

By: Huberty, Bonnen of Brazoria, Meyer

H.B. No. 22

Substitute the following for H.B. No. 22:

By: Bernal

C.S.H.B. No. 22

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability.

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

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(c)(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;

1 (2) measurable district performance objectives for
2 all appropriate achievement indicators for all student
3 populations, including students in special education programs
4 under Subchapter A, Chapter 29, and other measures of student
5 performance that may be identified through the comprehensive needs
6 assessment;

7 (3) strategies for improvement of student performance
8 that include:

9 (A) instructional methods for addressing the
10 needs of student groups not achieving their full potential;

11 (B) methods for addressing the needs of students
12 for special programs, including:

13 (i) suicide prevention programs, in
14 accordance with Subchapter O-1, Chapter 161, Health and Safety
15 Code, which includes a parental or guardian notification procedure;

16 (ii) conflict resolution programs;

17 (iii) violence prevention programs; and

18 (iv) dyslexia treatment programs;

19 (C) dropout reduction;

20 (D) integration of technology in instructional
21 and administrative programs;

22 (E) discipline management;

23 (F) staff development for professional staff of
24 the district;

25 (G) career education to assist students in
26 developing the knowledge, skills, and competencies necessary for a
27 broad range of career opportunities; and

1 (H) accelerated education;

2 (4) strategies for providing to middle school, junior
3 high school, and high school students, those students' teachers and
4 school counselors, and those students' parents information about:

5 (A) higher education admissions and financial
6 aid opportunities;

7 (B) the TEXAS grant program and the Teach for
8 Texas grant program established under Chapter 56;

9 (C) the need for students to make informed
10 curriculum choices to be prepared for success beyond high school;
11 and

12 (D) sources of information on higher education
13 admissions and financial aid;

14 (5) resources needed to implement identified
15 strategies;

16 (6) staff responsible for ensuring the accomplishment
17 of each strategy;

18 (7) timelines for ongoing monitoring of the
19 implementation of each improvement strategy;

20 (8) formative evaluation criteria for determining
21 periodically whether strategies are resulting in intended
22 improvement of student performance; and

23 (9) the policy under Section 38.0041 addressing sexual
24 abuse and other maltreatment of children.

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

27 (c) Each school year, the principal of each school campus,

1 with the assistance of the campus-level committee, shall develop,
2 review, and revise the campus improvement plan for the purpose of
3 improving student performance for all student populations,
4 including students in special education programs under Subchapter
5 A, Chapter 29, with respect to the relevant domain [~~achievement~~]
6 indicators adopted under Section 39.053(c) [~~Sections~~
7 ~~39.053(c)(1)-(4)~~] and any other appropriate performance measures
8 for special needs populations.

9 SECTION 3. Section 12.1013(c), Education Code, is amended
10 to read as follows:

11 (c) The report must include the performance of each public
12 school in each class described by Subsection (b) as measured by the
13 domain [~~achievement~~] indicators adopted under Section 39.053(c)
14 [~~Sections 39.053(c)(1)-(4)~~] and student attrition rates.

15 SECTION 4. Section 29.062(a), Education Code, is amended to
16 read as follows:

17 (a) The legislature recognizes that compliance with this
18 subchapter is an imperative public necessity. Therefore, in
19 accordance with the policy of the state, the agency shall evaluate
20 the effectiveness of programs under this subchapter based on the
21 domain [~~achievement~~] indicators adopted under Section 39.053(c)
22 [~~Sections 39.053(c)(1)-(4)~~], including the results of assessment
23 instruments. The agency may combine evaluations under this section
24 with federal accountability measures concerning students of
25 limited English proficiency.

