

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 22  
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Education  
5/19/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 22 restructures statutory campus and district performance domains by reducing the current required five domains of indicators to a minimum of three to focus on information relevant to parents, the school community and policymakers.

The student achievement domain, which evaluates performance on assessments and for high school grades, incorporates graduation rates and other measures of postsecondary readiness.

The school performance domain measures improvement on the state assessments and compares school performance with that of comparable schools.

The school climate domain incorporates self-evaluation by schools along with measures of student completion of rigorous and relevant curricular programs. School self-evaluation must be 50 percent of this domain's rating.

H.B. 22 focuses measures on students continuously enrolled to ensure the information reflects the efficacy of the school and defines the goals of the accountability system to drive continuous improvement and closing achievement gaps. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 22 amends current law relating to evaluating public school performance.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 6 (Section 39.001, Education Code) and SECTION 16 (Section 39.118, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 8 (Section 39.053, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 10 (Section 39.054, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.252(a), Education Code, as follows:

- (a) Provides that the purpose of the required district improvement plan is to guide school district (district) and school campus (campus) staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Section 39.053(c), rather than adopted under Sections 39.053(c)(1)-(4).

SECTION 2. Amends Section 11.253(c), Education Code, to require the principal of each campus, with the assistance of the campus-level committee, each year, to develop, review, and revise, the campus improvement plan for the purpose of improving student performance for all student populations, including students in certain programs, with respect to the achievement

indicators adopted under Section 39.053(c), rather than adopted under certain sections, and any other appropriate performance measures for special needs populations.

SECTION 3. Amends Section 12.1013(c), Education Code, to require that a certain report include the performance of each public school in each class described by Subsection (b) (relating to the required format of the report) as measured by the achievement indicators adopted under Section 39.053(c) and student attrition rates, rather than adopted under certain sections and student attrition rates.

SECTION 4. Amends Section 29.062(a), Education Code, to require the Texas Education Agency (TEA), in accordance with the policy of the state, to evaluate the effectiveness of programs under this subchapter (Bilingual Education and Special Language Programs) based on the achievement indicators adopted under Section 39.053(c), rather than adopted under certain sections, including the results of assessment instruments.

SECTION 5. Amends Section 29.202(a), Education Code, as follows:

(a) Provides that 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 (Public Education Grant Program) if the student is assigned to attend a public school campus issued an unacceptable performance rating made publicly available under Section 39.054, rather than if the student is assigned to attend a certain public school campus.

SECTION 6. Amends Chapter 39, Education Code, by adding Subchapter A, as follows:

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 39.001. RULES. Authorizes the commissioner of education (commissioner) to adopt rules as necessary to administer this chapter.

Sec. 39.002. ADVISORY COMMITTEE. Provides that an advisory committee appointed under this chapter is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

SECTION 7. Amends Section 39.052(b), Education Code, to require the commissioner, in determining the accreditation status of a district, to evaluate and consider performance on achievement indicators described by Section 39.053 (Performance Indicators: Achievement), rather than described by Section 39.053(c).

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

(a) Requires the commissioner to adopt a set of indicators, including indicators under Subsection (c), of the quality of learning and achievement, including the indicators in each domain under Subsection (c) and to periodically review, rather than to biennially review, the indicators for the consideration of appropriate revisions.

(a-1) Requires that the indicators adopted by the commissioner measure and evaluate districts and campuses with respect to, among certain other factors, informing parents and the community regarding campus and district performance, rather than requires that the indicators adopted by the commissioner, including the indicators identified under Subsection (c), measure and evaluate districts and campuses with respect to, among certain other factors, informing parents and the community regarding campus and district performance in the domains described by Subsection (c) and, for the domain described by Subsection (c)(5), in accordance with local priorities and preferences.

(b) Requires that performance on the achievement indicators adopted under Subsections (c)(1), (2), and (3)(B) and (C), rather than adopted under certain subsections, be compared to state-established standards. Requires that the indicators in Subsections (c)(1) and (2) be based on information that considers academic achievement differentials among

students, including information that is disaggregated by race, ethnicity, and socioeconomic status.

