

By: Aycok

H.B. No. 2804

A BILL TO BE ENTITLED

AN ACT

relating to assessment of public school students and evaluation of public school performance.

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

SECTION 1. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0265 to read as follows:

Sec. 39.0265. LOCAL ASSESSMENT REQUIRED FOR SCIENCE, SOCIAL STUDIES, AND WRITING. (a) To evaluate student achievement in science, social studies, and writing, each school district shall assess students as provided by this section.

(b) For purposes of school district assessment under this section, the commissioner by rule shall adopt an approved list of:

(1) for science and writing, assessment instruments;  
and

(2) for science, social studies, and writing, rubrics that establish criteria for selecting, compiling, and evaluating student-produced work, including specific major projects or a portfolio of assignments completed over the course of a school year.

(c) Each school district shall select and use for assessment purposes assessment instruments or rubrics, as appropriate, from the approved list under Subsection (b). For science and writing, a district may also use a norm-referenced assessment instrument that complies with Section 39.026. Each school district shall adopt a

1 policy that requires the assessment of students:

2 (1) in science and writing using a selected assessment  
3 instrument or rubric:

4 (A) at least once during the period the student  
5 is enrolled in grades three through five; and

6 (B) at least once during the period the student  
7 is enrolled in grades six through eight; and

8 (2) in social studies, using a selected rubric:

9 (A) at least once during the period the student  
10 is enrolled in grades six through eight; and

11 (B) and least once during the period the student  
12 is enrolled in high school.

13 (d) The agency shall provide training in evaluating  
14 student-produced work under each approved rubric. A teacher or  
15 another person evaluating student-produced work for purposes of  
16 this section must complete the agency training before evaluating  
17 student-produced work under this section to ensure consistent  
18 application of evaluation criteria within an approved rubric.

19 (e) The commissioner may conduct random audits of locally  
20 conducted assessments under this section to ensure that the data  
21 produced is sufficiently reliable for purposes of reporting under  
22 Section 39.053(c)(2).

23 (f) To comply as necessary with federal law, the  
24 commissioner may submit assessment instruments, rubrics, and  
25 related materials approved under Subsection (b) to the United  
26 States Department of Education for peer review.

27 SECTION 2. Section 39.053, Education Code, is amended by

1 adding Subsection (a-1) and amending Subsections (c), (f), (g), and  
2 (g-1) to read as follows:

3 (a-1) The indicators adopted by the commissioner under  
4 Subsection (a), including the indicators identified under  
5 Subsection (c), must measure and evaluate school districts and  
6 campuses with respect to:

7 (1) improving student preparedness for success in:

8 (A) subsequent grade levels; and

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

11 (2) reducing, with the goal of eliminating,  
12 disparities in preparedness for success among students from  
13 different racial and ethnic groups and socioeconomic backgrounds;  
14 and

15 (3) informing parents and the community regarding  
16 campus and district performance in the domains described by  
17 Subsection (c) and, for the domain described by Subsection (c)(4),  
18 in accordance with local priorities and preferences.

19 (c) School districts and campuses must be evaluated based on  
20 four domains of indicators [~~Indicators~~] of student achievement  
21 adopted under this section that [~~must~~] include:

22 (1) in the first domain, the results of:

23 (A) reading and mathematics assessment  
24 instruments required under Sections 39.023(a) [~~7-(e)~~] and (1),  
25 [including the results of assessment instruments required for  
26 graduation retaken by a student,] aggregated across grade levels by  
27 subject area, including:

1                    (i) [~~(A)~~] for the performance standard  
2 determined by the commissioner under Section 39.0241(a):

3                    (a) [~~(i)~~] the percentage of students  
4 who performed satisfactorily on the assessment instruments,  
5 aggregated across grade levels by subject area; and

6                    (b) [~~(ii)~~] for students who did not  
7 perform satisfactorily, the percentage of students who met the  
8 standard for annual improvement on the assessment instruments, as  
9 determined by the commissioner by rule or by the method for  
10 measuring annual improvement [~~the agency~~] under Section 39.034, [~~on~~  
11 ~~the assessment instruments,~~] aggregated across grade levels by  
12 subject area; and

