

BILL ANALYSIS

Senate Research Center

H.B. 22
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2051 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.

S.B. 2051 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.

H.B. 22 amends current law relating to public school accountability.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 11 (Section 39.0211, Education Code), SECTION 14 (Section 39.053, Education Code), SECTION 15 (Section 39.0531, Education Code), SECTION 17 (Section 39.0536, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 14 (Section 39.053, Education Code), SECTION 18 (Section 39.054, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 18 (Section 39.054, Education Code), and SECTION 23 (Section 39.0546, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

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

- (a) Provides that 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 domain 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) (relating to the results of a certain survey as an indicator of school climate), rather than in order to attain state standards in respect to the achievement indicators adopted under certain sections.

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 relevant domain indicators adopted under Section 39.053(c), rather than with respect to the achievement indicators 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 domain indicators adopted under Section 39.053(c) and student attrition rates, rather than as measured by the achievement indicators adopted under certain sections and student attrition rates.

SECTION 4. Amends Section 12.115(c), Education Code, to require the commissioner of education (commissioner) to revoke the charter of an open-enrollment charter school (charter school) if, among certain other circumstances, the charter holder has been assigned an unacceptable performance rating for the school progress domain under Section 39.053(c)(2) for the three preceding school years, rather than the charter holder has been assigned an unacceptable performance rating under Subchapter C (Accreditation), Chapter 39 (Public School System Accountability), for the three preceding school years.

SECTION 5. Amends Sections 12A.008(a) and (c), Education Code, as follows:

(a) Authorizes the commissioner to terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

(1) an unacceptable performance rating for the school progress domain under Section 39.053(c)(2), rather than an unacceptable academic performance rating under Section 39.054 (Methods and Standards for Evaluating Performance);

(2) makes no changes to this subdivision;

(3) an unacceptable performance rating for the school progress domain under Section 39.053(c)(2), rather than an unacceptable academic performance rating under Section 39.054, for one of the school years and an unacceptable financial accountability rating under Section 39.082 (Development and Implementation) for the other school year.

(c) Makes conforming changes.

SECTION 6. Amends the heading to Section 13.054, Education Code, to read as follows:

Sec. 13.054. SCHOOL DISTRICTS RATED UNACCEPTABLE.

SECTION 7. Amends Sections 13.054(a), (b), and (d), Education Code, as follows:

(a) Authorizes the commissioner by order to annex to one or more adjoining districts a district that has been rated as unacceptable for the school progress domain under Section 39.053(c)(2) for a period of two years, rather than a district that has been rated as academically unacceptable for a period of two years.

(b) Provides that the governing board of a district to which territory of an unacceptable district is annexed under Subsection (a) is the governing board for the new district, rather than provides that the governing board of a district to which territory of an academically unacceptable district is annexed is the governing board for the new district.

(d) Provides that title to the real property of the unacceptable district subject to Subsection (a) vests in the district to which the property is annexed. Makes conforming changes.

SECTION 8. 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 domain indicators adopted under Section 39.053(c), including the results of assessment instruments, rather than based on the achievement indicators adopted under certain sections, including the results of assessment instruments.

SECTION 9. 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 campus assigned an unacceptable performance rating that is made publicly available under Section 39.054 for the student achievement domain under Section 39.053(c)(1) and the school progress domain under Section 39.053(c)(2). Deletes existing text providing 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 if the student is assigned to attend a certain public campus.

SECTION 10. Amends Section 29.918, Education Code, by adding Subsections (d), (e), and (f), as follows:

(d) Requires a district or charter school to which this section (Dropout Prevention Strategies) applies, in its plan submitted under Subsection (a) (relating to requiring a district or charter school with a certain dropout rate to submit a certain plan to the commissioner by a certain date) to:

(1) design a dropout recovery plan (DRP) that includes career and technology education courses or technology applications courses that lead to industry or career certification;

(2) integrate into the DRP certain research based strategies to assist students in becoming academically able to pursue postsecondary education; and

(3) plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

(e) Authorizes a district to enter into a partnership with a public junior college in accordance with Section 29.402 (Partnership) in order to fulfill a plan submitted under Subsection (a).

(f) Requires that any program designed to fulfill a plan submitted under Subsection (a) comply with certain requirements.