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

1 (a) A student is eligible to receive a public education
2 grant or to attend another public school in the district in which
3 the student resides under this subchapter if the student is
4 assigned to attend a public school campus assigned an unacceptable
5 performance rating that is made publicly available under Section
6 39.054 for:

7 (1) the student achievement domain under Section
8 39.053(c)(1) [~~at which 50 percent or more of the students did not~~
9 ~~perform satisfactorily on an assessment instrument administered~~
10 ~~under Section 39.023(a) or (c) in any two of the preceding three~~
11 ~~years]; and [~~or~~~~

12 (2) the school progress domain under Section
13 39.053(c)(2) [~~that, at any time in the preceding three years,~~
14 ~~failed to satisfy any standard under Section 39.054(e)].~~

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

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

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

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

27 (b) In determining the accreditation status of a school

1 district, the commissioner:

2 (1) shall evaluate and consider:

3 (A) performance on the domain [~~achievement~~]
4 indicators adopted under [~~described by~~] Section 39.053(c); and

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

7 (2) may evaluate and consider:

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

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

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

17 (iii) an item listed under Sections
18 7.056(e)(3)(C)-(I) that applies to the district;

19 (B) the effectiveness of the district's programs
20 for special populations; and

21 (C) the effectiveness of the district's career
22 and technology program.

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

27 (a) The commissioner shall adopt a set of indicators of the

1 quality of learning and achievement, including the indicators in
2 each domain under Subsection (c). The commissioner periodically
3 ~~[biennially]~~ shall review the indicators for the consideration of
4 appropriate revisions.

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

9 (1) improving student preparedness for success in:

10 (A) subsequent grade levels; and

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

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

16 (3) informing parents and the community regarding
17 campus and district performance ~~[in the domains described by~~
18 ~~Subsection (c) and, for the domain described by Subsection (c)(5),~~
19 ~~in accordance with local priorities and preferences]~~.

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

27 (c) School districts and campuses must be evaluated based on

1 three [~~five~~] domains of indicators of achievement adopted under
2 this section that include:

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

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

8 (i) the results of assessment instruments
9 required under Sections 39.023(a), (c), and (l), as applicable for
10 the district and campus, including the results of assessment
11 instruments required for graduation retaken by a student,
12 aggregated across grade levels by subject area, including:

13 (a) [~~(i)~~] for the performance
14 standard determined by the commissioner under Section 39.0241(a),
15 the percentage of students who performed satisfactorily on the
16 assessment instruments, aggregated across grade levels by subject
17 area; and

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

23 (ii) [~~(B)~~] the results of assessment
24 instruments required under Section 39.023(b), as applicable for the
25 district and campus, [~~aggregated across grade levels by subject~~
26 ~~area~~] including the percentage of students who performed
27 satisfactorily on the assessment instruments, as determined by the

1 performance standard adopted by the agency, aggregated across grade
2 levels by subject area;

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

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

13 (v) students who participate in
14 extracurricular activities, including University Interscholastic
15 League activities such as academic, fine arts, and athletic events
16 and foreign language, chess, and robotics clubs;

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

20 (i) students who satisfy the Texas Success
21 Initiative (TSI) college readiness benchmarks prescribed by the
22 Texas Higher Education Coordinating Board under Section 51.3062(f)
23 on an assessment instrument in reading or mathematics designated by
24 the Texas Higher Education Coordinating Board under Section
25 51.3062(c);

26 (ii) students who satisfy performance
27 standards as determined by the commissioner on advanced placement

1 tests, college entrance examinations, or similar assessment
2 instruments;

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

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

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

11 (vi) students admitted into a postsecondary
12 industry certification program that requires as a prerequisite for
13 entrance successful performance at the secondary level;

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

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

24 (ix) high school graduation rates,
25 including completion rates, computed in accordance with standards
26 and definitions adopted in compliance with the Every Student
27 Succeeds Act (20 U.S.C. Section 6301 et seq.) subject to the

1 exclusions provided by Subsections (g), (g-1), (g-2), and (g-3);

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

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

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

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

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

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

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

22 (i) ~~[for the performance standard~~
23 ~~determined by the commissioner under Section 39.0241(a), the~~
24 ~~percentage of]~~ students who met the standard for annual
25 improvement, as determined by the commissioner, on ~~[the]~~ assessment
26 instruments designated ~~[, as determined]~~ by the commissioner,
27 including assessment instruments under Subdivisions (1)(A)(i) and