13                    (ii) [~~(B)~~] for the college readiness  
14 performance standard as determined under Section 39.0241:

15                    (a) [~~(i)~~] the percentage of students  
16 who performed satisfactorily on the assessment instruments,  
17 aggregated across grade levels by subject area; and

18                    (b) [~~(ii)~~] for students who did not  
19 perform satisfactorily, the percentage of students who met the  
20 standard for annual improvement on the assessment instruments, as  
21 determined by the commissioner by rule or by the method for  
22 measuring annual improvement [~~the agency~~] under Section 39.034, [~~on~~  
23 ~~the assessment instruments,~~] aggregated across grade levels by  
24 subject area;

25                    (B) reading and mathematics assessment  
26 instruments required under Section 39.023(b), aggregated across  
27 grade levels by subject area, including:

1                   (i) the percentage of students who  
2 performed satisfactorily on the assessment instruments, as  
3 determined by the performance standard adopted by the agency,  
4 aggregated across grade levels by subject area; and

5                   (ii) for students who did not perform  
6 satisfactorily, as determined by the performance standard adopted  
7 by the agency, the percentage of students who met the standard for  
8 annual improvement on the assessment instruments, as determined by  
9 the commissioner by rule or by the method for measuring annual  
10 improvement under Section 39.034, aggregated across grade levels by  
11 subject area; and

12                   (C) Algebra I, English I, and English II  
13 end-of-course assessment instruments under Section 39.023(c),  
14 including the results of assessment instruments retaken by a  
15 student, aggregated across grade levels by subject area, including:

16                   (i) for the performance standard determined  
17 by the commissioner under Section 39.0241(a):

18                   (a) the percentage of students who  
19 performed satisfactorily on the assessment instruments, aggregated  
20 across grade levels by subject area; and

21                   (b) for students who did not perform  
22 satisfactorily, the percentage of students who met the standard for  
23 annual improvement on the assessment instruments, as determined by  
24 the commissioner by rule or by the method for measuring annual  
25 improvement under Section 39.034, aggregated across grade levels by  
26 subject area; and

27                   (ii) for the college readiness performance

1 standard as determined under Section 39.0241:

2 (a) the percentage of students who  
3 performed satisfactorily on the assessment instruments, aggregated  
4 across grade levels by subject area; and

5 (b) for students who did not perform  
6 satisfactorily, the percentage of students who met the standard for  
7 annual improvement on the assessment instruments, as determined by  
8 the commissioner by rule or by the method for measuring annual  
9 improvement under Section 39.034, aggregated across grade levels by  
10 subject area;

11 (2) in the second domain, the results of science,  
12 social studies, and writing assessment instruments and rubrics  
13 selected and used by school districts as provided by Section  
14 39.0265;

15 (3) in the third domain:

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

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

23 (ii) [~~3~~] high school graduation rates,  
24 computed in accordance with standards and definitions adopted in  
25 compliance with the No Child Left Behind Act of 2001 (20 U.S.C.  
26 Section 6301 et seq.);

27 (iii) [~~4~~] the percentage of students who

1 successfully completed the curriculum requirements for the  
2 distinguished level of achievement under the foundation high school  
3 program;

4 (iv) [~~(5)~~] the percentage of students who  
5 successfully completed the curriculum requirements for an  
6 endorsement under Section 28.025(c-1); [~~and~~]

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

9 (vi) [~~(6)~~] ~~at least three additional~~  
10 ~~indicators of student achievement to evaluate district and campus~~  
11 ~~performance, which must include either:~~

12 [~~(A)~~] the percentage of students who satisfy the  
13 Texas Success Initiative (TSI) college readiness benchmarks  
14 prescribed by the Texas Higher Education Coordinating Board under  
15 Section 51.3062(f) on an assessment instrument in reading, writing,  
16 or mathematics designated by the Texas Higher Education  
17 Coordinating Board under Section 51.3062(c); [~~or~~]