(c) Requires that districts and campuses be evaluated based on three, rather than five, domains of indicators of achievement adopted under this section that include:

(1) in the student achievement domain, rather than in the first domain, indicators of student achievement that are authorized to include:

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

(i) an indicator that accounts for the results of assessment instruments required under certain sections, as applicable for the district and campus, including the results of certain required assessment instruments, aggregated across grade levels by subject area, including:

(a) redesignates existing Subparagraph (i) as Sub-subparagraph (a) and makes no further changes to this sub-subparagraph; and

(b) redesignates existing Subparagraph (ii) as Sub-subparagraph (b) and makes no further changes to this sub-subparagraph; and

(ii) an indicator that accounts for the results of certain required assessment instruments, as applicable for the district and campus, including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by TEA, aggregated across grade levels by subject area, rather than certain required assessment instruments, 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 TEA, aggregated across grade levels by subject area. Redesignates existing Paragraph (B) as Subparagraph (ii); and

(B) for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for certain factors relating to student achievement;

(2) in the school performance domain, rather than in the second domain, indicators of student performance, which are authorized to include:

(A) for assessment instruments, including assessment instruments under Subdivisions (1)(A)(i) and (ii), the percentage of students who met the standard for improvement as determined by the commissioner, rather than for certain other assessment instruments.

(B) for overall student performance, the performance of districts or campuses compared to similar districts or campuses, rather than for certain assessment instruments; and

(3) redesignates existing Subdivision (5) as Subdivision (3). In the school climate domain, rather than fifth domain, indicators of school climate, which are authorized to include:

(A) creates this paragraph from existing text and makes a nonsubstantive change;

(B) the percentage of students who successfully complete varied, rigorous, and relevant curricular options that lead to postsecondary success, including successfully completing advanced placement courses or other similar courses; and

(C) the percentage of students who successfully complete a coherent sequence of certain courses.

Deletes existing Subdivision (3) relating to the third domain of achievement indicators.

Deletes existing Subdivision (4) relating to the fourth domain of achievement indicators.

(c-3) Requires the commissioner, for purposes of Subsection (c) and to the extent feasible, to determine a method by which the performance of students who have been continuously enrolled in a district or at a campus, as applicable as determined by continuous enrollment criteria established by the commissioner, are required to be given greater weight in determining the overall and domain performance rating of the district or campus under Section 39.054 (Methods and Standards for Evaluating Performance) than the performance of students who do not meet the continuous enrollment criteria established by the commissioner.

(d-1) Changes a reference to Subsection (c)(1) to Subsections (c)(1)(A)(i) and (ii).

(f) Requires the commissioner to annually define the state standard for the current school year for each achievement indicator adopted under this section, rather than requires the commissioner to annually define the state standard for the current school year for certain achievement indicators and to project the state standards for each indicator for the following two school years. Requires the commissioner, in consultation with certain persons, to establish and modify standards as necessary to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure Texas is a national leader in preparing students for postsecondary success. Deletes existing text requiring the commissioner to periodically raise the state standards for a certain achievement indicator for accreditation as necessary to reach certain goals not later than the 2019-2020 school year.

(g) Prohibits the commissioner, in computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) (relating to high school graduation rates computed in accordance with certain standards and definitions), from considering as a dropout a student whose failure to attend school results from certain factors. Deletes existing text prohibiting the commissioner, in defining the required state standard for the dropout rate indicator described by certain subsections, from considering as a dropout a student whose failure to attend school results from certain factors.

(g-1) Requires the commissioner, in computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), rather than under certain other subsections, to exclude certain students.

(g-2) Requires the commissioner, in computing completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), rather than under Subsection (c)(2), to exclude certain students.

(i) Requires that each district submit the data required for the indicators adopted under this section to the commissioner, rather than requires the commissioner, by rule, to adopt accountability measures to be used for certain purposes.

SECTION 9. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0533, as follows:

Sec. 39.0533. EXTRACURRICULAR AND COCURRICULAR STUDENT ACTIVITY INDICATOR. (a) Requires the commissioner to study the feasibility of incorporating for evaluating district and campus performance under this subchapter (Accreditation) an indicator that accounts for extracurricular and cocurricular student activity (student activity). Authorizes the commissioner, if the commissioner determines that a student activity indicator is appropriate, to adopt the indicator.

(b) Authorizes the commissioner, to determine the feasibility of adopting an indicator under this section, to require a district or campus to report requested information relating to student activity.

(c) Authorizes the commissioner to establish an advisory committee to assist in determining the feasibility of incorporating a student activity indicator for evaluating district and campus performance.

(d) Requires the commissioner, not later than December 1, 2022, to report to the legislature on the feasibility of incorporating a student activity indicator, unless the commissioner adopts an indicator under this section before that date.

(e) Provides that this section expires September 1, 2023.

SECTION 10. Amends Sections 39.054(a), (a-1), (a-2), (a-3), and (e), Education Code, as effective September 1, 2017, as follows:

(a) Requires the commissioner to adopt certain rules and assign each district and campus an overall performance rating of A, B, C, D, or F. Requires the commissioner, in addition to the overall performance rating, 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), rather than under certain other sections.