SECTION 11. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0211, as follows:

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

(b) Requires the commissioner, in adopting a rule under this chapter, to solicit input statewide from persons who would likely be affected by the proposed rule, including certain stakeholders.

SECTION 12. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.040, as follows:

Sec. 39.040. APPLICABILITY OF LAWS TO ADVISORY COMMITTEES. Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to an advisory committee under this chapter.

SECTION 13. 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 the domain indicators adopted under Section 39.053(c), rather than to evaluate and consider performance on achievement indicators described by Section 39.053(c).

SECTION 14. Amends Section 39.053, Education Code, 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), (c-4), and (g-4), as follows:

(a) Requires the commissioner to adopt a set of indicators 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 indicators in each domain adopted under Subsection (c), except for the indicators that are locally evaluated under Subsection (c)(3)(A), be compared to state-established standards, rather than requires performance on the achievement indicators adopted under Subsections (c)(1) through (4) be compared to state-established standards. Requires that the indicators, to the extent feasible, be based on certain information. Makes a nonsubstantive change.

(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, indicators of student achievement that are required to include, rather than in the first domain, the results of:

(A) for evaluating the performance of districts and campuses generally, indicators that account for certain factors relating to student achievement;

(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; 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 certain students;

(2) in the school progress domain, indicators for effectiveness in promoting student learning, rather than in the second domain, which are required to include:

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

(i) students who met the standard for annual improvement, as determined by the commissioner, on certain assessment

instruments designated by the commissioner, rather than for a certain performance standard, 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 (Measure of Annual Improvement in Student Achievement), aggregated across grade levels by subject area. Makes a nonsubstantive change;

(ii) students identified as a student of limited English proficiency, as defined by Section 29.052 (Definitions), who successfully exit a bilingual education or special language program by meeting certain criteria and complying with any rules adopted by the commissioner regarding the development of proficiency in more than one language, rather than for the college readiness performance standard as determined under Section 39.0241 (Performance Standards), 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 and for certain assessment instruments, 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 six through 12, an indicator that accounts for students who were administered certain examinations;

(C) for evaluating relative performance, an indicator that accounts for the performance of each district and campus in certain categories compared to districts or campuses with similar characteristics, including certain factors.

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

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

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

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

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

(c-3) Requires the commissioner, by rule, for purposes of Subsection (c), 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 under Section 39.054(a) (relating to requiring the commissioner to adopt certain rules and assign each district and campus a performance rating). Defines "student newly enrolled."

(c-4) Provides that an indicator adopted under Subsection (c)(1)(B)(xi) (relating to students who complete an associate degree while enrolled in high school under certain circumstances) cannot negatively affect the commissioner's review of a district or campus if that district or campus does not offer a program in which a student may complete an associate degree.

(d-1) Changes a reference to Subsection (c)(1) to Subsection (c)(1)(A)(i) (relating to the results of certain assessment instruments).

(f) Requires the commissioner, not later than September 30 of each year or as soon thereafter as possible, to define the state standard for the current school year for each domain under Subsection (c), 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, as necessary, to 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. 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 graduation or completion rates such as a high school graduation rate 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, rather than prohibits the commissioner, in defining the required state standard for a certain dropout rate indicator, 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 a high school graduation rate under Subsection (c)(1)(B)(ix), rather than under certain other subsections, to exclude:

(1) makes no changes to this subdivision;

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

(3) makes no changes to this subdivision;

(4) students whose initial enrollment in a school in the United States in grades seven through 12 was as an unschooled asylee or refugee as defined by Section 39.027(a-1) (relating to defining “unschooled asylee or refugee”), rather than students whose initial enrollment in a school in the United States in grades seven through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-1);

(5) students whose initial enrollment in a public school in this state occurred in grade 11 or 12;

(6) and (7) redesignates existing Subdivisions (5) and (6) as Subdivisions (6) and (7) and makes no further changes to these subdivisions.

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

(g-4) Requires the commissioner to adopt rules for identifying students participating in a University Interscholastic League A+ academic event for purposes of Subsection (c)(1)(C)(iii) (relating to students who participate in a certain academic event).