1 (ii) and, to the extent available, Subdivision (1)(A)(iii) and
2 English language proficiency assessments under Section
3 29.056(a)(2) [~~by rule or by the method for measuring annual~~
4 improvement under Section 39.034, aggregated across grade levels by
5 subject area]; [and]

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

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

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

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

27 (B) for middle, junior high, and high school

1 campuses and districts that serve students in grades 6 through 12,
2 an indicator that accounts for students who were administered an
3 advanced placement test, international baccalaureate examination,
4 college entrance examination, or preliminary college entrance
5 examination; and

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

11 (i) student socioeconomic status;
12 (ii) enrollment size;
13 (iii) surrounding community attributes;
14 (iv) district property wealth per student
15 in weighted average daily attendance; and

16 (v) access to programs and other
17 opportunities that promote career and college readiness [~~for~~
18 ~~assessment instruments under Subdivision (1)(B), the percentage of~~
19 ~~students who met the standard for annual improvement on the~~
20 ~~assessment instruments, as determined by the commissioner by rule~~
21 ~~or by the method for measuring annual improvement under Section~~
22 ~~39.034, aggregated across grade levels by subject area,~~

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

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

27 ~~[(A) for evaluating the performance of high~~

1 ~~school campuses and districts that include high school campuses:~~

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

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

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

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

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

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

26 ~~[(vii) the percentage of students who earn~~
27 ~~at least 12 hours of postsecondary credit required for the~~

1 ~~foundation high school program under Section 28.025 or to earn an~~
2 ~~endorsement under Section 28.025(c-1),~~
3 ~~[(viii) the percentage of students who have~~
4 ~~completed an advanced placement course,~~
5 ~~[(ix) the percentage of students who enlist~~
6 ~~in the armed forces of the United States, and~~
7 ~~[(x) the percentage of students who earn an~~
8 ~~industry certification,~~
9 ~~[(B) for evaluating the performance of middle and~~
10 ~~junior high school and elementary school campuses and districts~~
11 ~~that include those campuses:~~
12 ~~[(i) student attendance, and~~
13 ~~[(ii) for middle and junior high school~~
14 ~~campuses:~~
15 ~~[(a) dropout rates, computed in the~~
16 ~~manner described by Paragraph (A)(i), and~~
17 ~~[(b) the percentage of students in~~
18 ~~grades seven and eight who receive instruction in preparing for~~
19 ~~high school, college, and a career that includes information~~
20 ~~regarding the creation of a high school personal graduation plan~~
21 ~~under Section 28.02121, the distinguished level of achievement~~
22 ~~described by Section 28.025(b-15), each endorsement described by~~
23 ~~Section 28.025(c-1), college readiness standards, and potential~~
24 ~~career choices and the education needed to enter those careers, and~~
25 ~~[(C) any additional indicators of student~~
26 ~~achievement not associated with performance on standardized~~
27 ~~assessment instruments determined appropriate for consideration by~~

1 ~~the commissioner in consultation with educators, parents, business~~
2 ~~and industry representatives, and employers]; and~~

3 (3) [(5)] in the school climate [fifth] domain,
4 indicators of school climate, which must include:

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

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

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

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

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

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

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

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

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

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

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

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

21 (c-4) For purposes of evaluating the performance of a
22 district or campus under Subsection (c), the commissioner shall
23 determine a method by which the performance of a student is
24 attributed greater weight for each school year a student has been
25 continuously enrolled in the school district or at the campus, as
26 applicable.

27 (d-1) In aggregating results of assessment instruments

1 across grade levels by subject in accordance with Subsection
2 (c)(1)(A)(i), the performance of a student enrolled below the high
3 school level on an assessment instrument required under Section
4 39.023(c) is included with results relating to other students
5 enrolled at the same grade level.

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

22 [~~(1) student performance in this state, disaggregated~~
23 ~~by race, ethnicity, and socioeconomic status, that ranks nationally~~
24 ~~in the top 10 states in terms of college readiness, and~~

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

27 (g) In computing graduation or completion rates such as a

1 high school graduation rate under Subsection (c)(1)(B)(ix)
2 ~~[defining the required state standard for the dropout rate~~
3 ~~indicator described by Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~,
4 the commissioner may not consider as a dropout a student whose
5 failure to attend school results from:

- 6 (1) the student's expulsion under Section 37.007; and
- 7 (2) as applicable:

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

- 11 (B) conviction of and sentencing for an offense
12 under the Penal Code.

