

1-1 By: Huberty, et al. H.B. No. 22  
 1-2 (Senate Sponsor - Taylor of Galveston)  
 1-3 (In the Senate - Received from the House May 5, 2017;  
 1-4 May 11, 2017, read first time and referred to Committee on  
 1-5 Education; May 22, 2017, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 10, Nays 0;  
 1-7 May 22, 2017, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9 Taylor of Galveston	X			
1-10 Lucio	X			
1-11 Bettencourt	X			
1-12 Campbell	X			
1-13 Hall			X	
1-14 Huffines	X			
1-15 Hughes	X			
1-16 Seliger	X			
1-17 Taylor of Collin	X			
1-18 Uresti	X			
1-19 West	X			

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 22 By: Taylor of Galveston

1-22 A BILL TO BE ENTITLED  
 1-23 AN ACT

1-24 relating to evaluating public school performance.  
 1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-26 SECTION 1. Section 11.252(a), Education Code, is amended to  
 1-27 read as follows:  
 1-28 (a) Each school district shall have a district improvement  
 1-29 plan that is developed, evaluated, and revised annually, in  
 1-30 accordance with district policy, by the superintendent with the  
 1-31 assistance of the district-level committee established under  
 1-32 Section 11.251. The purpose of the district improvement plan is to  
 1-33 guide district and campus staff in the improvement of student  
 1-34 performance for all student groups in order to attain state  
 1-35 standards in respect to the achievement indicators adopted under  
 1-36 Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~]. The district  
 1-37 improvement plan must include provisions for:  
 1-38 (1) a comprehensive needs assessment addressing  
 1-39 district student performance on the achievement indicators, and  
 1-40 other appropriate measures of performance, that are disaggregated  
 1-41 by all student groups served by the district, including categories  
 1-42 of ethnicity, socioeconomic status, sex, and populations served by  
 1-43 special programs, including students in special education programs  
 1-44 under Subchapter A, Chapter 29;  
 1-45 (2) measurable district performance objectives for  
 1-46 all appropriate achievement indicators for all student  
 1-47 populations, including students in special education programs  
 1-48 under Subchapter A, Chapter 29, and other measures of student  
 1-49 performance that may be identified through the comprehensive needs  
 1-50 assessment;  
 1-51 (3) strategies for improvement of student performance  
 1-52 that include:  
 1-53 (A) instructional methods for addressing the  
 1-54 needs of student groups not achieving their full potential;  
 1-55 (B) methods for addressing the needs of students  
 1-56 for special programs, including:  
 1-57 (i) suicide prevention programs, in  
 1-58 accordance with Subchapter O-1, Chapter 161, Health and Safety  
 1-59 Code, which includes a parental or guardian notification procedure;  
 1-60 (ii) conflict resolution programs;