(i) Requires each district to submit the data required for the indicators adopted under this section to the commissioner to the extent necessary for assigning performance ratings under Section 39.054, rather than requires the commissioner, by rule, to adopt accountability measures to be used for certain purposes.

SECTION 15. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0531, as follows:

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

(b) Authorizes the commissioner to adopt rules to implement this section, including rules to serve certain purposes.

(c) Requires that school climate survey information (survey information), notwithstanding any other provision of this code, including Section 21.355 (Confidentiality), be reported to TEA in accordance with rules adopted by the commissioner.

(d) Authorizes the commissioner to contract with a third party to provide any service necessary under this section.

(e) Requires the commissioner, not later than the 2022-2023 school year, to determine the feasibility of incorporating survey information for use as an indicator for the school climate domain under Section 39.053(c)(3). Requires the commissioner, in order to determine the feasibility, to implement the use of survey information in the 2019-2020 school year and to require the reporting of the survey information in the 2020-2021 and 2021-2022 school years. Provides that this subsection expires September 1, 2023.

(f) Requires that a joint committee consisting of certain members of the legislature, as part of the SCS, contract with a private third party (third party) to administer a teachers' engagement survey (TES) for certain purposes

(g) Requires the joint committee to consult with the third party to determine certain courses of action.

(h) Authorizes the joint committee, in coordination with the third party, to take all necessary action to create a focus group of teachers to ensure that the questions included in the TES are clear and sufficient to gather information relating to the purposes listed in Subsection (f).

(i) Requires the third party to report the results of the TES directly to the joint committee and prohibits the third party from providing the results to TEA or any other entity.

(j) Prohibits a school administrator, person employed by TEA, or person employed by any other governmental agency or organization from requesting information from a teacher regarding the teacher's responses to the TES.

(k) Requires the joint committee, with assistance from the third party, to analyze the information obtained through the TES and publish the results for use by public or private entities.

(l) Requires the commissioner to consider teacher participation in the TES in determining campus achievement and performance ratings.

SECTION 16. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0532, as follows:

Sec. 39.0532. SPECIAL EDUCATION PROGRESS INDICATOR. (a) Requires the commissioner to determine the feasibility of adopting an indicator that assesses the progress of students enrolled in a district's special education program and authorizes the commissioner to establish an advisory committee to advise the commissioner regarding the required determination.

(b) Authorizes the commissioner, in determining the feasibility of adopting an indicator under this section, to require a district, charter school, or campus to report relevant information to the commissioner.

(c) Requires the commissioner, if the commissioner does not adopt an indicator described by Subsection (a), to provide a report to the legislature not later than December 1, 2022, regarding the feasibility of adopting the indicator.

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

SECTION 17. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0536, as follows:

Sec. 39.0536. TEMPORARY PROVISION: ASSIGNMENT OF PERFORMANCE RATINGS. (a) Requires the commissioner, notwithstanding any other law and subject to Subsection (b), 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 (manual), adopted under 19 T.A.C. Section 97.1001, as that rule existed March 31, 2017.

(b) Authorizes the commissioner, by rule, to adopt revisions to the manual described by Subsection (a) for the 2017-2018 and 2018-2019 school years,

provided that the commissioner is authorized to revise certain aspects of the manual.

SECTION 18. Amends Sections 39.054(a), (a-1), (a-2), (a-3), (c), 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 a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c), rather than assign each district and campus an overall performance rating of A, B, C, D, or F and, 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)(1) through (4). Provides that a domain performance rating of A, rather than an overall or domain performance rating of A, reflects exemplary performance. Provides that a domain performance rating of D reflects performance in need of improvement and a domain performance rating of F reflects unacceptable performance, rather than an overall or domain performance rating of D or F reflects unacceptable performance. Prohibits a district from receiving a domain performance rating of A if the district includes any campus with a corresponding domain performance of F, rather than if the district includes any campus with a corresponding overall or domain performance rating of D or F. Provides that a reference in law to an acceptable rating or acceptable performance includes a domain performance rating of A, B, C, or D or exemplary, recognized, or acceptable performance or performance in need of improvement, rather than includes an overall or domain performance rating of A, B, or C or exemplary, recognized, or acceptable performance. Makes conforming changes.

