

## **BILL ANALYSIS**

C.S.H.B. 22  
By: Huberty  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

According to interested parties, the preliminary results of the recently enacted A-F ratings for public school districts and campuses demonstrate that Texas schools cannot be accurately depicted by letter grades alone. C.S.H.B. 22 seeks to address this issue by removing the overall ratings and making other adjustments to the public school accountability system.

### **CRIMINAL JUSTICE IMPACT**

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

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 6, 8, 9, and 10 of this bill.

### **ANALYSIS**

C.S.H.B. 22 amends the Education Code to change from biennially to periodically the frequency with which the commissioner of education is required to review the commissioner's adopted indicators of the quality of learning and achievement used to measure and evaluate public school districts and campuses and to revise the domains of achievement indicators on which school district and campus evaluations are based by making the following changes: removing the third domain, which concerns the achievement gap, and the fourth domain, which concerns college and career readiness; renaming the first domain, which concerns student performance on statewide standardized tests, as the student achievement domain, and revising and adding to its components, including the addition of indicators relating to those included in the fourth domain; renaming the second domain, which concerns student progress on statewide standardized tests, as the school progress domain, specifying that the school progress domain includes indicators that account for effectiveness in promoting student learning, and revising and adding to the domain's components; and renaming the fifth domain, which concerns community engagement, as the school climate domain, specifying that the domain includes indicators of school climate, and revising and adding to the domain's components.

C.S.H.B. 22 extends the applicability of the achievement indicators from those in the first four domains, before revision by the bill, to those in all three domains as revised by the bill with regard to the following:

- the stated purpose of a school campus improvement plan to improve student performance for all student populations with respect to the relevant domain indicators;
- the requirement that the commissioner's annual report concerning the performance of open-enrollment charter schools by authorizer compared to campus charters and matched traditional campuses include the performance of each public school in each class as

measured by the domain indicators;

- the requirement that the Texas Education Agency (TEA) evaluate the effectiveness of bilingual education and special language programs based on the domain indicators; and
- the requirement that performance on indicators adopted for the purpose of preparing accountability reports be evaluated in the same manner provided for evaluation of the domain indicators.

C.S.H.B. 22 changes the condition under which a student is eligible for a public education grant or to attend another public school in the district in which the student resides from eligibility conditioned on the student's assignment to attend a public school campus at which 50 percent or more of the students did not perform satisfactorily on a certain statewide standardized test in any two of the preceding three years or a campus that, at any time in the preceding three years, failed to satisfy any of certain performance standards to eligibility conditioned on the student's assignment to attend a public school campus assigned a publicly available unacceptable performance rating for the student achievement domain and the school progress domain.

C.S.H.B. 22 clarifies that the commissioner is responsible for adopting the domain indicators and, for purposes of the requirement that the indicators be based on information that is disaggregated by race, ethnicity, and socioeconomic status, specifies that such disaggregation be done to the extent feasible. The bill removes the specification that, with regard to the requirement that the commissioner's performance indicators measure and evaluate districts and campuses with respect to informing parents and the community regarding campus and district performance, that informing is done for the school climate domain, as renamed by the bill, in accordance with local priorities and preferences. The bill replaces the prohibition against an adopted performance indicator that would measure improvements in student achievement negatively affecting the commissioner's review of a district or campus if that district or campus is already achieving at the highest level for that indicator with a prohibition against an adopted indicator for the school progress domain measuring student, district, or campus progress negatively affecting the commissioner's review of a district or campus if a student or the district or campus is already achieving at the highest level for that indicator. The bill requires the commissioner by rule to determine a method by which the performance of a student newly enrolled in a district or at a campus is excluded in determining the performance rating of the district or campus, with "student newly enrolled" defined as a student who transfers to a district or campus in Texas from another state or country and who has not been previously enrolled in a school district or at a campus in Texas. The bill requires the commissioner, for purposes of evaluating the performance of a district or campus based on the domain indicators, to determine a method by which the performance of a student is attributed greater weight for each school year a student has been continuously enrolled in the district or at the campus, as applicable.

C.S.H.B. 22 changes the state standard the commissioner is required to annually define for the current school year from that for each achievement indicator in the first four domains to that for each domain, as amended by the bill, sets September 30 or as soon as possible after that date as the date by which the commissioner is required to define the standard, and removes the requirement that the commissioner project the state standards for each indicator for the following two school years. The bill removes the requirement that the commissioner periodically raise the state standards for the college readiness achievement indicator as necessary to reach the goals of achieving, by not later than the 2019-2020 school year, student performance disaggregated by race, ethnicity, and socioeconomic status that ranks nationally in the top 10 states in terms of college readiness and student performance with no significant achievement gaps by race, ethnicity, and socioeconomic status. The bill instead requires the commissioner, in consultation with educators, parents, and business and industry representatives, as necessary, to establish and modify standards to continuously improve student performance to achieve the goal of eliminating such achievement gaps and to ensure Texas is a national leader in preparing students for postsecondary success.

C.S.H.B. 22 removes the requirement that the commissioner adopt by rule accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily in the preceding school year on certain statewide standardized tests. The bill excludes from consideration as a dropout, for purposes of computing a graduation or completion rate, a student who was excluded from such consideration for purposes of defining the required state standard for the dropout rate indicator included in the fourth domain. The bill clarifies that a student previously reported to the state as a dropout is excluded from the computation of dropout and completion rates, regardless of the number of times of reenrollment and dropping out, unless the student graduates. The bill also requires the commissioner to exclude from such computation students whose initial enrollment in a Texas public school occurred in grade 11 or 12. The bill requires each district to submit to the commissioner the data required for the performance indicators adopted under the domains prescribed by the bill to the extent necessary for assigning performance ratings.

C.S.H.B. 22 authorizes the commissioner to incorporate a school climate survey as an indicator for the school climate domain, to adopt rules to implement the survey, and to contract with a third party to provide any service necessary relating to the survey. The bill requires the survey to be administered to administrators and teachers employed by districts, students enrolled in districts, and parents of those students. The bill requires school climate survey information to be reported to TEA in accordance with rules adopted by the commissioner. The bill adds a temporary provision set to expire September 1, 2022, requiring the commissioner to determine the feasibility of incorporating school climate survey information for use as an indicator for the school climate domain not later than the 2021-2022 school year by implementing the use of such survey information in the 2018-2019 school year and requiring the reporting of such survey information in the 2019-2020 and 2020-2021 school years.

C.S.H.B. 22 removes the requirement that the commissioner assign each district and campus an overall performance rating but retains the separate domain performance ratings. The bill changes the descriptor of a D rating from being a rating that reflects unacceptable performance to a rating that reflects performance in need of improvement. The bill authorizes the commissioner, in assigning performance ratings, to adjust a domain performance rating for a domain disaggregated by race, ethnicity, socioeconomic status, or another factor by increasing the rating one level. The bill limits the attribution of indicators for the domain performance ratings as follows:

- for the student achievement domain, not more than 50 percent of the domain performance rating may be attributed to the indicators that account for the results of certain statewide standardized tests;
- for the school progress domain, not more than 50 percent of the domain performance rating may be attributed to the indicator that accounts for students who met the standards for improvement on those tests and certain others, to the extent available; and
- for the school climate domain, at least 50 percent of the domain performance rating must be attributed to the indicator that accounts for three locally selected and evaluated programs or specific categories of performance relating to community and student engagement.

The bill authorizes the commissioner, if the commissioner determines a domain performance rating increase adjustment is appropriate for a district or campus, to increase the rating, with that action limited to a single increase of a single level.

C.S.H.B. 22 removes the requirement that the commissioner, in evaluating certain district and campus performance, define acceptable performance as meeting the state standard determined by the commissioner for the current school year based on student performance in the current school year or student performance as averaged over the current school year and the preceding two school years. The bill instead requires the commissioner, in evaluating certain other district and campus performance, to evaluate performance for the current school year based on student performance in the current school year or on student performance as averaged over the current

school year and the preceding two school years, with the latter such basis contingent on it being necessary to address limited data available to use in the calculations.