2-1 (iii) violence prevention programs; and  
 2-2 (iv) dyslexia treatment programs;  
 2-3 (C) dropout reduction;  
 2-4 (D) integration of technology in instructional  
 2-5 and administrative programs;  
 2-6 (E) discipline management;  
 2-7 (F) staff development for professional staff of  
 2-8 the district;  
 2-9 (G) career education to assist students in  
 2-10 developing the knowledge, skills, and competencies necessary for a  
 2-11 broad range of career opportunities; and  
 2-12 (H) accelerated education;  
 2-13 (4) strategies for providing to middle school, junior  
 2-14 high school, and high school students, those students' teachers and  
 2-15 school counselors, and those students' parents information about:  
 2-16 (A) higher education admissions and financial  
 2-17 aid opportunities;  
 2-18 (B) the TEXAS grant program and the Teach for  
 2-19 Texas grant program established under Chapter 56;  
 2-20 (C) the need for students to make informed  
 2-21 curriculum choices to be prepared for success beyond high school;  
 2-22 and  
 2-23 (D) sources of information on higher education  
 2-24 admissions and financial aid;  
 2-25 (5) resources needed to implement identified  
 2-26 strategies;  
 2-27 (6) staff responsible for ensuring the accomplishment  
 2-28 of each strategy;  
 2-29 (7) timelines for ongoing monitoring of the  
 2-30 implementation of each improvement strategy;  
 2-31 (8) formative evaluation criteria for determining  
 2-32 periodically whether strategies are resulting in intended  
 2-33 improvement of student performance; and  
 2-34 (9) the policy under Section 38.0041 addressing sexual  
 2-35 abuse and other maltreatment of children.  
 2-36 SECTION 2. Section 11.253(c), Education Code, is amended to  
 2-37 read as follows:  
 2-38 (c) Each school year, the principal of each school campus,  
 2-39 with the assistance of the campus-level committee, shall develop,  
 2-40 review, and revise the campus improvement plan for the purpose of  
 2-41 improving student performance for all student populations,  
 2-42 including students in special education programs under Subchapter  
 2-43 A, Chapter 29, with respect to the achievement indicators adopted  
 2-44 under Section 39.053(c) [~~Sections 39.053(c)(1)-(4)~~] and any other  
 2-45 appropriate performance measures for special needs populations.  
 2-46 SECTION 3. Section 12.1013(c), Education Code, is amended  
 2-47 to read as follows:  
 2-48 (c) The report must include the performance of each public  
 2-49 school in each class described by Subsection (b) as measured by the  
 2-50 achievement indicators adopted under Section 39.053(c) [~~Sections~~  
 2-51 ~~39.053(c)(1)-(4)~~] and student attrition rates.  
 2-52 SECTION 4. Section 29.062(a), Education Code, is amended to  
 2-53 read as follows:  
 2-54 (a) The legislature recognizes that compliance with this  
 2-55 subchapter is an imperative public necessity. Therefore, in  
 2-56 accordance with the policy of the state, the agency shall evaluate  
 2-57 the effectiveness of programs under this subchapter based on the  
 2-58 achievement indicators adopted under Section 39.053(c) [~~Sections~~  
 2-59 ~~39.053(c)(1)-(4)~~], including the results of assessment  
 2-60 instruments. The agency may combine evaluations under this section  
 2-61 with federal accountability measures concerning students of  
 2-62 limited English proficiency.  
 2-63 SECTION 5. Section 29.202(a), Education Code, is amended to  
 2-64 read as follows:  
 2-65 (a) A student is eligible to receive a public education  
 2-66 grant or to attend another public school in the district in which  
 2-67 the student resides under this subchapter if the student is  
 2-68 assigned to attend a public school campus issued an unacceptable  
 2-69 performance rating made publicly available under Section 39.054 [+]

3-1 ~~[(1) at which 50 percent or more of the students did~~  
3-2 ~~not perform satisfactorily on an assessment instrument~~  
3-3 ~~administered under Section 39.023(a) or (c) in any two of the~~  
3-4 ~~preceding three years; or~~

3-5 ~~[(2) that, at any time in the preceding three years,~~  
3-6 ~~failed to satisfy any standard under Section 39.054(e)].~~

3-7 SECTION 6. Chapter 39, Education Code, is amended by adding  
3-8 Subchapter A to read as follows:

3-9 SUBCHAPTER A. GENERAL PROVISIONS

3-10 Sec. 39.001. RULES. The commissioner may adopt rules as  
3-11 necessary to administer this chapter.

3-12 Sec. 39.002. ADVISORY COMMITTEE. An advisory committee  
3-13 appointed under this chapter is not subject to Chapter 2110,  
3-14 Government Code.

3-15 SECTION 7. Section 39.052(b), Education Code, is amended to  
3-16 read as follows:

3-17 (b) In determining the accreditation status of a school  
3-18 district, the commissioner:

3-19 (1) shall evaluate and consider:

3-20 (A) performance on achievement indicators  
3-21 described by Section 39.053 [~~39.053(c)~~]; and

3-22 (B) performance under the financial  
3-23 accountability rating system developed under Subchapter D; and

3-24 (2) may evaluate and consider:

3-25 (A) the district's compliance with statutory  
3-26 requirements and requirements imposed by rule of the commissioner  
3-27 or State Board of Education under specific statutory authority that  
3-28 relate to:

3-29 (i) reporting data through the Public  
3-30 Education Information Management System (PEIMS) or other reports  
3-31 required by state or federal law or court order;

3-32 (ii) the high school graduation  
3-33 requirements under Section 28.025; or

3-34 (iii) an item listed under Sections  
3-35 7.056(e)(3)(C)-(I) that applies to the district;

3-36 (B) the effectiveness of the district's programs  
3-37 for special populations; and

3-38 (C) the effectiveness of the district's career  
3-39 and technology program.