(a-1) Provides that, for purposes of assigning a domain performance rating under Subsection (a):

(1) the commissioner:

(A) in assigning a domain performance rating for certain domains, is required to consider student performance disaggregated by certain factors; and

(B) is authorized to adjust a domain performance rating for a domain disaggregated by certain factors by increasing the rating one level;

(2) for the student achievement domain under Section 39.053(c)(1), not more than 50 percent of the domain performance rating is authorized to be attributed to certain indicators;

(3) for the school progress domain under Section 39.053(c)(2), not more than 50 percent of the domain performance rating is authorized to be attributed to a certain indicator; and

(4) for the school climate domain under Section 39.053(c)(3), at least 50 percent of the domain performance rating is required to be attributed to a certain indicator.

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, if the commissioner determines a domain performance rating increase adjustment is appropriate for a district or campus, to increase the rating, provided that the commissioner is prohibited from increasing a rating more than once and from increasing the rating more than one level. Deletes existing text requiring the commissioner, by rule, to adopt certain procedures relating to repeated performance ratings.

(a-3) Makes a conforming change.

(c) Requires the commissioner, in evaluating district and campus performance on the indicators for certain domains, to evaluate performance for the current school year based on certain factors, including student performance as averaged over the current school year and the preceding two school years, if necessary to address limited data available to use in the calculations, rather than in evaluating district and campus performance on achievement indicators for student performance on certain adopted assessment instruments and dropout rate indicators requiring the commissioner to define acceptable performance as meeting a certain standard determined by the commissioner.

(e) Requires that each annual performance review under this section include an analysis of the domain indicators adopted under Section 39.053(c), rather than include an analysis of the achievement indicators adopted under Sections 39.053(c)(1) through (4), to determine district and campus performance in relation to standards established for each domain, rather than for each indicator.

SECTION 19. Amends Section 39.054, Education Code, by adding Subsection (a-4), to require the commissioner, in collaboration with interest stakeholders, in addition to the requirements under Subsection (a), to develop standardized language for each domain that does not exceed 250 words and that clearly describes the annual status of a district and campus relating to district and campus performance on the indicators used for that domain to determine the letter performance rating assigned to a district and campus.

SECTION 20. Amends Section 39.054, Education Code, to require the commissioner, for purposes of assigning districts and campuses a performance rating under Subsection (a), to ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

SECTION 21. 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 rates and completion rates such as a high school graduation rate 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 22. Amends Subchapter C, Chapter 39, Education Code, by adding Sections 39.0541 and 39.0542, as follows:

Sec. 39.0541. **ADOPTION OF INDICATORS AND STANDARDS.** Requires the commissioner, before September 30 of each school year, to adopt any indicators and standards under this subchapter the commissioner will use to evaluate districts and campuses for that school year.

Sec. 39.0542. **EXPLANATORY MATERIALS FOR ACCOUNTABILITY RATING SYSTEM.** (a) Requires the commissioner, each school year, to provide each district a document in a simple, accessible format that explains the accountability performance measures, methods, and procedures that will be applied for that school year in assigning each district and campus a performance rating under Section 39.054.

(b) Requires that the provided document be provided in a format that a district is able to easily distribute to parents of students enrolled in the district and other interested members of the public.

SECTION 23. Amends Section 39.0546, Education Code, as follows:

Sec. 39.0546. New heading: PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT AS COMPONENT OF DISTRICT AND CAMPUS RATING. (a) Requires each district, for purposes of including the local evaluation of districts and campuses under Section 39.053(c)(3)(A)(i) and assigning a domain performance rating under Section 39.054, rather than for purposes of including the local evaluation of districts and campuses under Section 39.053(c)(5) and assigning an overall rating under Section 39.054, among certain other requirements, to select and report to TEA, before the beginning of each school year, 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), rather than select and report to TEA 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. Makes a conforming change.

(b) Provides that an overall or a program or category performance rating of D reflects performance in need of improvement, and a program or category performance rating of F reflects unacceptable performance, rather than provides that an overall or a program or category performance rating of D or F reflects unacceptable performance.

(c) Requires that each district and campus, on or before the date determined by the commissioner, by rule, report each performance rating to TEA for the purpose of including the rating in evaluating districts and campuses under the school climate domain under Section 39.053(c)(3) and assigning a domain performance rating under Section 39.054, rather than report each performance rating to TEA for the purpose of including the rating in evaluating district and campus performance and assigning an overall rating under Section 39.054.

