section 39.023(c-9), Education Code, is repealed.	No equivalent provision.	
No equivalent provision.	SECTION 37. (a) Section 15, Chapter 925 (S.B. 1566), Acts of the 85th Legislature, Regular Session, 2017, which amended Section 39.102(a), Education Code, is repealed. (b) The following provisions of the Education Code are repealed: (1) Section 33.0812; (2) Sections 39.023(a-4), (c-7), and (c-10); (3) Section 39A.106; and (4) Section 39A.110(b).	
SECTION 28. Section 39.152, Education Code, as added by this Act, applies to an action filed on or after September 1, 2025. An action filed before September 1, 2025, is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.	No equivalent provision.	
No equivalent provision.	SECTION 38. A rule of the State Board of Education under Sections 39.022, 39.029, and 39.032(e), Education Code, that is in effect on the effective date of this Act remains in effect until changed by the commissioner of education in accordance with those sections as amended by this Act.	

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No equivalent provision.	SECTION 39. The changes in law made by Sections 39.023(a-11), 39.053(a), 39.054, 39.0541, and 39.0542, Education Code, as amended by this Act, apply to an action or determination related to public school accountability and accountability ratings beginning with the 2022-2023 school year, regardless of whether the action or determination occurred before, on, or after the effective date of this Act.	
SECTION 29. Except as otherwise provided by this Act, this Act applies beginning with the 2025-2026 school year.	No equivalent provision.	
No equivalent provision.	SECTION 40. Section 39.023(o-1), Education Code, as added by this Act, applies beginning with the 2027-2028 school year.	
No equivalent provision.	SECTION 41. The changes in law made by Section 39.053, Education Code, as amended by this Act, and Section 39.0531, Education Code, as added by this Act, apply to accountability ratings beginning with the 2027-2028 school year.	
No equivalent provision.	SECTION 42. The changes in law made by Sections 39A.108 and 39A.110(a), Education Code, as amended by this Act, apply to a campus for which a campus turnaround plan has been ordered before, on, or after the effective date of this Act.	
SECTION 30. This Act takes effect immediately if it receives	SECTION 43. Same as House version.	

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a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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