3-40 SECTION 8. Section 39.053, Education Code, is amended by  
3-41 amending Subsections (a), (a-1), (b), (c), (d-1), (f), (g), (g-1),  
3-42 (g-2), and (i) and adding Subsection (c-3) to read as follows:

3-43 (a) The commissioner shall adopt a set of indicators,  
3-44 including indicators under Subsection (c), of the quality of  
3-45 learning and achievement. The commissioner [~~biennially~~] shall  
3-46 periodically review the indicators for the consideration of  
3-47 appropriate revisions.

3-48 (a-1) The indicators adopted by the commissioner under  
3-49 Subsection (a) [~~, including the indicators identified under~~  
3-50 ~~Subsection (c),~~] must measure and evaluate school districts and  
3-51 campuses with respect to:

3-52 (1) improving student preparedness for success in:

3-53 (A) subsequent grade levels; and

3-54 (B) entering the workforce, the military, or  
3-55 postsecondary education;

3-56 (2) reducing, with the goal of eliminating, student  
3-57 academic achievement differentials among students from different  
3-58 racial and ethnic groups and socioeconomic backgrounds; and

3-59 (3) informing parents and the community regarding  
3-60 campus and district performance [~~in the domains described by~~  
3-61 ~~Subsection (c) and, for the domain described by Subsection (c)(5),~~  
3-62 ~~in accordance with local priorities and preferences].~~

3-63 (b) Performance on the achievement indicators adopted under  
3-64 Subsections (c)(1), (2), and (3)(B) and (C) [~~(c)(1)-(4)~~] shall be  
3-65 compared to state-established standards. The indicators in  
3-66 Subsections (c)(1) and (2) must be based on information that  
3-67 considers academic achievement differentials among students,  
3-68 including information that is disaggregated by race, ethnicity, and  
3-69 socioeconomic status.

4-1 (c) School districts and campuses must be evaluated based on  
 4-2 three [~~five~~] domains of indicators of achievement adopted under  
 4-3 this section that include:

4-4 (1) in the student achievement [~~first~~] domain,  
 4-5 indicators of student achievement that may include [~~the results~~  
 4-6 ~~of~~]:

4-7 (A) for evaluating the performance of districts  
 4-8 and campuses generally:

4-9 (i) an indicator that accounts for the  
 4-10 results of assessment instruments required under Sections  
 4-11 39.023(a), (c), and (l), as applicable for the district and campus,  
 4-12 including the results of assessment instruments required for  
 4-13 graduation retaken by a student, aggregated across grade levels by  
 4-14 subject area, including:

4-15 (a) [~~(i)~~] for the performance  
 4-16 standard determined by the commissioner under Section 39.0241(a),  
 4-17 the percentage of students who performed satisfactorily on the  
 4-18 assessment instruments, aggregated across grade levels by subject  
 4-19 area; and

4-20 (b) [~~(ii)~~] for the college readiness  
 4-21 performance standard as determined under Section 39.0241, the  
 4-22 percentage of students who performed satisfactorily on the  
 4-23 assessment instruments, aggregated across grade levels by subject  
 4-24 area; and

4-25 (ii) an indicator that accounts for the  
 4-26 results of [~~(B)~~] assessment instruments required under Section  
 4-27 39.023(b), as applicable for the district and campus, [~~aggregated~~  
 4-28 ~~across grade levels by subject area,~~] including the percentage of  
 4-29 students who performed satisfactorily on the assessment  
 4-30 instruments, as determined by the performance standard adopted by  
 4-31 the agency, aggregated across grade levels by subject area; and

4-32 (B) for evaluating the performance of high school  
 4-33 campuses and districts that include high school campuses,  
 4-34 indicators that account for:

4-35 (i) students who satisfy the Texas Success  
 4-36 Initiative (TSI) college readiness benchmarks prescribed by the  
 4-37 Texas Higher Education Coordinating Board under Section 51.3062(f)  
 4-38 on an assessment instrument in reading or mathematics designated by  
 4-39 the Texas Higher Education Coordinating Board under Section  
 4-40 51.3062(c);

4-41 (ii) students who satisfy relevant  
 4-42 performance standards on advanced placement tests or similar  
 4-43 assessments;