13 (g-1) In computing dropout and completion rates such as a
14 high school graduation rate under Subsection (c)(1)(B)(ix)
15 ~~[Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner shall
16 exclude:

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

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

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

- 26 (4) students whose initial enrollment in a school in
27 the United States in grades 7 through 12 was as an unschooled asylee

1 ~~[refugees]~~ or refugee ~~[asylees]~~ as defined by Section 39.027(a-1);

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

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

8 (7) ~~[(6)]~~ students who are incarcerated in state jails
9 and federal penitentiaries as adults and as persons certified to
10 stand trial as adults.

11 (g-2) In computing completion rates such as a high school
12 graduation rate under Subsection (c)(1)(B)(ix) ~~[(e)(2)]~~, the
13 commissioner shall exclude students who:

14 (1) are at least 18 years of age as of September 1 of
15 the school year as reported for the fall semester Public Education
16 Information Management System (PEIMS) submission and have
17 satisfied the credit requirements for high school graduation;

18 (2) have not completed their individualized education
19 program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals
20 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);
21 and

22 (3) are enrolled and receiving individualized
23 education program services.

24 (i) Each school district shall submit the data required for
25 the indicators adopted under this section to the ~~[The]~~ commissioner
26 to the extent necessary for assigning performance ratings under
27 Section 39.054 ~~[by rule shall adopt accountability measures to be~~

1 ~~used in assessing the progress of students who have failed to~~
2 ~~perform satisfactorily as determined by the commissioner under~~
3 ~~Section 39.0241(a) or under the college readiness standard as~~
4 ~~determined under Section 39.0241 in the preceding school year on an~~
5 ~~assessment instrument required under Section 39.023(a), (c), or~~
6 ~~(1)].~~

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

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

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

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

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

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

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

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

26 (c) Notwithstanding any other provision of this code,
27 including Section 21.355, school climate survey information must be

1 reported to the agency in accordance with rules adopted by the
2 commissioner.

3 (d) The commissioner may contract with a third party to
4 provide any service necessary under this section.

5 (e) Not later than the 2021-2022 school year, the
6 commissioner shall determine the feasibility of incorporating
7 school climate survey information for use as an indicator for the
8 school climate domain under Section 39.053(c)(3). In order to
9 determine the feasibility, the commissioner shall implement the use
10 of school climate survey information in the 2018-2019 school year
11 and shall require the reporting of the survey information in the
12 2019-2020 and 2020-2021 school years. This subsection expires
13 September 1, 2022.

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

16 Sec. 39.0536. TEMPORARY PROVISION: ASSIGNMENT OF
17 PERFORMANCE RATINGS. (a) Notwithstanding any other law and
18 subject to Subsection (b), for the 2017-2018 and 2018-2019 school
19 years, the commissioner shall evaluate school district and campus
20 performance and assign each district and campus a performance
21 rating in accordance with the indicators, standards, procedures,
22 criteria, and calculations prescribed by the 2016 Accountability
23 Manual, adopted under 19 T.A.C. Section 97.1001, as that rule
24 existed March 31, 2017.

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

1 commissioner may revise:

2 (1) dates and deadlines only as necessary; and

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

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

8 (a) The commissioner shall adopt rules to evaluate school
9 district and campus performance and assign each district and campus
10 ~~[an overall performance rating of A, B, C, D, or F. In addition to~~
11 ~~the overall performance rating, the commissioner shall assign each~~
12 ~~district and campus]~~ a separate domain performance rating of A, B,
13 C, D, or F for each domain under Section 39.053(c) ~~[Sections~~
14 ~~39.053(c)(1)-(4)]~~. A ~~[An overall or]~~ domain performance rating of
15 A reflects exemplary performance. A ~~[An overall or]~~ domain
16 performance rating of B reflects recognized performance. A ~~[An~~
17 ~~overall or]~~ domain performance rating of C reflects acceptable
18 performance. A ~~[An overall or]~~ domain performance rating of D
19 reflects performance in need of improvement. A domain performance
20 rating of ~~[or]~~ F reflects unacceptable performance. A district may
21 not receive a a ~~[an overall or]~~ domain performance rating of A if the
22 district includes any campus with a corresponding ~~[overall or]~~
23 domain performance rating of ~~[D or]~~ F. A reference in law to an
24 acceptable rating or acceptable performance includes a ~~[an overall~~
25 ~~or]~~ domain performance rating of A, B, ~~[or]~~ C, or D or exemplary,
26 recognized, or acceptable performance or performance in need of
27 improvement.

1 (a-1) For purposes of assigning a domain [~~an overall~~]
2 performance rating under Subsection (a) [~~, the commissioner shall~~
3 ~~attribute~~]:

4 (1) the commissioner may adjust a domain performance
5 rating for a domain disaggregated by race, ethnicity, socioeconomic
6 status, or another factor by increasing the rating one level [~~55~~
7 ~~percent of the performance evaluation to the achievement indicators~~
8 ~~for the first, second, and third domains under Sections~~
9 ~~39.053(c)(1)-(3)];~~

10 (2) for the student achievement domain under Section
11 39.053(c)(1), not more than 50 percent of the domain performance
12 rating may be attributed to the indicators under Sections
13 39.053(c)(1)(A)(i) and (ii) [~~for middle and junior high school and~~
14 ~~elementary campuses and districts that include only those campuses,~~
15 ~~35 percent of the performance evaluation to the applicable~~
16 ~~achievement indicators for the fourth domain under Section~~
17 ~~39.053(c)(4)];~~

18 (3) for the school progress domain under Section
19 39.053(c)(2), not more than 50 percent of the domain performance
20 rating may be attributed to the indicator under Section
21 39.053(c)(2)(A)(i) [~~for high school campuses and districts that~~
22 ~~include those campuses:~~

23 [~~(A) 10 percent of the performance evaluation to~~
24 ~~the high school graduation rate achievement indicator described by~~
25 ~~Section 39.053(c)(4)(A)(ii), and~~

26 [~~(B) 25 percent to the remaining applicable~~
27 ~~achievement indicators for the fourth domain under Section~~

1 ~~39.053(c)(4)]~~; and

2 (4) for the school climate domain under Section
3 39.053(c)(3), at least 50 percent of the domain performance rating
4 must be attributed to the indicator under Section
5 39.053(c)(3)(A)(i) [10 percent of the performance evaluation to the
6 locally selected and evaluated achievement indicators provided for
7 under the fifth domain under Section 39.053(c)(5)].

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

18 (a-3) Not later than August 15 of each year, the performance
19 ratings of each district and campus shall be made publicly
20 available as provided by rules adopted under this section. If a
21 district or campus received a a [~~an overall or~~] domain performance
22 rating of D or F for the preceding school year, the commissioner
23 shall notify the district of a subsequent such designation on or
24 before June 15.

25 (c) In evaluating school district and campus performance on
26 the [~~achievement~~] indicators for the student achievement domain
27 [~~performance on assessment instruments adopted~~] under Sections

1 39.053(c)(1)(A)(i) and (ii) and (c)(1)(B)(x) [~~39.053(c)(1) and~~
2 ~~(2)] and the school progress domain [~~dropout rate indicator~~
3 ~~adopted]~~ under Section 39.053(c)(2)(A)(i) [~~Sections~~
4 ~~39.053(c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner shall
5 evaluate [~~define acceptable~~] performance [~~as meeting the state~~
6 ~~standard determined by the commissioner under Section 39.053(f)]~~
7 for the current school year based on:~~

- 8 (1) student performance in the current school year; or
9 (2) if necessary to address limited data available to
10 use in the calculations, student performance as averaged over the
11 current school year and the preceding two school years.