18 (vii) [~~(B)~~] the percentage [~~number~~] of  
19 students who earn[+]

20 [~~(i)~~] at least 12 hours of postsecondary  
21 credit required for the foundation high school program under  
22 Section 28.025 or to earn an endorsement under Section 28.025(c-1);

23 (viii) the percentage of students who are  
24 enrolled in advanced placement courses;

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

27 (x) the percentage of students who earn

1 ~~[(ii) at least 30 hours of postsecondary credit required for the~~  
2 ~~foundation high school program under Section 28.025 or to earn an~~  
3 ~~endorsement under Section 28.025(c-1),~~

4 ~~[(iii) an associate's degree, or~~

5 ~~[(iv)] an industry certification; or~~

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

9 (i) student attendance;

10 (ii) the percentage of students who advance  
11 to the next grade level;

12 (iii) the number of student disciplinary  
13 incidents; and

14 (iv) for middle and junior high school  
15 campuses, dropout rates, computed in the manner described by  
16 Paragraph (A)(i); and

17 (4) in the fourth domain, three programs or specific  
18 categories of performance related to community and student  
19 engagement selected as provided by Section 39.0546.

20 (f) Annually, the commissioner shall define the state  
21 standard for the current school year for each student achievement  
22 indicator described by Subsection (c) and shall project the state  
23 standards for each indicator for the following two school years.

24 The commissioner shall periodically raise the state standards for  
25 the college readiness student achievement indicator described by

26 Subsections (c)(1)(A)(ii)(a) and (C)(ii)(a) [Subsection

27 ~~(c)(1)(B)(i)]~~ for accreditation as necessary to reach the goals of

1 achieving, by not later than the 2019-2020 school year:

2 (1) student performance in this state, disaggregated  
3 by race, ethnicity, and socioeconomic status, that ranks nationally  
4 in the top 10 states in terms of college readiness; and

5 (2) student performance~~[7]~~ with no significant  
6 achievement gaps by race, ethnicity, and socioeconomic status.

7 (g) In defining the required state standard for the dropout  
8 rate indicator described by Subsections (c)(3)(A)(i) and (B)(iv)  
9 ~~[Subsection (c)(2)]~~, the commissioner may not consider as a dropout  
10 a student whose failure to attend school results from:

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

12 (2) as applicable:

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

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

18 (g-1) In computing dropout and completion rates under  
19 Subsections (c)(3)(A)(i) and (B)(iv) ~~[Subsection (c)(2)]~~, the  
20 commissioner shall exclude:

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

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

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

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

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

10          (6) students who are incarcerated in state jails and  
11 federal penitentiaries as adults and as persons certified to stand  
12 trial as adults.

13          SECTION 3. Section 39.054, Education Code, is amended by  
14 adding Subsection (a-1) and amending Subsections (c), (d), (e), and  
15 (f) to read as follows:

16          (a-1) In addition to the overall performance rating  
17 assigned to each school district and campus under Subsection (a),  
18 the commissioner shall assign each district and campus a separate  
19 rating for each domain under Section 39.053(c). For purposes of  
20 assigning an overall rating under Subsection (a), the commissioner  
21 by rule shall determine the appropriate weight to assign each  
22 domain to accurately reflect the overall performance of districts  
23 and campuses.

24          (c) In evaluating school district and campus performance on  
25 the student achievement indicator for student performance on  
26 reading and mathematics assessment instruments [~~indicators~~]  
27 adopted under Section [~~Sections~~] 39.053(c)(1) and the dropout rate

1 indicator adopted under Sections 39.053(c)(3)(A)(i) and (B)(iv)  
2 ~~[(2)]~~, the commissioner shall define acceptable performance as  
3 meeting the state standard determined by the commissioner under  
4 Section 39.053(f) ~~[39.053(e)]~~ for the current school year based on:

- 5 (1) student performance in the current school year; or  
6 (2) student performance as averaged over the current  
7 school year and the preceding two school years.