4-44 (iii) students who earn dual course credits  
 4-45 in the dual credit courses;

4-46 (iv) students who enlist in the armed  
 4-47 forces of the United States;

4-48 (v) students who earn industry  
 4-49 certifications;

4-50 (vi) students admitted into postsecondary  
 4-51 industry certification programs that require as a prerequisite for  
 4-52 entrance successful performance at the secondary level;

4-53 (vii) students whose successful completion  
 4-54 of a course or courses under Section 28.014 indicates the student's  
 4-55 preparation to enroll and succeed, without remediation, in an  
 4-56 entry-level general education course for a baccalaureate degree or  
 4-57 associate degree;

4-58 (viii) students who successfully met  
 4-59 standards on a composite of indicators that through research  
 4-60 indicates the student's preparation to enroll and succeed, without  
 4-61 remediation, in an entry-level general education course for a  
 4-62 baccalaureate degree or associate degree; and

4-63 (ix) high school graduation rates, computed  
 4-64 in accordance with standards and definitions adopted in compliance  
 4-65 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)  
 4-66 subject to the exclusions provided by Subsections (g), (g-1),  
 4-67 (g-2), and (g-3);

4-68 (2) in the school performance [~~second~~] domain,  
 4-69 indicators of student performance, which may include:

5-1 (A) for assessment instruments, including  
5-2 assessment instruments under Subdivisions (1)(A)(i) and (ii)  
5-3 [Subdivision (1)(A):  
5-4 [(i) for the performance standard  
5-5 determined by the commissioner under Section 39.0241(a)], the  
5-6 percentage of students who met the standard for [annual]  
5-7 improvement [on the assessment instruments,] as determined by the  
5-8 commissioner [by rule or by the method for measuring annual  
5-9 improvement under Section 39.034, aggregated across grade levels by  
5-10 subject area; and  
5-11 [(ii) for the college readiness performance  
5-12 standard as determined under Section 39.0241, the percentage of  
5-13 students who met the standard for annual improvement on the  
5-14 assessment instruments, as determined by the commissioner by rule  
5-15 or by the method for measuring annual improvement under Section  
5-16 39.034, aggregated across grade levels by subject area]; and  
5-17 (B) for overall student performance, the  
5-18 performance of districts or campuses compared to similar districts  
5-19 or campuses [for assessment instruments under Subdivision (1)(B),  
5-20 the percentage of students who met the standard for annual  
5-21 improvement on the assessment instruments, as determined by the  
5-22 commissioner by rule or by the method for measuring annual  
5-23 improvement under Section 39.034, aggregated across grade levels by  
5-24 subject area;  
5-25 [(3) in the third domain, the student academic  
5-26 achievement differentials among students from different racial and  
5-27 ethnic groups and socioeconomic backgrounds;  
5-28 [(4) in the fourth domain:  
5-29 [(A) for evaluating the performance of high  
5-30 school campuses and districts that include high school campuses:  
5-31 [(i) dropout rates, including dropout rates  
5-32 and district completion rates for grade levels 9 through 12,  
5-33 computed in accordance with standards and definitions adopted by  
5-34 the National Center for Education Statistics of the United States  
5-35 Department of Education;  
5-36 [(ii) high school graduation rates,  
5-37 computed in accordance with standards and definitions adopted in  
5-38 compliance with the No Child Left Behind Act of 2001 (20 U.S.C.  
5-39 Section 6301 et seq.);  
5-40 [(iii) the percentage of students who  
5-41 successfully completed the curriculum requirements for the  
5-42 distinguished level of achievement under the foundation high school  
5-43 program;  
5-44 [(iv) the percentage of students who  
5-45 successfully completed the curriculum requirements for an  
5-46 endorsement under Section 28.025(c-1);  
5-47 [(v) the percentage of students who  
5-48 completed a coherent sequence of career and technical courses;  
5-49 [(vi) the percentage of students who  
5-50 satisfy the Texas Success Initiative (TSI) college readiness  
5-51 benchmarks prescribed by the Texas Higher Education Coordinating  
5-52 Board under Section 51.3062(f) on an assessment instrument in  
5-53 reading, writing, or mathematics designated by the Texas Higher  
5-54 Education Coordinating Board under Section 51.3062(c);  
5-55 [(vii) the percentage of students who earn  
5-56 at least 12 hours of postsecondary credit required for the  
5-57 foundation high school program under Section 28.025 or to earn an  
5-58 endorsement under Section 28.025(c-1);  
5-59 [(viii) the percentage of students who have  
5-60 completed an advanced placement course;  
5-61 [(ix) the percentage of students who enlist  
5-62 in the armed forces of the United States; and  
5-63 [(x) the percentage of students who earn an  
5-64 industry certification;  
5-65 [(B) for evaluating the performance of middle and  
5-66 junior high school and elementary school campuses and districts  
5-67 that include those campuses:  
5-68 [(i) student attendance; and  
5-69 [(ii) for middle and junior high school