C.S.H.B. 22 extends the applicability of the prohibition against a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school being considered to have dropped out from the district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned for purposes of the computation of dropout rates to the computation of completion rates such as a high school graduation rate under the school achievement domain. The bill reduces from 17 years of age to 15 years of age the minimum age of students in grades 9 through 12 enrolled at a district, an open-enrollment charter school, or a district or school campus whose enrollment levels, if such students constitute a minimum of 50 percent of the total enrollment as of September 1 of the school year, that triggers the requirement that the commissioner designate the district, charter school, or campus as a dropout recovery school, provided the other conditions of eligibility for such designation are met. The bill revises the values comprising the ratio to be used as the alternative completion rate by the commissioner in determining the graduation rate indicator for a dropout recovery school by removing as a possible value the total number of students who continue attending school into the next academic year.

C.S.H.B. 22 authorizes the commissioner to adopt rules as necessary to administer statutory provisions relating to public school accountability, as amended by the bill, and requires the commissioner, in adopting such a rule, to solicit input statewide from persons who would likely be affected by the proposed rule, including district boards of trustees, administrators and teachers employed by districts, parents of students enrolled in districts, and other interested stakeholders. The bill requires the commissioner before September 30 of each school year to adopt any indicators and standards under statutory provisions relating to public school accreditation the commissioner will use to evaluate districts and campuses for that school year.

C.S.H.B. 22 changes one of the circumstances under which the commissioner is required to take certain intervention-related and sanction-related actions to the extent the commissioner determines necessary from one under which a district does not satisfy certain academic performance standards to one under which a district has been assigned an unacceptable performance rating for the school progress domain. The bill makes a similar change with regard to interventions and sanctions for campuses and with regard to the assignment of a campus intervention team. The bill removes provisions relating to certain sanctions to be imposed if a district has failed to satisfy any applicable performance standard due to the district's dropout rates. The bill changes the commissioner's action consisting of ordering the preparation of a student achievement plan that addresses certain academic achievement indicators for which the district's performance is insufficient to action consisting of ordering of the preparation of an improvement plan that addresses the indicators for the school progress domain. The bill changes one of the circumstances under which the commissioner may appoint a board of managers to exercise the powers and duties of a district's board of trustees from the district failing to satisfy any standard for the performance achievement indicators to the district having been assigned an unacceptable performance rating for the school progress domain. The bill makes the same change to the applicable circumstance under which the commissioner may revoke a district's accreditation and order certain closures if the district has met that circumstance for two consecutive school years.

C.S.H.B. 22 limits to performance standards for the indicators in the school progress domain the applicable standards with regard to which a campus-level planning and decision-making committee is required to revise and submit to the commissioner relevant portions of the campus improvement plan if the campus performance satisfies the standards for the current school year but would not satisfy the standards if the standards to be used for the following school year were applied to the current school year. The bill makes similar changes with regard to the

circumstances under which the commissioner is required to order the preparation and submission of a campus turnaround plan or, if the circumstances persist, the appointment of alternative management or closure of the campus.

C.S.H.B. 22 requires the commissioner, not later than June 15 of each year, to approve or reject in writing any campus turnaround plan prepared and submitted to the commissioner by a district. The bill requires the commissioner, if the commissioner rejects a campus turnaround plan, to include in the written rejection a list of the specific concerns that resulted in the rejection and requires the district in such a circumstance to create a modified plan, to request assistance from TEA staff, and to submit the modified plan to the commissioner for approval not later than August 15. The bill requires the commissioner to notify the district in writing of the commissioner's decision regarding the modified plan not later than September 1. The bill prohibits TEA, if TEA assists or offers assistance to a district in modifying a campus turnaround plan following a rejection of the district's original campus turnaround plan, from recommending or requiring participation by the district or the district board of trustees in any other initiative that does not directly relate to a concern identified by the commissioner in the written rejection of the original plan.

C.S.H.B. 22 requires the commissioner for the 2017-2018 and 2018-2019 school years to evaluate district and campus performance and assign each district and campus a performance rating in accordance with the indicators, standards, procedures, criteria, and calculations prescribed by the 2016 Accountability Manual adopted under a certain rule, as that rule existed March 31, 2017. The bill authorizes the commissioner by rule to adopt revisions to the 2016 Accountability Manual for the 2017-2018 school year and 2018-2019 school year, provided that the commissioner may revise dates and deadlines only as necessary and may revise indicators, standards, procedures, criteria, and calculations only to the extent required by federal law.

C.S.H.B. 22 requires the commissioner, using available data from the 2017-2018 school year, to prepare a report that, to the greatest extent possible, describes and lists the domain performance ratings, as amended by the bill, that would be assigned to each district and campus if the domain indicators, as amended by the bill, were effective during the 2017-2018 school year. The bill requires the commissioner to prepare an identical report in relation to the 2018-2019 school year using available data from the 2018-2019 school year. The bill requires each report to include information concerning the extent to which the domain performance ratings correlate with student demographic characteristics and requires the commissioner to submit the reports to the governor, lieutenant governor, speaker of the house, and presiding officer of each standing committee of the senate and house of representatives with primary jurisdiction over primary and secondary education not later than December 1, 2018, for the 2017-2018 school year report and not later than December 1, 2019, for the 2018-2019 school year report. These reporting requirements apply beginning with the 2017-2018 school year and expire December 31, 2019.

C.S.H.B. 22 applies beginning with the 2019-2020 school year, except as otherwise provided.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 22 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

85R 25260

17.114.874

Substitute Document Number: 85R 20203

No equivalent provision.

SECTION 1. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the domain [achievement] indicators adopted under Section 39.053(c), other than the indicators that are locally evaluated under Sections 39.053(c)(3)(A)(i) and (ii) [Sections 39.053(e)(1)-(4)]. The district improvement plan must include provisions for:

- (1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;
- (2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;
- (3) strategies for improvement of student performance that include:
  - (A) instructional methods for addressing the needs of student groups not achieving their full potential;
  - (B) methods for addressing the needs of students for special programs, including:
    - (i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;
    - (ii) conflict resolution programs;
    - (iii) violence prevention programs; and
    - (iv) dyslexia treatment programs;
  - (C) dropout reduction;
  - (D) integration of technology in

- instructional and administrative programs;
- (E) discipline management;
- (F) staff development for professional staff of the district;
- (G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and
- (H) accelerated education;
- (4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
  - (A) higher education admissions and financial aid opportunities;
  - (B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;
  - (C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and
  - (D) sources of information on higher education admissions and financial aid;
- (5) resources needed to implement identified strategies;
- (6) staff responsible for ensuring the accomplishment of each strategy;
- (7) timelines for ongoing monitoring of the implementation of each improvement strategy;
- (8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; and
- (9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children.

No equivalent provision.

SECTION 2. Section 11.253(c), Education Code, is amended to read as follows:

(c) Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Subchapter A, Chapter 29, with respect to the relevant domain [~~achievement~~] indicators adopted under Section 39.053(c) [~~Sections 39.053(e)(1)-(4)~~] and any other appropriate performance measures for special needs populations.

No equivalent provision.

SECTION 3. Section 12.1013(c), Education Code, is amended to read as follows:  
(c) The report must include the performance of each public school in each class described by Subsection (b) as measured by the domain [achievement] indicators adopted under Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~] and student attrition rates.

No equivalent provision.

SECTION 4. Section 29.062(a), Education Code, is amended to read as follows:  
(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the domain [achievement] indicators adopted under Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~], including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning students of limited English proficiency.

SECTION 1. Section 29.202, Education Code, is amended as follows:  
Sec. 29.202. ELIGIBILITY.

SECTION 5. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus that has been issued an unacceptable performance rating, in both the student achievement domain under Section 39.053(c)(1) and the school progress domain under Section 39.053(c)(2), that is made publicly available under Section 39.054:  
~~(1) at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (e) in any two of the preceding three years (a-3); or~~  
~~(2) that, at any time in the preceding three years, failed to satisfy any standard under Section 39.054(e).~~

(a) Substantially the same as introduced version.

(b) After a student has used a public education grant to attend a school in a district other than the district in which the student resides:  
(1) the student does not become ineligible for the grant if the school on which the student's initial eligibility is based no longer

No equivalent provision.

meets the criteria under Subsection (a); and  
(2) the student becomes ineligible for the grant if the student is assigned to attend a school that does not meet the criteria under Subsection (a).

(See SECTION 6 below.)

SECTION 2. Section 39.052(b)(1), Education Code, is amended as follows:  
Sec. 39.052. DETERMINATION OF ACCREDITATION STATUS OR PERFORMANCE RATING.