(a-1) Requires the commissioner, for the purposes of assigning an overall performance rating under Subsection (a), to consider either performance under the student achievement domain under Section 39.053(c)(1) or the school performance domain under Section 39.053(c)(2), as designated by the district or campus by notice provided to the commissioner in the manner provided by commissioner rule. Requires the commissioner, for the purposes of assigning a domain performance rating under Subsection (a) for the school climate domain, to attribute 50 percent of the domain performance rating to the achievement indicator under Section 39.053(c)(3)(A). Deletes existing text requiring the commissioner, for purposes of assigning an overall performance rating under Subsection (a), to attribute a certain percentage of the performance evaluation to certain achievement indicators, depending on the district or campus.

(a-2) Authorizes the commissioner, rather than requires the commissioner, by rule, to adopt certain procedures relating to repeated performance ratings.

(a-3) Deletes existing text requiring the commissioner, if a district or campus received a certain rating for the preceding school year, to notify the district of a subsequent such designation on or before June 15.

(e) Requires that each annual performance review under this section include an analysis of the achievement indicators adopted under Section 39.053, including Subsection (c) of that section, rather than adopted under certain sections, to determine district and campus performance in relation to standards established for each indicator.

SECTION 11. Transfers Section 39.054(f), Education Code, as effective September 1, 2017, to Section 39.053, Education Code, redesignates it as Section 39.053(g-3), Education Code, and amends it, as follows:

(g-3) Prohibits a certain student, in the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), rather than under certain other sections, from being considered to have dropped out from a certain district or campus unless that district or campus is the one to which the student is regularly assigned.

SECTION 12. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0541, as follows:

Sec. 39.0541. **ADOPTION OF INDICATORS AND STANDARDS.** Authorizes the commissioner to adopt indicators and standards under this subchapter at any time during a school year before the evaluation of a district or campus.

SECTION 13. Amends Section 39.0546(a), Education Code, as follows:

(a) Requires each district, for purposes of including the local evaluation of districts and campuses under Section 39.053(c)(3)(A) and assigning an overall rating under Section 39.054, rather than under Section 39.053(c)(5) and assigning an overall rating under Section 39.054, among certain other requirements and before the beginning of each school year, to select and report to TEA three programs or categories under Section 39.0545(b)(1) (relating to requiring a district to evaluate certain programs or specific categories of performance at each campus for certain purposes) under which the district will evaluate district performance. Makes a conforming change.

SECTION 14. Amends Sections 39.0548(b), (c), and (d), Education Code, as follows:

(b) Requires the commissioner, notwithstanding Section 39.053(c)(1)(B)(ix), to use the alternative completion rate under this subsection to determine the graduation rate indicator under Section 39.053(c)(1)(B)(ix) for a dropout recovery school, rather than requires the commissioner, notwithstanding Section 39.053(c)(4)(A)(i), to use the alternative completion rate under this subsection to determine the dropout rate indicator under Section 39.053(c)(4)(A)(i) for a dropout recovery school.

(c) Changes a reference to Section 39.053(c)(4)(A)(i) to Section 39.053(c)(1)(B)(ix).

(d) Deletes existing Subdivision (2) authorizing only a student enrolled continuously for at least 90 days during the school year evaluated to be considered for purposes of evaluating a dropout recovery school under certain accountability procedures, notwithstanding Section 39.053(c). Makes nonsubstantive changes.

SECTION 15. Amends Section 39.055, Education Code, to change a reference to Section 39.054(f) to Section 39.053(g-3).

SECTION 16. Amends Subchapter E, Chapter 39, Education Code, by adding Section 39.118, as follows:

Sec. 39.118. **INTERVENTIONS AND SANCTIONS OF INCREASED SEVERITY FOR CERTAIN DISTRICTS AND CAMPUSES.** (a) Requires the commissioner to adopt rules to impose interventions and sanctions of increased severity applicable only to a district or campus that is assigned a performance rating of F under Section 39.054.

(b) Prohibits the commissioner from adopting a rule under this section that conflicts with the imposition of a specific intervention or sanction required by law.

SECTION 17. Amends Section 39.301(b), Education Code, to require that performance on the indicators adopted under this section (Additional Performance Indicators: Reporting) be evaluated in the same manner provided for evaluation of the achievement indicators under Sections 39.053(c)(1), (2), and (3)(B) and (C), rather than under certain other sections.

SECTION 18. Repealer, effective September 1, 2017: Section 39.054(c) (relating to requiring the commissioner to define acceptable performance in evaluating district and campus performance on the student achievement indicators), Education Code.

SECTION 19. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 20. Effective date: upon passage or September 1, 2017.