6-1 ~~campuses:~~

6-2 ~~[(a) dropout rates, computed in the~~  
6-3 ~~manner described by Paragraph (A)(i); and~~

6-4 ~~[(b) the percentage of students in~~  
6-5 ~~grades seven and eight who receive instruction in preparing for~~  
6-6 ~~high school, college, and a career that includes information~~  
6-7 ~~regarding the creation of a high school personal graduation plan~~  
6-8 ~~under Section 28.02121, the distinguished level of achievement~~  
6-9 ~~described by Section 28.025(b-15), each endorsement described by~~  
6-10 ~~Section 28.025(c-1), college readiness standards, and potential~~  
6-11 ~~career choices and the education needed to enter those careers; and~~

6-12 ~~[(C) any additional indicators of student~~  
6-13 ~~achievement not associated with performance on standardized~~  
6-14 ~~assessment instruments determined appropriate for consideration by~~  
6-15 ~~the commissioner in consultation with educators, parents, business~~  
6-16 ~~and industry representatives, and employers]; and~~

6-17 ~~(3) [(5)] in the school climate [fifth] domain,~~  
6-18 ~~indicators of school climate, which may include:~~

6-19 ~~(A) three programs or specific categories of~~  
6-20 ~~performance related to community and student engagement locally~~  
6-21 ~~selected and evaluated as provided by Section 39.0546;~~

6-22 ~~(B) the percentage of students who successfully~~  
6-23 ~~complete varied, rigorous, and relevant curricular options that~~  
6-24 ~~lead to postsecondary success, including successfully completing~~  
6-25 ~~advanced placement courses or other similar courses; and~~

6-26 ~~(C) the percentage of students who successfully~~  
6-27 ~~complete a coherent sequence of:~~

6-28 ~~(i) career and technical courses that lead~~  
6-29 ~~to industry certifications or college credit; or~~

6-30 ~~(ii) fine arts courses.~~

6-31 ~~(c-3) For purposes of Subsection (c), the commissioner, to~~  
6-32 ~~the extent feasible, shall determine a method by which the~~  
6-33 ~~performance of students who have been continuously enrolled in a~~  
6-34 ~~school district or at a district campus, as applicable, as~~  
6-35 ~~determined by continuous enrollment criteria established by the~~  
6-36 ~~commissioner, shall be given greater weight in determining the~~  
6-37 ~~overall and domain performance rating of the district or campus~~  
6-38 ~~under Section 39.054 than the performance of students who do not~~  
6-39 ~~meet the continuous enrollment criteria established by the~~  
6-40 ~~commissioner.~~

6-41 ~~(d-1) In aggregating results of assessment instruments~~  
6-42 ~~across grade levels by subject in accordance with Subsections~~  
6-43 ~~(c)(1)(A)(i) and (ii) [Subsection (c)(1)], the performance of a~~  
6-44 ~~student enrolled below the high school level on an assessment~~  
6-45 ~~instrument required under Section 39.023(c) is included with~~  
6-46 ~~results relating to other students enrolled at the same grade~~  
6-47 ~~level.~~