(a) Each year, the commissioner shall determine the accreditation status of each school district.

(b) In determining the accreditation status of a school district, the commissioner:

(1) shall evaluate and consider:

(A) performance in the domains ~~on achievement indicators~~ described by Section 39.053(e); and

(B) performance under the financial accountability rating system developed under Subchapter D; and

(2) may evaluate and consider:

(A) the district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education under specific statutory authority that relate to:

(i) reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;

(ii) the high school graduation requirements under Section 28.025; or

(iii) an item listed under Sections 7.056(e)(3)(C)-(I) that applies to the district;

(B) the effectiveness of the district's

SECTION 6. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0211 to read as follows:

Sec. 39.0211. RULES. (a) The commissioner may adopt rules as necessary to administer this chapter.

(b) In adopting a rule under this chapter, the commissioner shall solicit input statewide from persons who would likely be affected by the proposed rule, including school district boards of trustees, administrators and teachers employed by school districts, parents of students enrolled in school districts, and other interested stakeholders.

SECTION 7. Section 39.052(b), Education Code, is amended to read as follows:

No equivalent provision.

(b) Substantially the same as introduced version.

programs for special populations; and  
(C) the effectiveness of the district's career and technology program.

SECTION 3. Section 39.053, Education Code, is amended as follows:

Sec. 39.053. PERFORMANCE INDICATORS: ACHIEVEMENT.

(a) The commissioner shall adopt a set of indicators, including the indicators within the domains specified under Subsection (c), of the quality of learning and achievement. The commissioner periodically ~~biennially~~ shall review the indicators for the consideration of appropriate revisions.

(a-1) The indicators adopted by the commissioner under Subsection (a); ~~including the indicators identified under Subsection (e)~~, must measure and evaluate school districts, and campuses with respect to:

(1) improving student preparedness for success in:

(A) subsequent grade levels; and

(B) entering the workforce, the military, or postsecondary education;

(2) reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and

(3) informing parents and the community regarding campus and district performance ~~in the domains described by Subsection (e) and, for the domain described by Subsection (e)(5), in accordance with local priorities and preferences.~~

(b) Performance on the achievement indicators in the domains adopted under Subsections (c)(1)-(4), (2), and (3)(B)-(C) shall be compared to state-established standards. To the extent feasible, the ~~The~~ indicators ~~must be based on information that is disaggregated~~ should allow for disaggregation by race, ethnicity, and socioeconomic status.

(c) School districts and campuses must be evaluated based on three ~~five~~ domains of indicators of achievement adopted under

SECTION 8. Section 39.053, Education Code, is amended by amending Subsections (a), (a-1), (b), (c), (c-1), (d-1), (f), (g), (g-1), (g-2), and (i) and adding Subsections (c-3) and (c-4) to read as follows:

(a) Substantially the same as introduced version.

(a-1) Substantially the same as introduced version.

(b) Except for the indicators that are locally evaluated under Subsection (c)(3)(A), performance ~~[Performance]~~ on the [achievement] indicators in each domain adopted under Subsection (c) ~~[Subsections (e)(1)-(4)]~~ shall be compared to state-established standards. To the extent feasible, the ~~[The]~~ indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.

(c) School districts and campuses must be evaluated based on three ~~[five]~~ domains of indicators of achievement adopted under

this section that include:

(1) in the student achievement first domain, indicators of student achievement that shall include the results of:

*(See Sec. 39.053(c)(1)(F) below.)*

(A) 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:

(i) 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

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

(B) the results of assessment instruments required under Section 39.023(b), as applicable for the district and campus aggregated across grade levels by subject area, 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;

(C) the results of locally selected assessments, to the extent that alternative assessments are available under rules to be adopted by the commissioner;

*(See Sec. 39.053(c)(1)(F)(i) below.)*

*(See Section 39.053(c)(1)(F)(ii) below.)*

this section that include:

(1) in the student achievement [first] domain, indicators of student achievement that must include [the results of]:

(A) for evaluating the performance of districts and campuses generally, indicators that account for:

(i) 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) [~~(i)~~] 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) [~~(ii)~~] for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; [~~and~~]

(ii) [~~(B)~~] the results of assessment instruments required under Section 39.023(b), as applicable for the district and campus, [aggregated across grade levels by subject area,] 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;

(iii) the results of locally selected assessment instruments, including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the commissioner, to the extent that alternative assessments are available under rules adopted by the commissioner;

(iv) students who successfully complete courses in fine arts, physical education, or a language other than English or other courses included in the enrichment curriculum under Section 28.002(a)(2); and

(v) students who participate in extracurricular activities, including

University Interscholastic League activities such as academic, fine arts, and athletic events and foreign language, chess, and robotics clubs;

(D) 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 51.3062(f) on an assessment instrument in reading or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c);

(ii) students who satisfy standards on advanced placement assessments, college level examination program assessments, or similar assessments;

(iii) students who earn the qualifying number of dual course credits;

(iv) students who enlist in the armed forces of the United States;

(v) students who earn a qualifying industry certification;

(vi) students admitted into postsecondary industry certification programs that require as a prerequisite for entrance performance or attainment of secondary level success;

(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) students' high school graduation rates, including completion rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. Section

(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 51.3062(f) on an assessment instrument in reading or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c);

(ii) students who satisfy performance standards as determined by the commissioner on advanced placement tests, college entrance examinations, or similar assessment instruments;

(iii) students who successfully complete a dual credit course that satisfies a requirement under the foundation high school program;

(iv) students who enlist in the armed forces of the United States;

(v) students who successfully complete a coherent sequence of courses that lead to a qualifying industry certification as determined by the commissioner;

(vi) students admitted into a postsecondary industry certification program that requires as a prerequisite for 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, including completion rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. Section 6301 et

6301 et seq.) except as provided by Subsections (g), (g-1), (g-2) and Section 39.054(f);

(x) students who successfully complete the distinguished level of achievement under Section 28.025(b-7); and

(xi) students who complete an associate level degree while enrolled in high school;

(E) for evaluating the performance of middle school campuses and districts that serve students through the eighth grade, indicators that account for:

(i) students who satisfy standards on advanced placement assessments, college admissions tests, or similar assessments; and

(ii) students who drop out of school annually and do not return by a certain date, established in rules to be adopted by the commissioner, in the following school year; and

(F) for evaluating the performance of campuses and districts that serve elementary, middle, and high school students, indicators that account for:

(i) students who successfully complete fine arts, physical education, or second language acquisition courses or enrichment classes;

(ii) students who participate in extra-curricular programs, such as UIL (academic, fine arts, athletic), clubs (foreign language, fine arts, chess, robotics, etc.), or other extra-curricular activities.

(2) in the school progress second domain, indicators that account for effectiveness in promoting student learning, which may include:

(A) for assessment instruments, including assessment instruments under Subdivision (1)(A), (1)(B), and to the extent available, (1)(C), indicators that account for:

(i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner, including students who took

seq.) subject to the exclusions provided by Subsections (g), (g-1), (g-2), and (g-3);

(x) students who successfully complete the distinguished level of achievement under Section 28.025(b-7); and

(xi) students who complete an associate degree while enrolled in high school; and

(C) for evaluating the performance of middle and junior high school campuses and districts that serve students through the eighth grade, indicators that account for:

(i) students who satisfy performance standards as determined by the commissioner, on advanced placement tests, college entrance examinations, or similar assessment instruments; and

(ii) students who drop out of school the preceding school year and do not return by a date determined by the commissioner, during the current school year;

Substantially the same as introduced version.

(See Sec. 39.053(c)(1)(A) above.)

Substantially the same as introduced version.

(See Sec. 39.053(c)(1)(A)(iv) above.)

Substantially the same as introduced version.

(See Section 39.053(c)(1)(A)(v) above.)