8 (d) In evaluating performance under Subsection (c), the  
9 commissioner:

10 (1) may assign an acceptable performance rating if the  
11 campus or district:

12 (A) performs satisfactorily on 85 percent of the  
13 measures the commissioner determines appropriate with respect to  
14 the student achievement indicator for student performance on  
15 reading and mathematics assessment instruments ~~[indicators]~~  
16 adopted under Section ~~[Sections]~~ 39.053(c)(1) and the dropout rate  
17 indicator adopted under Sections 39.053(c)(3)(A)(i) and (B)(iv)  
18 ~~[(2)]~~; and

19 (B) does not fail to perform satisfactorily on  
20 the same measure described by Paragraph (A) for two consecutive  
21 school years;

22 (2) may grant an exception under this subsection to a  
23 district or campus only if the performance of the district or campus  
24 is within a certain percentage, as determined by the commissioner,  
25 of the minimum performance standard established by the commissioner  
26 for the measure of evaluation; or

27 (3) may establish other performance criteria for a

1 district or campus to obtain an exception under this subsection.

2 (e) Each annual performance review under this section shall  
3 include an analysis of the student achievement indicators adopted  
4 under Section 39.053(c) to determine school district and campus  
5 performance in relation to[+]

6 [~~(1)~~] standards established for each indicator[+and  
7 [~~(2)~~ required improvement as defined under Section  
8 39.053(e)].

9 (f) In the computation of dropout rates under Sections  
10 39.053(c)(3)(A)(i) and (B)(iv) [~~Section 39.053(c)(2)~~], a student  
11 who is released from a juvenile pre-adjudication secure detention  
12 facility or juvenile post-adjudication secure correctional  
13 facility and fails to enroll in school or a student who leaves a  
14 residential treatment center after receiving treatment for fewer  
15 than 85 days and fails to enroll in school may not be considered to  
16 have dropped out from the school district or campus serving the  
17 facility or center unless that district or campus is the one to  
18 which the student is regularly assigned. The agency may not limit  
19 an appeal relating to dropout computations under this subsection.

20 SECTION 4. Sections 39.0545(b) and (c), Education Code, as  
21 added by Chapter 167 (S.B. 1538), Acts of the 83rd Legislature,  
22 Regular Session, 2013, are amended to read as follows:

23 (b) Notwithstanding Section 39.053(c)(3)(A)(i)  
24 [~~39.053(c)(2)~~], the commissioner shall use the alternative  
25 completion rate under this subsection to determine the dropout rate  
26 [~~student achievement~~] indicator under Section 39.053(c)(3)(A)(i)  
27 [~~39.053(c)(2)~~] for a dropout recovery school. The alternative

1 completion rate shall be the ratio of the total number of students  
2 who graduate, continue attending school into the next academic  
3 year, or receive a high school equivalency certificate to the total  
4 number of students in the longitudinal cohort of students.

5 (c) Notwithstanding Section 39.053(c)(3)(A)(i)  
6 [~~39.053(c)(2)~~], in determining the performance rating under  
7 Section 39.054 of a dropout recovery school, the commissioner shall  
8 include any student described by Section 39.053(g-1) who graduates  
9 or receives a high school equivalency certificate.

10 SECTION 5. Subchapter C, Chapter 39, Education Code, is  
11 amended by adding Section 39.0546 to read as follows:

12 Sec. 39.0546. EVALUATION OF PERFORMANCE IN COMMUNITY AND  
13 STUDENT ENGAGEMENT. (a) For purposes of evaluating campuses and  
14 districts under Section 39.053(c)(4) and assigning ratings under  
15 Section 39.054(a-1), each school district shall select and report  
16 to the agency three programs or categories under Section  
17 39.0545(b)(1), as added by Chapter 211 (H.B. 5), Acts of the 83rd  
18 Legislature, Regular Session, 2013, under which campuses and the  
19 district will be evaluated.

20 (b) Each district shall submit to the agency the relevant  
21 data to evaluate the campuses and district.

22 SECTION 6. Sections 39.053(e) and 39.054(b), Education  
23 Code, are repealed.

24 SECTION 7. This Act applies beginning with the 2016-2017  
25 school year.

26 SECTION 8. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2015.