6-48 ~~(f) Annually, the commissioner shall define the state~~  
6-49 ~~standard for the current school year for each achievement indicator~~  
6-50 ~~adopted under this section. In consultation with educators,~~  
6-51 ~~parents, and business and industry representatives, the~~  
6-52 ~~commissioner shall establish and modify standards as necessary to~~  
6-53 ~~continuously improve student performance to achieve the goals of~~  
6-54 ~~eliminating achievement gaps based on race, ethnicity, and~~  
6-55 ~~socioeconomic status and to ensure Texas is a national leader in~~  
6-56 ~~preparing students for postsecondary success [described by~~  
6-57 ~~Subsections (c)(1)-(4) and shall project the state standards for~~  
6-58 ~~each indicator for the following two school years. The~~  
6-59 ~~commissioner shall periodically raise the state standards for the~~  
6-60 ~~college readiness achievement indicator described by Subsection~~  
6-61 ~~(c)(1)(A)(ii) for accreditation as necessary to reach the goals of~~  
6-62 ~~achieving, by not later than the 2019-2020 school year.~~

6-63 ~~[(1) student performance in this state, disaggregated~~  
6-64 ~~by race, ethnicity, and socioeconomic status, that ranks nationally~~  
6-65 ~~in the top 10 states in terms of college readiness; and~~

6-66 ~~[(2) student performance with no significant~~  
6-67 ~~achievement gaps by race, ethnicity, and socioeconomic status].~~

6-68 ~~(g) In computing [defining the required state standard for~~  
6-69 ~~the] dropout and completion rates such as high school graduation~~

7-1 rates under Subsection (c)(1)(B)(ix) [~~rate indicator described by~~  
7-2 ~~Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner may not  
7-3 consider as a dropout a student whose failure to attend school  
7-4 results from:

- 7-5 (1) the student's expulsion under Section 37.007; and
- 7-6 (2) as applicable:
  - 7-7 (A) adjudication as having engaged in delinquent
  - 7-8 conduct or conduct indicating a need for supervision, as defined by
  - 7-9 Section 51.03, Family Code; or
  - 7-10 (B) conviction of and sentencing for an offense
  - 7-11 under the Penal Code.

7-12 (g-1) In computing dropout and completion rates such as high  
7-13 school graduation rates under Subsection (c)(1)(B)(ix)  
7-14 [~~Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner shall  
7-15 exclude:

- 7-16 (1) students who are ordered by a court to attend a
- 7-17 high school equivalency certificate program but who have not yet
- 7-18 earned a high school equivalency certificate;
- 7-19 (2) students who were previously reported to the state
- 7-20 as dropouts, including a student who is reported as a dropout,
- 7-21 reenrolls, and drops out again, regardless of the number of times of
- 7-22 reenrollment and dropping out;
- 7-23 (3) students in attendance who are not in membership
- 7-24 for purposes of average daily attendance;
- 7-25 (4) students whose initial enrollment in a school in
- 7-26 the United States in grades 7 through 12 was as unschooled refugees
- 7-27 or asylees as defined by Section 39.027(a-1);
- 7-28 (5) students who are in the district exclusively as a
- 7-29 function of having been detained at a county detention facility but
- 7-30 are otherwise not students of the district in which the facility is
- 7-31 located; and
- 7-32 (6) students who are incarcerated in state jails and
- 7-33 federal penitentiaries as adults and as persons certified to stand
- 7-34 trial as adults.

7-35 (g-2) In computing completion rates such as high school  
7-36 graduation rates under Subsection (c)(1)(B)(ix) [~~(c)(2)~~], the  
7-37 commissioner shall exclude students who:

- 7-38 (1) are at least 18 years of age as of September 1 of
- 7-39 the school year as reported for the fall semester Public Education
- 7-40 Information Management System (PEIMS) submission and have
- 7-41 satisfied the credit requirements for high school graduation;
- 7-42 (2) have not completed their individualized education
- 7-43 program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals
- 7-44 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);
- 7-45 and
- 7-46 (3) are enrolled and receiving individualized
- 7-47 education program services.

7-48 (i) Each school district shall submit the data required for  
7-49 the indicators adopted under this section to the [The] commissioner  
7-50 [by rule shall adopt accountability measures to be used in  
7-51 assessing the progress of students who have failed to perform  
7-52 satisfactorily as determined by the commissioner under Section  
7-53 39.0241(a) or under the college readiness standard as determined  
7-54 under Section 39.0241 in the preceding school year on an assessment  
7-55 instrument required under Section 39.023(a), (c), or (1)].