SECTION 24. Amends Sections 39.0548(a), (b), and (c), Education Code, as follows:

(a) Requires the commissioner, for purposes of evaluating performance under Section 39.053(c), to designate as a dropout recover school a district, charter school, or campus of a district or of a charter school that serves certain students and has an enrollment of which at least 50 percent of the students are 15, rather than 17, years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System submission.

(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. Requires that the alternative completion rate be the ratio of the total number of students who graduate or receive a high school equivalency certificate, rather than 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) Changes a reference to Section 39.053(c)(4)(A)(i) to Section 39.053(c)(1)(B)(ix).

SECTION 25. Amends Section 39.055, Education Code, to change a reference to Section 39.054(f) to Section 39.053(g-3).

SECTION 26. Amends Section 39.102(a), Education Code, as follows:

(a) Requires the commissioner, under certain conditions, including if a district has been assigned an unacceptable performance rating under Section 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, to take the following actions

to the extent the commissioner determines necessary, rather than requires the commissioner, under certain conditions, including if a district does not satisfy the academic performance standards under Section 39.053 or 39.054 or any financial accountability standard as determined by commissioner rule, to take the following actions to the extent the commissioner determines necessary:

(1) and (2) makes no changes to these subdivisions;

(3) order the preparation of an improvement plan that addresses the indicators for the school progress domain under Section 39.053(c)(2), the submission of the plan to the commissioner for approval, and implementation of the plan, rather than order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Section 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) through (8) makes no changes to these subdivisions;

(9) if a district has a current accreditation status of accredited-warned or accredited-probation, has been assigned an unacceptable performance rating under Section 39.054 for the school progress domain under Section 39.053(c)(2), or fails to satisfy certain other standards, appoint a board of managers to exercise the powers and duties of the board of trustees, rather than if a district has a current accreditation status of accredited-warned or accredited-probation, fails to satisfy any standard under Section 39.054(e), or fails to satisfy certain other standards, 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 under Section 39.054 for the school progress domain under Section 39.053(c)(2), or has failed to satisfy certain other standards, revoke the district's accreditation, rather than 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 failed to satisfy any standard under Section 39.054(e), or has failed to satisfy certain other standards, revoke the district's accreditation, and:

(A) makes no changes to this paragraph; or

(B) makes a nonsubstantive change.

Deletes existing Subdivision (11) requiring the commissioner, under certain conditions, to impose certain sanctions designed to improve high school completion rates if a district has failed to satisfy certain standards due to the district's dropout rates.

SECTION 27. Amends Section 39.103(a), Education Code, to require the commissioner, if a campus is assigned an unacceptable performance rating under Section 39.054 for the school progress domain under Section 39.053(c)(2), rather than if a campus performance is below any standard under Section 39.054(e), to take actions as provided by this subchapter to the extent the commissioner determines necessary.

SECTION 28. Amends Section 39.105(a), Education Code, to provide that 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.

SECTION 29. Amends Sections 39.106(a) and (e), Education Code, as follows:

(a) Requires the commissioner to assign a campus intervention team (CIT), if a campus is assigned an unacceptable performance rating under Section 39.054 for the school progress domain under Section 39.053(c)(2), rather than if a campus performance is below any standard under Section 39.054(e).

(e) Requires a CIT, for each year a campus is assigned an unacceptable performance rating under the school progress domain under Section 39.053(c)(2), to:

(1) continue to work with a campus until:

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

(B) the campus is assigned a performance rating of at least acceptable under Section 39.054 for the school progress domain under Section 39.053(c)(2) for a one-year period, rather than the campus satisfies all performance standards under Section 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, rather than improves student achievement;

(2) and (3) makes no changes to these subdivisions.

SECTION 30. Amends Section 39.017, Education Code, 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), as follows:

(a) Requires the commissioner, after a campus has been assigned an unacceptable performance rating for the school progress domain under Section 39.053(c)(2) for two consecutive school years, rather than after a campus has been identified as unacceptable for two consecutive school years, to order the campus to prepare and submit a campus turnaround plan (CTP).