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

(A) for evaluating the performance of districts and campuses generally, indicators that account for [assessment instruments under Subdivision (1)(A)]:

(i) [for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of] students who met the standard for annual improvement, as determined by the commissioner, on [the] assessment instruments designated[, as determined] by the commissioner, including assessment instruments under Subdivisions (1)(A)(i) and (ii) and, to the extent available,

English language proficiency assessments under Section 29.056(a)(2) and met the applicable standards for improvement; by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and

(B) students identified under Section 29.052 who successfully exit the programs by meeting criteria under Section 29.056(g)

~~(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;~~

(C) students enrolled in grade 9 for the first time who have earned enough credits by the end of that school year for promotion to the next grade level;

(D) students enrolled in grades 1 through 8 who, by the end of the school year, successfully complete curriculum requirements for advancement to the next grade level;

(E) students who complete varied, rigorous and relevant curricular options that lead to postsecondary success, including completion of advanced placement courses or other similar courses;

(F) for middle and high school campuses and districts that serve students in grades 6, 7, 8, 9, 10, 11, or 12, student participation rates in advanced placement, international baccalaureate, college admissions or preliminary college admissions assessments; and

(G) the performance of a district or campus compared to similar districts or campuses; and

Subdivision (1)(A)(iii) and English language proficiency assessments under Section 29.056(a)(2)

~~[by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area]; [and]~~

(ii) students identified as a student of limited English proficiency, as defined by Section 29.052, who successfully exit a bilingual education or special language program by meeting criteria as provided by Section 29.056(g) and complying with any rule adopted by the commissioner regarding the development of proficiency in more than one language [for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area];

(iii) students enrolled in grades one through eight who successfully complete curriculum requirements during the school year for promotion to the next grade level;

(iv) students enrolled in grade nine for the first time who earn the credits required during that school year for promotion to the next grade level; and

(v) students who complete varied, rigorous, and relevant curricular options that lead to postsecondary success, including completion of advanced placement courses or similar courses;

(B) for middle, junior high, and high school campuses and districts that serve students in grades 6 through 12, an indicator that accounts for students who were administered an advanced placement test, international baccalaureate examination, college entrance examination, or preliminary college entrance examination; and

(C) for evaluating relative performance, an indicator that accounts for the performance of each district and campus in the categories described by Paragraphs (A) and (B) compared to districts or campuses with similar characteristics, including:

(i) student socioeconomic status;

~~for — assessment — instruments — under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;~~

~~(3) in the third domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds;~~

~~(4) in the fourth domain:~~

~~(A) for evaluating the performance of high school campuses and districts that include high school campuses:~~

~~(i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;~~

~~(ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);~~

~~(iii) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;~~

~~(iv) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1);~~

~~(v) the percentage of students who completed a coherent sequence of career and technical courses;~~

~~(vi) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under~~

(ii) enrollment size;

(iii) surrounding community attributes;

(iv) district property wealth per student in weighted average daily attendance; and

(v) access to programs and other opportunities that promote career and college readiness

~~[for — assessment — instruments — under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;~~

~~[(3) in the third domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds;~~

~~[(4) in the fourth domain:~~

~~[(A) for evaluating the performance of high school campuses and districts that include high school campuses:~~

~~[(i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;~~

~~[(ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);~~

~~[(iii) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;~~

~~[(iv) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1);~~

~~[(v) the percentage of students who completed a coherent sequence of career and technical courses;~~

~~[(vi) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under~~

Section 51.3062(e);

~~(vii) the percentage of students who earn at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(e-1);~~

~~(viii) the percentage of students who have completed an advanced placement course;~~

~~(ix) the percentage of students who enlist in the armed forces of the United States; and~~

~~(x) the percentage of students who earn an industry certification;~~

~~(B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses:~~

~~(i) student attendance; and~~

~~(ii) for middle and junior high school campuses:~~

~~(a) dropout rates, computed in the manner described by Paragraph (A)(i); and~~

~~(b) the percentage of students in grades seven and eight who receive instruction in preparing for high school, college, and a career that includes information regarding the creation of a high school personal graduation plan under Section 28.02121, the distinguished level of achievement described by Section 28.025(b-15), each endorsement described by Section 28.025(e-1), college readiness standards, and potential career choices and the education needed to enter those careers; and~~

~~(C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers; and~~

~~(3)(5)~~ in the school climate fifth domain, indicators of school climate, which may include:

~~(A)~~ three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546,

which shall comprise at least 50% of the domain rating;

Section 51.3062(e);

~~[(vii) the percentage of students who earn at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(e-1);~~

~~[(viii) the percentage of students who have completed an advanced placement course;~~

~~[(ix) the percentage of students who enlist in the armed forces of the United States; and~~

~~[(x) the percentage of students who earn an industry certification;~~

~~[(B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses:~~

~~[(i) student attendance; and~~

~~[(ii) for middle and junior high school campuses:~~

~~[(a) dropout rates, computed in the manner described by Paragraph (A)(i); and~~

~~[(b) the percentage of students in grades seven and eight who receive instruction in preparing for high school, college, and a career that includes information regarding the creation of a high school personal graduation plan under Section 28.02121, the distinguished level of achievement described by Section 28.025(b-15), each endorsement described by Section 28.025(e-1), college readiness standards, and potential career choices and the education needed to enter those careers; and~~

~~[(C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers]; and~~

~~(3) [(5)]~~ in the school climate [~~five~~] domain, indicators of school climate, which ~~may~~ **must** include:

~~(A)~~ for evaluating the performance of districts and campuses generally, indicators that account for:

~~(i)~~ three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546;

*(See SECTION 11 below at Sec. 39.054(a-1)(4).)*

*(See Sec. 39.053(c)(3)(J) below.)*

(B) students who successfully complete at least one endorsement under Section 28.025(c-1);

(C) students who successfully complete a coherent sequence of career and technical courses or a coherent sequence of fine arts courses;

(D) economically disadvantaged students who successfully complete a postsecondary readiness course;

(E) students who are not absent 15 days or more during the school year. "Absent" in this subsection means that the students is not physically on school grounds and is not participating in instruction or instruction-related activities at an approved off-campus location for the school day, without regard to whether the absence is excused or unexcused;

(F) teacher quality indicators as determined by the commissioner;

(G) for elementary campuses serving kindergarten through fifth grade, student participation rates in literacy and mathematics academies;

(H) for elementary campuses serving Pre-Kindergarten, student participation rates in full-day Pre-kindergarten programs;

(I) health and wellness indicators as determined by the commissioner; and

(J) results from a local evaluation of school or district climate, obtained through a uniform method of data collection adopted into rule by the commissioner, for all schools and districts in the state;

*(See Sec. 39.053(c)(3)(H) above.)*

(ii) the results from a local evaluation of school climate of districts and campuses, obtained through a uniform method of data collection adopted by commissioner rule;

(iii) students who successfully complete at least one endorsement under Section 28.025(c-1);

(iv) students who successfully complete a coherent sequence of career and technical courses or a coherent sequence of fine arts courses;

(v) educationally disadvantaged students who successfully complete a postsecondary readiness course;

(vi) teacher quality as determined by the commissioner, provided that any teacher quality indicator that considers the performance of a teacher's students may not, in considering student performance, attribute more than 25 percent of student performance to student performance on assessment instruments administered under Section 39.023; and

*(See Sec. 39.053(c)(3)(C) below.)*

*(See Sec. 39.053(c)(3)(B) below.)*

(vii) health and wellness as determined by the commissioner;

*(See Sec. 39.053(c)(3)(A)(ii) above.)*

(B) for campuses that serve students enrolled in prekindergarten, an indicator that

accounts for student participation in full-day prekindergarten programs; and

*(See Sec. 39.053(c)(3)(G) above.)*

(c-1) An indicator adopted under Subsection (c) that would measure improvements in student, campus, or district progress in the school progress domain achievement cannot negatively affect the commissioner's review of a school district or campus if that district or campus is already achieving at the highest level for that indicator.

(c-2) The commissioner by rule shall determine a method by which a student's performance may be included in determining the performance rating of a school district or campus under Section 39.054 if, before the student graduates, the student:

(1) satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c); or

(2) performs satisfactorily on an assessment instrument under Section 39.023(c), notwithstanding Subsection (d).

*(See Sec. 39.053(g-3) below.)*

*(See SECTION 5 below at Sec. 39.054(a-2).)*

(C) for campuses that serve students enrolled in kindergarten through fifth grade, an indicator that accounts for student participation in literacy and mathematics academies.

(c-1) An indicator adopted under Subsection (c)(2) for the school progress domain [~~(e)~~] that would measure improvements in student, school district, or campus progress [~~achievement~~] cannot negatively affect the commissioner's review of a school district or campus if a student or the [~~that~~] district or campus is already achieving at the highest level for that indicator.