7-56 SECTION 9. Subchapter C, Chapter 39, Education Code, is  
7-57 amended by adding Section 39.0533 to read as follows:

7-58 Sec. 39.0533. EXTRACURRICULAR AND COCURRICULAR STUDENT  
7-59 ACTIVITY INDICATOR. (a) The commissioner shall study the  
7-60 feasibility of incorporating for evaluating school district and  
7-61 campus performance under this subchapter an indicator that accounts  
7-62 for extracurricular and cocurricular student activity. If the  
7-63 commissioner determines that an extracurricular and cocurricular  
7-64 student activity indicator is appropriate, the commissioner may  
7-65 adopt the indicator.

7-66 (b) To determine the feasibility of adopting an indicator  
7-67 under this section, the commissioner may require a school district  
7-68 or campus to report requested information relating to  
7-69 extracurricular and cocurricular student activity.

8-1 (c) The commissioner may establish an advisory committee to  
 8-2 assist in determining the feasibility of incorporating an  
 8-3 extracurricular and cocurricular student activity indicator for  
 8-4 evaluating school district and campus performance.

8-5 (d) Not later than December 1, 2022, the commissioner shall  
 8-6 report to the legislature on the feasibility of incorporating an  
 8-7 extracurricular and cocurricular student activity indicator,  
 8-8 unless the commissioner adopts an indicator under this section  
 8-9 before that date.

8-10 (e) This section expires September 1, 2023.

8-11 SECTION 10. Sections 39.054(a), (a-1), (a-2), (a-3), and  
 8-12 (e), Education Code, as effective on September 1, 2017, are amended  
 8-13 to read as follows:

8-14 (a) The commissioner shall adopt rules to evaluate school  
 8-15 district and campus performance and assign each district and campus  
 8-16 an overall performance rating of A, B, C, D, or F. In addition to the  
 8-17 overall performance rating, the commissioner shall assign each  
 8-18 district and campus a separate domain performance rating of A, B, C,  
 8-19 D, or F for each domain under Section 39.053(c) [~~Sections~~  
 8-20 ~~39.053(c)(1)-(4)~~]. An overall or domain performance rating of A  
 8-21 reflects exemplary performance. An overall or domain performance  
 8-22 rating of B reflects recognized performance. An overall or domain  
 8-23 performance rating of C reflects acceptable performance. An  
 8-24 overall or domain performance rating of D or F reflects  
 8-25 unacceptable performance. A district may not receive an overall or  
 8-26 domain performance rating of A if the district includes any campus  
 8-27 with a corresponding overall or domain performance rating of D or F.  
 8-28 A reference in law to an acceptable rating or acceptable  
 8-29 performance includes an overall or domain performance rating of A,  
 8-30 B, or C or exemplary, recognized, or acceptable performance.

8-31 (a-1) For purposes of assigning:

8-32 (1) an overall performance rating under Subsection  
 8-33 (a), the commissioner shall consider either performance under the  
 8-34 student achievement domain under Section 39.053(c)(1) or the school  
 8-35 performance domain under Section 39.053(c)(2), as designated by the  
 8-36 school district or campus by notice provided to the commissioner in  
 8-37 the manner provided by commissioner rule; and

8-38 (2) a domain [~~an overall~~] performance rating under  
 8-39 Subsection (a) for the school climate domain, the commissioner  
 8-40 shall attribute 50[~~+~~

8-41 [~~(1) 55~~] percent of the domain performance rating  
 8-42 [~~evaluation~~] to the achievement indicator [~~indicators for the~~  
 8-43 ~~first, second, and third domains~~] under Section 39.053(c)(3)(A)  
 8-44 [~~Sections 39.053(c)(1)-(3)~~];

8-45 [(2) for middle and junior high school and elementary  
 8-46 campuses and districts that include only those campuses, 35 percent  
 8-47 of the performance evaluation to the applicable achievement  
 8-48 indicators for the fourth domain under Section 39.053(c)(4);

8-49 [(3) for high school campuses and districts that  
 8-50 include those campuses:

8-51 [(A) 10 percent of the performance evaluation to  
 8-52 the high school graduation rate achievement indicator described by  
 8-53 Section 39.053(c)(4)(A)(ii); and

8-54 [(B) 25 percent to the remaining applicable  
 8-55 achievement indicators for the fourth domain under Section  
 8-56 39.053(c)(4); and

8-57 [(4) 10 percent of the performance evaluation to the  
 8-58 locally selected and evaluated achievement indicators provided for  
 8-59 under the fifth domain under Section 39.053(c)(5)].