(a-2) Requires the district, in consultation with the CIT, before a CTP is prepared and submitted for approval to the board of trustees of the district, to provide notice to parents, the community, and stakeholders that the campus has received an unacceptable performance rating for the school progress domain under Section 39.053(c)(2) for two consecutive years, rather than received an academically unacceptable performance rating for two consecutive years, and will be required to submit a CTP.

(b) Requires that the CTP assist the campus in implementing procedures to satisfy the performance standards required under Section 39.054(e) for the school progress domain under Section 39.053(c)(2), rather than to satisfy all performance standards required under Section 39.054(e).

(b-4) Requires that a CTP take effect not later than the school year following the third consecutive school year that the campus has received an unacceptable performance rating for the school progress domain under Section 39.053(c)(2), rather than following the third consecutive school year that the campus has received an academically unacceptable performance rating.

(b-10) Requires the commissioner, not later than June 15 of each year, to approve or reject in writing any CTP prepared and submitted to the commissioner by a district. Requires the commissioner, if the commissioner rejects a CTP, to include in the written rejection to the district a list of the specific concerns regarding the CTP that resulted in the reject.

(b-11) Requires the district, if the commissioner rejects a CTP, to create a modified CTP and request assistance from TEA staff. Requires the district to submit the modified CTP to the commissioner for approval not later than August 15 and requires the commissioner to notify the district in writing of the commissioner's decision regarding the modified CTP not later than September 1.

(b-12) Prohibits TEA, if TEA assists or offers assistance to a district in modifying a CTP following a rejection under Subsection (b-10), from recommending or requiring 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) Authorizes the commissioner to approve a CTP, including a modified CTP, only if the commissioner determines that the campus will be assigned at least an acceptable performance rating under Section 39.054 for the school progress domain under Section 39.053(c)(2) not later than the second year following the implementation of the CTP, rather than authorizes the commissioner to approve a CTP only if the commissioner determines that the campus will satisfy all student performance standards required under Section 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the CTP. Requires the commissioner, if the commissioner does not make this determination after reviewing the district's modified CTP submitted under Subsection (b-11), to order a certain action to be taken.

(e) Requires the commissioner to order certain actions to be taken, subject to Subsection (e-2) (relating to requiring the commissioner to order a requested action if presented with a certain petition and to order a certain action requested by the board of trustees of a district under certain circumstances), if a campus is assigned 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 CTP, rather than if a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a CTP.

(f) Authorizes the commissioner, notwithstanding Section 39.112(e), to remove a board of managers appointed to govern a district under this section (Campus Turnaround Plan, Board of Managers, Alternative Management, and Closure) only if the campus that was the basis for the appointment of the board of managers receives at least an acceptable performance rating under the school progress domain under Section 39.053(c)(2) for two consecutive school years, rather than receives an academically acceptable performance rating for two consecutive school years. Authorizes the commissioner to take certain actions if a campus that was the basis for the appointment of a board of managers receives an unacceptable performance rating under the school progress domain under Section 39.053(c)(2), rather than receives an academically unacceptable performance rating, for two additional consecutive years following the appointment of the board of managers.

(g-1) Requires the commissioner, if a campus receives an unacceptable performance rating under the school progress domain under Section 39.053(c)(2) for two consecutive school years after a certain managing entity assumes management of the campus, rather than if a campus receives an academically unacceptable performance rating for two consecutive school years after a certain managing entity assumes management of the campus, to cancel the contract with the managing entity.

SECTION 31. 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 domain indicators under Section 39.053(c), rather than in the same manner provided for evaluation of the achievement indicators under Sections 39.053(c)(1) through (4).

SECTION 32. (a) 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 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.

(b) Requires the commissioner, using available data from the 2018-2019 school year, to 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) Requires that each required report 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) (relating to a student's eligibility to participate in a district's special education program), Education Code.

(d) Requires the commissioner to submit a required report 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); and
- (2) December 1, 2019, for a report prepared under Subsection (b).

(e) Provides that this section expires December 31, 2019.

SECTION 33. (a) Provides that, except as provided by Subsection (b), this Act applies beginning with the 2019-2020 school year.

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

SECTION 34. Effective date: upon passage or September 1, 2017.