**No equivalent provision.**

(c-3) For purposes of Subsection (c), the commissioner by rule shall determine a method by which the performance of a student newly enrolled in a school district or at a campus is excluded in determining the performance rating of the district or campus under Section 39.054(a). In this subsection, "student newly enrolled" means a student who transfers to a school district or campus in this state from another state or country and who has not been previously enrolled in a school district or at a campus in this state.

(c-4) For purposes of evaluating the performance of a district or campus under Subsection (c), the commissioner shall determine a method by which the

performance of a student is attributed greater weight for each school year a student has been continuously enrolled in the school district or at the campus, as applicable.

(d) For purposes of Subsection (c), the commissioner by rule shall determine the period within which a student must retake an assessment instrument for that assessment instrument to be considered in determining the performance rating of the district under Section 39.054.

No equivalent provision.

(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1)(A) the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.

(d-1) Substantially the same as introduced version.

(e) [Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094 (H.B. 2804), effective June 19, 2015.

No equivalent provision.

(f) By September 30 annually, or as soon thereafter as possible ~~Annually,~~ the commissioner shall define the state standard for the current school year for each domain adopted under this section and evaluated under Section 39.054. In consultation with educators, parents, business and industry, as necessary, the commissioner shall establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnic and socioeconomic status and to ensure Texas is a national leader in preparing students for postsecondary success. ~~achievement indicator described by Subsections (c)(1)-(4) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the college readiness achievement indicator described by Subsection (c)(1)(A)(ii) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:~~  
(1) ~~student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and~~

(f) Not later than September 30 of each year or as soon thereafter as possible [~~Annually,~~] the commissioner shall define the state standard for the current school year for each domain under Subsection (c). In consultation with educators, parents, and business and industry representatives, as necessary, the commissioner shall establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure this state is a national leader in preparing students for postsecondary success [~~achievement indicator described by Subsections (c)(1)-(4) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the college readiness achievement indicator described by Subsection (c)(1)(A)(ii) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:~~  
[(1) ~~student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and~~

~~(2) student performance with no significant achievement gaps by race, ethnicity, and socioeconomic status.~~

~~[(2) student performance with no significant achievement gaps by race, ethnicity, and socioeconomic status].~~

~~(g) In the computation of a defining the required state standard for the dropout rate indicator described by graduation or completion rate such as a high school graduation rate under Subsections (c)(1)(D)(ix)(e)(4)(A)(i) and (B)(ii)(a), the commissioner may not consider as a dropout a student whose failure to attend school results from:~~

(g) Substantially the same as introduced version.

~~(1) the student's expulsion under Section 37.007; and~~

~~(2) as applicable:~~

~~(A) adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or~~

~~(B) conviction of and sentencing for an offense under the Penal Code.~~

(g-1) Substantially the same as introduced version.

~~(g-1) In computing dropout and completion rates such as high school graduation or completion rates under Subsections (c)(1)(D)(ix)(e)(4)(A)(i) and (B)(ii)(a), the commissioner shall exclude:~~

~~(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;~~

~~(2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out, unless the student graduates;~~

~~(3) students in attendance who are not in membership for purposes of average daily attendance;~~

~~(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-1);~~

~~(5) students whose initial enrollment in Texas public schools occurred in grades 11-12;~~

~~(6) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; and~~

~~(7) students who are incarcerated in state jails and federal penitentiaries as adults and~~

as persons certified to stand trial as adults.

(g-2) In computing completion rates such as high school graduation rates under Subsection ~~(c)(1)(D)(ix)(e)(2)~~, the commissioner shall exclude students who:

- (1) are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;
- (2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and
- (3) are enrolled and receiving individualized education program services.

(g-3) In annually computing results under Section 39.053(c), the commissioner shall exclude students who are newly enrolled in Texas public schools from the evaluation of results under Section 39.054(a), as effective on September 1, 2017. The term "newly enrolled" in this subsection refers to students who transfer into Texas public schools from out of state or out of the country, and who have no prior history of enrollment within Texas public schools.

(h) Each school district shall cooperate with the agency in determining whether a student is a dropout for purposes of accreditation and evaluating performance by school districts and campuses under this chapter.

~~(i) Each school district shall submit the data required for the indicators adopted under this section, to the extent necessary for processing under Section 39.054. The commissioner by rule shall adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner under Section 39.0241(a) or under the college readiness standard as determined under Section 39.0241 in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).~~

SECTION 4. Section 39.0531, Education Code, is added as follows:

(g-2) Substantially the same as introduced version.

*(See Sec. 39.053(c-3) above.)*

(i) Substantially the same as introduced version.

SECTION 9. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0531 to read as follows:

Sec. 39.0531. STUDENT SURVEYS. (a) The commissioner may incorporate student surveys as an indicator under 39.053(c)(3).

(b) The commissioner may develop rules to implement this section, including rules:

(1) determining the format of student surveys;

(2) determining the questions that student surveys must include;

(3) establishing when student surveys must be conducted;

(4) establishing requirements and parameters for administering and reporting results of the student surveys; and

(5) authorizing school districts and open enrollment charter schools to administer the student surveys or include the required survey questions in a locally administered student survey.

(c) Notwithstanding any other provision including Section 21.355, school districts and open enrollment charter schools shall report the information required under this section to the agency in accordance with rules adopted under subsection (b).

(d) The commissioner may contract with a third party to fulfill any and all functions under this section.

(e) The commissioner shall determine the feasibility of incorporating student surveys for use in the accountability ratings by the 2021-2022 school year, by piloting the use of such surveys in the 2018-2019 school year and reporting the results of such surveys in the 2019-2020 and 2020-2021 school years. This subsection expires September 1, 2022.

No equivalent provision.

Sec. 39.0531. SCHOOL CLIMATE SURVEY. (a) The commissioner may incorporate a school climate survey as an indicator for the school climate domain under Section 39.053(c)(3). A school climate survey shall be administered to administrators and teachers employed by school districts, students enrolled in school districts, and parents of those students.

(b) The commissioner may adopt rules to implement this section, including rules to:

(1) determine the format of the school climate survey;

(2) determine the questions that the survey must include;

(3) establish a period during a school year in which the survey must be conducted;

(4) establish requirements for administering and reporting the results of the survey; and

(5) authorize the manner in which the survey may be administered, including the local administration of the survey.

(c) Substantially the same as introduced version.

(d) Substantially the same as introduced version.

(e) Substantially the same as introduced version.

SECTION 10. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0536 to read as follows:

Sec. 39.0536. TEMPORARY PROVISION: ASSIGNMENT OF PERFORMANCE RATINGS. (a) Notwithstanding any other law and subject to Subsection (b), for the 2017-2018 and 2018-2019 school years, the commissioner shall evaluate school district and campus performance and assign each district and campus a performance rating in

accordance with the indicators, standards, procedures, criteria, and calculations prescribed by the 2016 Accountability Manual, adopted under 19 T.A.C. Section 97.1001, as that rule existed March 31, 2017.

(b) The commissioner by rule may adopt revisions to the 2016 Accountability Manual described by Subsection (a) for the 2017-2018 school year and 2018-2019 school year, provided that the commissioner may revise:

(1) dates and deadlines only as necessary; and

(2) indicators, standards, procedures, criteria, and calculations only to the extent required by federal law.

SECTION 5. Section 39.054, Education Code, is amended as follows:

Sec. 39.054. METHODS AND STANDARDS FOR EVALUATING PERFORMANCE.

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus ~~an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus~~ a separate domain performance rating of A, B, C, D, or F for each domain under Sections 39.053(c)(1)-(3)(4). ~~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 in need of improvement. ~~A 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. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, ~~or~~ C or D, or exemplary, recognized, ~~or~~ acceptable or needs improvement performance.

(a-1) In assigning ratings under Subsection

SECTION 11. Sections 39.054(a), (a-1), (a-2), (a-3), (c), and (e), Education Code, as effective September 1, 2017, are amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus ~~an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, 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) ~~[Sections 39.053(e)(1)-(4)].~~ A ~~[An overall or]~~ domain performance rating of A reflects exemplary performance. A ~~[An overall or]~~ domain performance rating of B reflects recognized performance. A ~~[An overall or]~~ domain performance rating of C reflects acceptable performance. A ~~[An overall or]~~ domain performance rating of D reflects performance in need of improvement. ~~A domain performance rating of~~ ~~[or]~~ F reflects unacceptable performance. A district may not receive a ~~[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. A reference in law to an acceptable rating or acceptable performance includes a ~~[an overall or]~~ domain performance rating of A, B, ~~[or]~~ C, or D or exemplary, recognized, or acceptable performance or performance in need of improvement.