12 (e) Each annual performance review under this section shall
13 include an analysis of the domain [~~achievement~~] indicators adopted
14 under Section 39.053(c) [~~Sections 39.053(c)(1)-(4)]~~ to determine
15 school district and campus performance in relation to standards
16 established for each domain [~~indicator~~].

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

21 (g-3) [~~(f)]~~ In the computation of dropout rates and
22 completion rates such as a high school graduation rate under
23 Subsection (c)(1)(B)(ix) [~~Sections 39.053(c)(4)(A)(i) and~~
24 ~~(B)(ii)(a)]~~, a student who is released from a juvenile
25 pre-adjudication secure detention facility or juvenile
26 post-adjudication secure correctional facility and fails to enroll
27 in school or a student who leaves a residential treatment center

1 after receiving treatment for fewer than 85 days and fails to enroll
2 in school may not be considered to have dropped out from the school
3 district or campus serving the facility or center unless that
4 district or campus is the one to which the student is regularly
5 assigned. The agency may not limit an appeal relating to dropout
6 computations under this subsection.

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

9 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. Before
10 September 30 of each school year, the commissioner shall adopt any
11 indicators and standards under this subchapter the commissioner
12 will use to evaluate school districts and campuses for that school
13 year.

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

16 Sec. 39.0546. PERFORMANCE IN COMMUNITY AND STUDENT
17 ENGAGEMENT AS COMPONENT OF [~~OVERALL~~] DISTRICT AND CAMPUS RATING.

18 (a) For purposes of including the local evaluation of districts and
19 campuses under Section 39.053(c)(3)(A)(i) [~~39.053(c)(5)~~] and
20 assigning a domain performance [~~an overall~~] rating under Section
21 39.054, before the beginning of each school year:

22 (1) each school district shall:

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

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

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

6 (2) each campus shall:

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

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

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

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

1 performance.

2 (c) On or before the date determined by the commissioner by
3 rule, each school district and campus shall report each performance
4 rating to the agency for the purpose of including the rating in
5 evaluating school districts and campuses under the school climate
6 domain under Section 39.053(c)(3) [~~district and campus~~
7 ~~performance~~] and assigning a domain performance [~~an overall~~] rating
8 under Section 39.054.

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

11 (a) For purposes of evaluating performance under Section
12 39.053(c), the commissioner shall designate as a dropout recovery
13 school a school district or an open-enrollment charter school or a
14 campus of a district or of an open-enrollment charter school:

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

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

23 (b) Notwithstanding Section 39.053(c)(1)(B)(ix)
24 [~~39.053(c)(4)(A)(i)~~], the commissioner shall use the alternative
25 completion rate under this subsection to determine the graduation
26 [~~dropout~~] rate indicator under Section 39.053(c)(1)(B)(ix)
27 [~~39.053(c)(4)(A)(i)~~] for a dropout recovery school. The

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

6 (c) Notwithstanding Section [39.053\(c\)\(1\)\(B\)\(ix\)](#)
7 [~~39.053(c)(4)(A)(i)~~], in determining the performance rating under
8 Section [39.054](#) of a dropout recovery school, the commissioner shall
9 include any student described by Section [39.053\(g-1\)](#) who graduates
10 or receives a high school equivalency certificate.

11 SECTION 16. Section [39.055](#), Education Code, is amended to
12 read as follows:

13 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT
14 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY
15 PURPOSES. Notwithstanding any other provision of this code except
16 to the extent otherwise provided under Section [39.053\(g-3\)](#)
17 [~~39.054(f)~~], for purposes of determining the performance of a
18 school district, campus, or open-enrollment charter school under
19 this chapter, a student ordered by a juvenile court into a
20 residential program or facility operated by or under contract with
21 the Texas Juvenile Justice Department, a juvenile board, or any
22 other governmental entity or any student who is receiving treatment
23 in a residential facility is not considered to be a student of the
24 school district in which the program or facility is physically
25 located or of an open-enrollment charter school, as
26 applicable. The performance of such a student on an assessment
27 instrument or other achievement indicator adopted under Section

1 39.053 or reporting indicator adopted under Section 39.301 shall be
2 determined, reported, and considered separately from the
3 performance of students attending a school of the district in which
4 the program or facility is physically located or an open-enrollment
5 charter school, as applicable.