(a-1) For purposes of assigning a domain

(a):

(1) the commissioner may adjust the performance rating for a domain disaggregated by race, ethnicity, socioeconomic status, or other factors;

(2) the weight given to the indicators in Section 39.053(c)(1)(A) and (B), combined, may not be greater than 50 percent of the total weight in assigning a rating to the student achievement domain under Section 39.053(c)(1); and

(3) the weight given to the indicators in Section 39.053(c)(2)(A) may not be greater than 50 percent of the total weight in assigning a rating to the student progress domain under Section 39.053(c)(2).

If the commissioner determines a domain rating adjustment is needed, the adjustment is limited to one and only one letter grade change.

~~For purposes of assigning an overall performance rating under Subsection (a), the commissioner shall attribute:~~

~~(1) 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(e)(1)-(3);~~

~~(2) for middle and junior high school and elementary campuses and districts that include only those campuses, 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(e)(4);~~

~~(3) for high school campuses and districts that include those campuses:~~

~~(A) 10 percent of the performance evaluation to the high school graduation rate achievement indicator described by Section 39.053(e)(4)(A)(ii); and~~

~~[an overall] performance rating under Subsection (a)[, the commissioner shall attribute]:~~

(1) the commissioner may adjust a domain performance rating for a domain disaggregated by race, ethnicity, socioeconomic status, or another factor by increasing the rating one level [55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(e)(1)-(3)];

(2) for the student achievement domain under Section 39.053(c)(1), not more than 50 percent of the domain performance rating may be attributed to the indicators under Sections 39.053(c)(1)(A)(i) and (ii) [for middle and junior high school and elementary campuses and districts that include only those campuses, 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(e)(4)];

(3) for the school progress domain under Section 39.053(c)(2), not more than 50 percent of the domain performance rating may be attributed to the indicator under Section 39.053(c)(2)(A)(i) [for high school campuses and districts that include those campuses:

*(See Sec. 39.054(a-2) below.)*

~~[(A) 10 percent of the performance evaluation to the high school graduation rate achievement indicator described by Section 39.053(e)(4)(A)(ii); and~~

~~(B) 25 percent to the remaining applicable achievement indicators for the fourth domain under Section 39.053(e)(4); and~~

~~(See SECTION 3 above at Sec. 39.053(c)(3)(A).)~~

~~(4) 10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(e)(5).~~

~~(See Sec. 39.054(a-1)(3) above.)~~

~~(a-2) For purposes of evaluating the performance of a school or district under Subsection (a), to the extent feasible, the commissioner shall give greater weight to the results of students who have been enrolled for at least four consecutive years in the same school or district. The commissioner by rule shall adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus and is not compensated for by a performance rating of A, B, or C in another domain.~~

~~(a-3) Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted under this~~

~~[(B) 25 percent to the remaining applicable achievement indicators for the fourth domain under Section 39.053(e)(4)]; and~~

~~(4) for the school climate domain under Section 39.053(c)(3), at least 50 percent of the domain performance rating must be attributed to the indicator under Section 39.053(c)(3)(A)(i)~~

~~[10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(e)(5)].~~

~~(a-2) If the [The] commissioner determines a domain performance rating increase adjustment is appropriate for a school district or campus, the commissioner may increase the rating, provided that the commissioner may not increase a rating more than once and may not increase the rating more than one level [by rule shall adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus and is not compensated for by a performance rating of A, B, or C in another domain].~~

~~(See SECTION 8 above at Sec. 39.053(c-4).)~~

~~(a-3) Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted under this~~

section. If a district or campus received ~~an overall or~~ domain performance rating of D or F for the preceding school year, the commissioner shall notify the district of a subsequent such designation on ~~or before~~ June 15 or as soon thereafter as is practicable.

(b) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094, Sec. 22, eff. June 19, 2015.

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

(1) must:

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

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

(2) may be based on the results of a special accreditation investigation conducted under Section 39.057.

(c) In evaluating school district and campus performance on the ~~achievement~~ indicators ~~for student performance on assessment instruments~~ adopted under Sections 39.053(c)(1)(A)-(B) and 39.053(c)(1)(D)(x) and in the school progress domain under Section 39.053(c)(2)(A)(2) and the dropout rate indicator adopted under Sections 39.053(c)(4)(A)(i) and (B)(ii)(a), the commissioner shall evaluate ~~define~~ acceptable performance as meeting the state standard determined by the commissioner under Section 39.053(f) for the current school year based on:

(1) student performance in the current school year; or

(2) when necessary to address small numbers of records available to use in the calculations, student performance as averaged over the current school year and the preceding two school years.

(d) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094, Sec. 22, eff. June 19, 2015.

(d-1) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1094, Sec. 22, eff. June 19, 2015.

(e) Each annual performance review under this section shall include an analysis of the

section. If a district or campus received a [an overall or] domain performance rating of D or F for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.

No equivalent provision.

No equivalent provision.

(c) Substantially the same as introduced version.

No equivalent provision.

No equivalent provision.

(e) Substantially the same as introduced version.

domains student achievement indicators adopted under Section 39.053, including Subsections 39.053(c)(1)-(3),(4) to determine school district and campus performance in relation to standards established for each domain indicator.

(f) In the computation of dropout rates and completion rates such as high school graduation rates under Sections 39.053(c)(1)(D)(ix)(e)(4)(A)(i) and ~~(B)(ii)(a)~~, a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.

SECTION 6. Section 39.0541, Education Code, is added as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS.

(a) The commissioner may adopt rules to implement this chapter.

(b) The commissioner shall adopt indicators and standards under this chapter at any time prior to September 30 of the same school year in which the evaluation of a school district or campus will take place.

SECTION 7. Section 39.0546, Education Code, is amended as follows:

Sec. 39.0546. PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT AS COMPONENT OF OVERALL DISTRICT AND CAMPUS RATING. (a) For purposes of including the

SECTION 12. Section 39.054(f), Education Code, as effective September 1, 2017, is transferred to Section 39.053, Education Code, redesignated as Section 39.053(g-3), Education Code, and amended to read as follows:

(g-3) Substantially the same as introduced version.

SECTION 13. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0541 to read as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS.

*(See SECTION 6 above.)*

Before September 30 of each school year, the commissioner shall adopt any indicators and standards under this subchapter the commissioner will use to evaluate school districts and campuses for that school year.

SECTION 14. Section 39.0546, Education Code, is amended to read as follows:

Sec. 39.0546. PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT AS COMPONENT OF ~~[OVERALL]~~ DISTRICT AND CAMPUS RATING. (a) For purposes of including the

local evaluation of districts and campuses under Section 39.053(c)(3)(A)(5) and assigning an overall rating under Section 39.054, before the beginning of each school year:

(1) each school district shall:

(A) select and report to the agency three programs or categories under Section 39.0545(b)(1), as added by Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular Session, 2013, under which the district will evaluate district performance;

(B) submit to the agency the criteria the district will use to evaluate district performance and assign the district a performance rating; and

(C) make the information described by Paragraphs (A) and (B) available on the district's Internet website; and

(2) each campus shall:

(A) select and report to the agency three programs or categories under Section 39.0545(b)(1), as added by Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular Session, 2013, under which the campus will evaluate campus performance;

(B) submit to the agency the criteria the campus will use to evaluate campus performance and assign the campus a performance rating; and

(C) make the information described by Paragraphs (A) and (B) available on the Internet website of the campus.

(b) Based on the evaluation under this section, each school district shall assign the district and each campus shall assign the campus a performance rating of A, B, C, D, or F, for both overall performance and for each program or category evaluated. An overall or a program or category performance rating of A reflects exemplary performance. An overall or a program or category performance rating of B reflects recognized performance. An overall or a program or category performance rating of C reflects acceptable performance. An overall or a program or category performance rating of D reflects performance in need of improvement. An overall or a program or category performance rating of F reflects unacceptable performance.

(c) On or before the date determined by the commissioner by rule, each school district

local evaluation of districts and campuses under Section 39.053(c)(3)(A)(i) [39.053(c)(5)] and assigning a domain performance [an overall] rating under Section 39.054, before the beginning of each school year:

(1) each school district shall:

(A) select and report to the agency three programs or categories under Section 39.0545(b)(1) [as added by Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular Session, 2013,] under which the district will evaluate district performance;

(B) submit to the agency the criteria the district will use to evaluate district performance and assign the district a performance rating; and

(C) make the information described by Paragraphs (A) and (B) available on the district's Internet website; and

(2) each campus shall:

(A) select and report to the agency three programs or categories under Section 39.0545(b)(1) [as added by Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular Session, 2013,] under which the campus will evaluate campus performance;

(B) submit to the agency the criteria the campus will use to evaluate campus performance and assign the campus a performance rating; and

(C) make the information described by Paragraphs (A) and (B) available on the Internet website of the campus.

(b) Based on the evaluation under this section, each school district shall assign the district and each campus shall assign the campus a performance rating of A, B, C, D, or F, for both overall performance and for each program or category evaluated. An overall or a program or category performance rating of A reflects exemplary performance. An overall or a program or category performance rating of B reflects recognized performance. An overall or a program or category performance rating of C reflects acceptable performance. An overall or a program or category performance rating of D reflects performance in need of improvement. A program or category performance rating of [F] reflects unacceptable performance.

(c) On or before the date determined by the commissioner by rule, each school district

and campus shall report each performance rating to the agency for the purpose of including the ratings in evaluating ~~school district and campus performance and assigning an overall rating~~ the school climate domain under Sections 39.053(c)(3) and 39.054.

SECTION 8. Section 39.0548, Education Code, is amended as follows:

Sec. 39.0548. EVALUATING DROPOUT RECOVERY SCHOOLS.

(a) For purposes of evaluating performance under Section 39.053(c), the commissioner shall designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school:

(1) that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are ~~15~~<sup>17</sup> years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and

(2) that meets the eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner.

(b) Notwithstanding Section 39.053(c)(1)(D)(ix) the commissioner shall use the alternative completion rate under this subsection to determine the ~~dropout~~ graduation rate indicator under Section 39.053(c)(1)(D)(ix)(e)(4)(A)(i) for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c) Notwithstanding Section 39.053(c)(1)(D)(ix)(e)(4)(A)(i), in determining the performance rating under Section 39.054 of a dropout recovery school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.

(d) Notwithstanding Section 39.053(c), for

and campus shall report each performance rating to the agency for the purpose of including the rating in evaluating school districts and campuses under the school climate domain under Section 39.053(c)(3) [district and campus performance] and assigning a domain performance [an overall] rating under Section 39.054.

SECTION 15. Sections 39.0548(a), (b), and (c), Education Code, are amended to read as follows:

(a) Same as introduced version.

(b) Notwithstanding Section 39.053(c)(1)(B)(ix) [39.053(e)(4)(A)(i)], the commissioner shall use the alternative completion rate under this subsection to determine the graduation [dropout] rate indicator under Section 39.053(c)(1)(B)(ix) [39.053(e)(4)(A)(i)] for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate~~[, continue attending school into the next academic year,]~~ or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c) Substantially the same as introduced version.

No equivalent provision.

purposes of evaluating a dropout recovery school under the accountability procedures adopted by the commissioner to determine the performance rating of the school under Section 39.054:

(1) only the best result from the primary administration or any retake of an assessment instrument administered to a student in the school year evaluated may be considered; and

(2) only a student enrolled continuously for at least 90 days during the school year evaluated may be considered.

SECTION 9. The indicator measures and domains established under Section 39.053, as revised, shall be evaluated under the procedures in Section 39.054, as revised, beginning in August 2019.

No equivalent provision.

No equivalent provision.

SECTION 16. Section 39.055, Education Code, is amended to read as follows:

Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.053(g-3) [~~39.054(f)~~], for purposes of determining the performance of a school district, campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

No equivalent provision.

SECTION 17. Section 39.102(a), Education

Code, is amended to read as follows:

(a) If a school district does not satisfy the accreditation criteria under Section 39.052, has been assigned an unacceptable [the academic] performance rating [standards] under Section [~~39.053 or~~] 39.054 for the school progress domain under Section 39.053(c)(2), or does not satisfy any financial accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Section 39.057, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

(1) issue public notice of the deficiency to the board of trustees;

(2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the interventions and sanctions that may be imposed under this section if the performance does not improve;

(3) order the preparation of an [a student achievement] improvement plan that addresses the indicators for the school progress domain [each—academic achievement—indicator] under Section 39.053(c)(2) [39.053(c) for which the district's performance is insufficient], the submission of the plan to the commissioner for approval, and implementation of the plan;

(4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;

(5) arrange a monitoring review of the district;

(6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;

(7) appoint a conservator to oversee the operations of the district;

(8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a

contract with another person;

(9) if a district has a current accreditation status of accredited-warned or accredited-probation, has been assigned an unacceptable performance rating [~~fails to satisfy any standard~~] under Section 39.054 for the school progress domain under Section 39.053(c)(2) [~~39.054(e)~~], or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees; or

(10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has been assigned an unacceptable performance rating [~~failed to satisfy any standard~~] under Section 39.054 for the school progress domain under Section 39.053(c)(2) [~~39.054(e)~~], or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:

(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or

(B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter[; ~~or~~

~~[(11) if a district has failed to satisfy any standard under Section 39.054(e) due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:~~

~~[(A) ordering the development of a dropout prevention plan for approval by the commissioner;~~

~~[(B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;~~

~~[(C) ordering lower student to counselor ratios on school campuses with high dropout rates; and~~

~~[(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling].~~

No equivalent provision.

SECTION 18. Section 39.103(a), Education Code, is amended to read as follows:

(a) If a campus is assigned an unacceptable

performance rating [~~is below any standard~~] under Section 39.054 for the school progress domain under Section 39.053(c)(2) [~~39.054(e)~~], the commissioner shall take actions, to the extent the commissioner determines necessary, as provided by this subchapter.

No equivalent provision.

SECTION 19. Section 39.105(a), Education Code, is amended to read as follows:

(a) This section applies if a campus performance satisfies performance standards under Section 39.054(e) for the indicators for the school progress domain under Section 39.053(c)(2) for the current school year but would not satisfy performance standards under Section 39.054(e) for those indicators if the standards to be used for the following school year were applied to the current school year. On request of the commissioner, the campus-level committee established under Section 11.251 shall revise and submit to the commissioner in an electronic format the portions of the campus improvement plan developed under Section 11.253 that are relevant to those areas for which the campus would not satisfy performance standards.

No equivalent provision.

SECTION 20. Sections 39.106(a) and (e), Education Code, are amended to read as follows:

(a) If a campus [~~performance~~] is assigned an unacceptable performance rating [~~below any standard~~] under Section 39.054 for the school progress domain under Section 39.053(c)(2) [~~39.054(e)~~], the commissioner shall assign a campus intervention team. A campus intervention team shall:

- (1) conduct, with the involvement and advice of the school community partnership team, if applicable:
  - (A) a targeted on-site needs assessment relevant to an area of insufficient performance of the campus as provided by Subsection (b); or
  - (B) if the commissioner determines necessary, a comprehensive on-site needs assessment, using the procedures provided by Subsection (b);
- (2) recommend appropriate actions as provided by Subsection (c);
- (3) assist in the development of a targeted improvement plan;
- (4) conduct a public meeting at the campus

with the campus principal, the members of the campus-level planning and decision-making committee established under Section 11.251, parents of students attending the campus, and community members residing in the district to review the campus performance rating and solicit input for the development of the targeted improvement plan;

(5) assist the campus in submitting the targeted improvement plan to the board of trustees for approval and presenting the plan in a public hearing as provided by Subsection (e-1); and

(6) assist the commissioner in monitoring the progress of the campus in implementing the targeted improvement plan.

(e) For each year a campus is assigned an unacceptable performance rating under the school progress domain under Section 39.053(c)(2), a campus intervention team shall:

(1) continue to work with a campus until:

(A) the campus is assigned a [satisfies all] performance rating of at least acceptable [standards] under Section 39.054 for the school progress domain under Section 39.053(c)(2) [39.054(e)] for a two-year period; or

(B) the campus is assigned a [satisfies all] performance rating of at least acceptable [standards] under Section 39.054 for the school progress domain under Section 39.053(c)(2) [39.054(e)] for a one-year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student performance [achievement];

(2) assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

(3) submit each updated plan described by Subdivision (2) to the board of trustees of the school district.