6 SECTION 17. Section 39.102(a), Education Code, is amended
7 to read as follows:

8 (a) If a school district does not satisfy the accreditation
9 criteria under Section 39.052, has been assigned an unacceptable
10 ~~[the academic]~~ performance rating ~~[standards]~~ under Section
11 ~~[39.053 or]~~ 39.054 for the school progress domain under Section
12 39.053(c)(2), or does not satisfy any financial accountability
13 standard as determined by commissioner rule, or if considered
14 appropriate by the commissioner on the basis of a special
15 accreditation investigation under Section 39.057, the commissioner
16 shall take any of the following actions to the extent the
17 commissioner determines necessary:

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

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

25 (3) order the preparation of an ~~[a student~~
26 ~~achievement]~~ improvement plan that addresses the indicators for the
27 school progress domain ~~[each academic achievement indicator]~~ under

1 Section 39.053(c)(2) [~~39.053(c) for which the district's~~
2 ~~performance is insufficient~~], the submission of the plan to the
3 commissioner for approval, and implementation of the plan;

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

9 (5) arrange a monitoring review of the district;

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

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

15 (8) appoint a management team to direct the operations
16 of the district in areas of insufficient performance or require the
17 district to obtain certain services under a contract with another
18 person;

19 (9) if a district has a current accreditation status
20 of accredited-warned or accredited-probation, has been assigned an
21 unacceptable performance rating [~~fails to satisfy any standard~~]
22 under Section 39.054 for the school progress domain under Section
23 39.053(c)(2) [39.054(e)], or fails to satisfy financial
24 accountability standards as determined by commissioner rule,
25 appoint a board of managers to exercise the powers and duties of the
26 board of trustees; or

27 (10) if for two consecutive school years, including

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

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

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

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

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

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

24 [~~(C) ordering lower student-to-counselor ratios~~
25 ~~on school campuses with high dropout rates, and~~

26 [~~(D) ordering the use of any other intervention~~
27 ~~strategy effective in reducing dropout rates, including mentor~~

1 ~~programs and flexible class scheduling~~].

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

4 (a) If a campus is assigned an unacceptable performance
5 rating [~~is below any standard~~] under Section 39.054 for the school
6 progress domain under Section 39.053(c)(2) [~~39.054(e)~~], the
7 commissioner shall take actions, to the extent the commissioner
8 determines necessary, as provided by this subchapter.

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

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

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

25 (a) If a campus [~~performance~~] is assigned an unacceptable
26 performance rating [~~below any standard~~] under Section 39.054 for
27 the school progress domain under Section 39.053(c)(2) [~~39.054(e)~~],

1 the commissioner shall assign a campus intervention team. A campus
2 intervention team shall:

3 (1) conduct, with the involvement and advice of the
4 school community partnership team, if applicable:

5 (A) a targeted on-site needs assessment relevant
6 to an area of insufficient performance of the campus as provided by
7 Subsection (b); or

8 (B) if the commissioner determines necessary, a
9 comprehensive on-site needs assessment, using the procedures
10 provided by Subsection (b);

11 (2) recommend appropriate actions as provided by
12 Subsection (c);

13 (3) assist in the development of a targeted
14 improvement plan;

15 (4) conduct a public meeting at the campus with the
16 campus principal, the members of the campus-level planning and
17 decision-making committee established under Section [11.251](#),
18 parents of students attending the campus, and community members
19 residing in the district to review the campus performance rating
20 and solicit input for the development of the targeted improvement
21 plan;

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

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

1 (e) For each year a campus is assigned an unacceptable
2 performance rating under the school progress domain under Section
3 39.053(c)(2), a campus intervention team shall:

4 (1) continue to work with a campus until:

5 (A) the campus is assigned a [~~satisfies all~~]
6 performance rating of at least acceptable [~~standards~~] under Section
7 39.054 for the school progress domain under Section 39.053(c)(2)
8 [~~39.054(e)~~] for a two-year period; or

9 (B) the campus is assigned a [~~satisfies all~~]
10 performance rating of at least acceptable [~~standards~~] under Section
11 39.054 for the school progress domain under Section 39.053(c)(2)
12 [~~39.054(e)~~] for a one-year period and the commissioner determines
13 that the campus is operating and will continue to operate in a
14 manner that improves student performance [~~achievement~~];

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

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

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

24 (a) After a campus has been assigned an [~~been identified as~~]
25 unacceptable performance rating for the school progress domain
26 under Section 39.053(c)(2) for two consecutive school years, the
27 commissioner shall order the campus to prepare and submit a campus

1 turnaround plan. The commissioner shall by rule establish
2 procedures governing the time and manner in which the campus must
3 submit the campus turnaround plan.

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

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

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

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

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

6 (b-10) Not later than June 15 of each year, the commissioner
7 shall approve or reject in writing any campus turnaround plan
8 prepared and submitted to the commissioner by a school district. If
9 the commissioner rejects a campus turnaround plan, the commissioner
10 must include in the written rejection to the district a list of the
11 specific concerns regarding the plan that resulted in the
12 rejection.

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

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

27 (d) The commissioner may approve a campus turnaround plan,

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

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

13 (2) alternative management of the campus under this
14 section; or

15 (3) closure of the campus.

16 (e) If a campus is assigned [~~considered to have~~] an
17 unacceptable performance rating under the school progress domain
18 under Section 39.053(c)(2) for three consecutive school years after
19 the campus is ordered to submit a campus turnaround plan under
20 Subsection (a), the commissioner, subject to Subsection (e-2),
21 shall order:

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

24 (2) closure of the campus.

25 (f) Notwithstanding Section 39.112(e), the commissioner may
26 remove a board of managers appointed to govern a district under this
27 section only if the campus that was the basis for the appointment of

1 the board of managers receives at least an [~~academically~~]
2 acceptable performance rating under the school progress domain
3 under Section 39.053(c)(2) for two consecutive school years. If a
4 campus that was the basis for the appointment of a board of managers
5 receives an [~~academically~~] unacceptable performance rating under
6 the school progress domain under Section 39.053(c)(2) for two
7 additional consecutive years following the appointment of the board
8 of managers, the commissioner may remove the board of managers and,
9 in consultation with the local community, may appoint a new board of
10 managers to govern the district.

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

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

26 (b) Performance on the indicators adopted under this
27 section shall be evaluated in the same manner provided for

1 evaluation of the domain [~~achievement~~] indicators under Section
2 39.053(c) [~~Sections 39.053(c)(1)-(4)~~].

3 SECTION 23. (a) Using available data from the 2017-2018
4 school year, the commissioner of education shall prepare a report
5 that, to the greatest extent possible, describes and lists the
6 domain performance ratings that would be assigned to each school
7 district and campus under Section 39.054, Education Code, as
8 amended by this Act, if the domain indicators described in Section
9 39.053(c), Education Code, as amended by this Act, were effective
10 during the 2017-2018 school year.

11 (b) Using available data from the 2018-2019 school year, the
12 commissioner of education shall prepare a report that, to the
13 greatest extent possible, describes and lists the domain
14 performance ratings that would be assigned to each school district
15 and campus under Section 39.054, Education Code, as amended by this
16 Act, if the domain indicators described in Section 39.053(c),
17 Education Code, as amended by this Act, were effective during the
18 2018-2019 school year.

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

- 23 (1) economic status;
- 24 (2) continuously enrolled status;
- 25 (3) status as a student of limited English
26 proficiency, as defined by Section 29.052, Education Code; and
- 27 (4) status as a student eligible to participate in a

1 special education program under Section 29.003(b), Education Code.

2 (d) The commissioner of education shall submit a report
3 prepared as required by this section to the governor, lieutenant
4 governor, speaker of the house, and presiding officer of each
5 standing committee of the senate and house of representatives with
6 primary jurisdiction over primary and secondary education not later
7 than:

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

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

12 (e) This section expires December 31, 2019.

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

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

21 SECTION 25. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect September 1, 2017.