No equivalent provision.

SECTION 21. Section 39.107, Education Code, is amended by amending Subsections (a), (a-2), (b), (b-4), (d), (e), (f), and (g-1) and adding Subsections (b-10), (b-11), and (b-12) to read as follows:

(a) After a campus has been assigned an [been identified as] unacceptable performance rating for the school progress

domain under Section 39.053(c)(2) for two consecutive school years, the commissioner shall order the campus to prepare and submit a campus turnaround plan. The commissioner shall by rule establish procedures governing the time and manner in which the campus must submit the campus turnaround plan.

(a-2) Before a campus turnaround plan is prepared and submitted for approval to the board of trustees of the school district, the district, in consultation with the campus intervention team, shall:

(1) provide notice to parents, the community, and stakeholders that the campus has received an [~~academically~~] unacceptable performance rating for the school progress domain under Section 39.053(c)(2) for two consecutive years and will be required to submit a campus turnaround plan; and

(2) request assistance from parents, the community, and stakeholders in developing the campus turnaround plan.

(b) The school district, in consultation with the campus intervention team, shall prepare the campus turnaround plan and allow parents, the community, and stakeholders an opportunity to review the plan before it is submitted for approval to the board of trustees of the school district. The plan must include details on the method for restructuring, reforming, or reconstituting the campus. If the district determines that granting a district charter under Section 12.0522 is appropriate for the campus, the campus turnaround plan must provide information on the implementation of the district charter. The plan must assist the campus in implementing procedures to satisfy the [aH] performance standards required under Section 39.054(e) for the school progress domain under Section 39.053(c)(2).

(b-4) A campus turnaround plan developed under this section must take effect not later than the school year following the third consecutive school year that the campus has received an [~~academically~~] unacceptable performance rating for the school progress domain under Section 39.053(c)(2).

(b-10) Not later than June 15 of each year, the commissioner shall approve or reject in writing any campus turnaround plan prepared and submitted to the commissioner

by a school district. If the commissioner rejects a campus turnaround plan, the commissioner must include in the written rejection to the district a list of the specific concerns regarding the plan that resulted in the rejection.

(b-11) If the commissioner rejects a campus turnaround plan, the district must create a modified plan and request assistance from agency staff. The district must submit the modified plan to the commissioner for approval not later than August 15. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than September 1.

(b-12) If the agency assists or offers assistance to a district in modifying a campus turnaround plan following a rejection under Subsection (b-10), the agency may not recommend or require participation by the district or the district board of trustees in any initiative that does not directly relate to a concern identified by the commissioner in the written rejection under Subsection (b-10).

(d) The commissioner may approve a campus turnaround plan, including a campus turnaround plan modified under Subsection (b-11), only if the commissioner determines that the campus will be assigned at least an acceptable ~~[satisfy all student]~~ performance rating ~~[standards required]~~ under Section 39.054 for the school progress domain under Section 39.053(c)(2) ~~[39.054(e)]~~ not later than the second year ~~[the campus receives a performance rating]~~ following the implementation of the campus turnaround plan. If the commissioner does not make this determination after reviewing the school district's modified campus turnaround plan submitted under Subsection (b-11), the commissioner shall order:

- (1) appointment of a board of managers to govern the district as provided by Section 39.112(b);
- (2) alternative management of the campus under this section; or
- (3) closure of the campus.

(e) If a campus is assigned ~~[considered to have]~~ an unacceptable performance rating under the school progress domain under Section 39.053(c)(2) for three consecutive school years after the campus is ordered to submit a campus turnaround plan under

Subsection (a), the commissioner, subject to Subsection (e-2), shall order:

(1) appointment of a board of managers to govern the district as provided by Section 39.112(b); or

(2) closure of the campus.

(f) Notwithstanding Section 39.112(e), the commissioner may remove a board of managers appointed to govern a district under this section only if the campus that was the basis for the appointment of the board of managers receives at least an ~~[academically]~~ acceptable performance rating under the school progress domain under Section 39.053(c)(2) for two consecutive school years. If a campus that was the basis for the appointment of a board of managers receives an ~~[academically]~~ unacceptable performance rating under the school progress domain under Section 39.053(c)(2) for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the district.

(g-1) If the commissioner orders alternative management of a campus under Subsection (d)(2), the school district shall execute a contract with a managing entity for a term not to exceed five years. The commissioner may require a district to extend the term of the contract if the commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the commissioner. If a campus receives an ~~[academically]~~ unacceptable performance rating under the school progress domain under Section 39.053(c)(2) for two consecutive school years after the managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity.

No equivalent provision.

SECTION 22. Section 39.301(b), Education Code, is amended to read as follows:

(b) Performance on the indicators adopted under this section shall be evaluated in the same manner provided for evaluation of the domain ~~[achievement]~~ indicators under Section 39.053(c) ~~[Sections 39.053(e)(1)-(4)]~~.

SECTION 10. (a) No later than December 1, 2017, the commissioner shall prepare a report to the governor, lieutenant governor, speaker of the House, and the chairs of the Senate committee on education and the House committee on public education that, to the greatest extent possible, describes and lists the ratings that would be assigned to each school and district under Section 39.054, if the domains and indicators described in Section 39.053 in August, 2018, were in place in August, 2017, using available data from no later than the 2017-2018 school year.

The report shall include information about the extent to which ratings under Section 39.054 correlate with student demographic characteristics, including economic status, continuously enrolled status, identification as a student with limited English proficiency under Section 29.052, and identification for special education under Section 29.003(b).

(b) No later than December 1, 2018, the commissioner shall prepare a report to the governor, lieutenant governor, speaker of the House, and the chairs of the Senate committee on education and the House committee on public education that, to the greatest extent possible, describes and lists the ratings that would be assigned to each school and district under Section 39.054, if the domains and indicators described in Section 39.053 in August, 2019, were in place in August, 2018, using available data from no later than the 2017-2018 school year.

The report shall include information about the extent to which ratings under Section 39.054 correlate with student demographic characteristics, including

economic status,  
continuously enrolled status,  
identification as a student with limited English proficiency under Section 29.052,

and identification for special education under Section 29.003(b).

*(See Subsections (a) and (b) above.)*

SECTION 23. (a) Using available data from the 2017-2018 school year, the commissioner of education shall prepare a report that, to the greatest extent possible, describes and lists the domain performance ratings that would be assigned to each school district and campus under Section 39.054, Education Code, as amended by this Act, if the domain indicators described in Section 39.053(c), Education Code, as amended by this Act, were effective during the 2017-2018 school year.

*(See Subsection (c) below.)*

(b) Using available data from the 2018-2019 school year, the commissioner of education shall prepare a report that, to the greatest extent possible, describes and lists the domain performance ratings that would be assigned to each school district and campus under Section 39.054, Education Code, as amended by this Act, if the domain indicators described in Section 39.053(c), Education Code, as amended by this Act, were effective during the 2018-2019 school year.

(c) Each report required under this section must include information concerning the extent to which those domain performance ratings correlate with student demographic characteristics, including:

- (1) economic status;
- (2) continuously enrolled status;
- (3) status as a student of limited English proficiency, as defined by Section 29.052, Education Code; and
- (4) status as a student eligible to participate in a special education program under Section 29.003(b), Education Code.

(d) The commissioner of education shall submit a report prepared as required by this

section to the governor, lieutenant governor, speaker of the house, and presiding officer of each standing committee of the senate and house of representatives with primary jurisdiction over primary and secondary education not later than:

(1) December 1, 2018, for a report prepared under Subsection (a) of this section; and

(2) December 1, 2019, for a report prepared under Subsection (b) of this section.

(c) This section expires on December 1, 2019.

(e) Same as introduced version.

No equivalent provision.

SECTION 24. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2019-2020 school year.

(b) The section of this Act that requires the commissioner of education to prepare a report not later than December 1, 2018, and not later than December 1, 2019, regarding the assignment of school district and campus performance ratings applies beginning with the 2017-2018 school year.

SECTION 11. This Act takes effect September 1, 2017.

SECTION 25. This Act takes effect immediately if it receives 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, 2017.