8-60 (a-2) The commissioner by rule may [~~shall~~] adopt procedures  
 8-61 to ensure that a repeated performance rating of D or F or  
 8-62 unacceptable in one domain, particularly performance that is not  
 8-63 significantly improving, is reflected in the overall performance  
 8-64 rating of a district or campus and is not compensated for by a  
 8-65 performance rating of A, B, or C in another domain.

8-66 (a-3) Not later than August 15 of each year, the performance  
 8-67 ratings of each district and campus shall be made publicly  
 8-68 available as provided by rules adopted under this section. [~~If a~~  
 8-69 ~~district or campus received an overall or domain performance rating~~



9-1 ~~of D or F for the preceding school year, the commissioner shall~~  
 9-2 ~~notify the district of a subsequent such designation on or before~~  
 9-3 ~~June 15.]~~

9-4 (e) Each annual performance review under this section shall  
 9-5 include an analysis of the achievement indicators adopted under  
 9-6 Section 39.053, including Subsection (c) of that section, [~~Sections~~  
 9-7 ~~39.053(c)(1)-(4)] to determine school district and campus  
 9-8 performance in relation to standards established for each  
 9-9 indicator.~~

9-10 SECTION 11. Section 39.054(f), Education Code, as effective  
 9-11 September 1, 2017, is transferred to Section 39.053, Education  
 9-12 Code, redesignated as Section 39.053(g-3), Education Code, and  
 9-13 amended to read as follows:

9-14 (g-3) [(f)] In the computation of dropout and completion  
 9-15 rates such as high school graduation rates under Subsection  
 9-16 (c)(1)(B)(ix) [Sections ~~39.053(c)(4)(A)(i) and (B)(ii)(a)]~~, a  
 9-17 student who is released from a juvenile pre-adjudication secure  
 9-18 detention facility or juvenile post-adjudication secure  
 9-19 correctional facility and fails to enroll in school or a student who  
 9-20 leaves a residential treatment center after receiving treatment for  
 9-21 fewer than 85 days and fails to enroll in school may not be  
 9-22 considered to have dropped out from the school district or campus  
 9-23 serving the facility or center unless that district or campus is the  
 9-24 one to which the student is regularly assigned. The agency may not  
 9-25 limit an appeal relating to dropout computations under this  
 9-26 subsection.

9-27 SECTION 12. Subchapter C, Chapter 39, Education Code, is  
 9-28 amended by adding Section 39.0541 to read as follows:

9-29 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The  
 9-30 commissioner may adopt indicators and standards under this  
 9-31 subchapter at any time during a school year before the evaluation of  
 9-32 a school district or campus.

9-33 SECTION 13. Section 39.0546(a), Education Code, is amended  
 9-34 to read as follows:

9-35 (a) For purposes of including the local evaluation of  
 9-36 districts and campuses under Section 39.053(c)(3)(A)  
 9-37 [~~39.053(c)(5)]~~ and assigning an overall rating under Section  
 9-38 39.054, before the beginning of each school year:

9-39 (1) each school district shall:

9-40 (A) select and report to the agency three  
 9-41 programs or categories under Section 39.0545(b)(1) [~~as added by~~  
 9-42 ~~Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular~~  
 9-43 ~~Session, 2013,~~] under which the district will evaluate district  
 9-44 performance;

9-45 (B) submit to the agency the criteria the  
 9-46 district will use to evaluate district performance and assign the  
 9-47 district a performance rating; and

9-48 (C) make the information described by Paragraphs  
 9-49 (A) and (B) available on the district's Internet website; and

9-50 (2) each campus shall:

9-51 (A) select and report to the agency three  
 9-52 programs or categories under Section 39.0545(b)(1) [~~as added by~~  
 9-53 ~~Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular~~  
 9-54 ~~Session, 2013,~~] under which the campus will evaluate campus  
 9-55 performance;

9-56 (B) submit to the agency the criteria the campus  
 9-57 will use to evaluate campus performance and assign the campus a  
 9-58 performance rating; and

9-59 (C) make the information described by Paragraphs  
 9-60 (A) and (B) available on the Internet website of the campus.

9-61 SECTION 14. Sections 39.0548(b), (c), and (d), Education  
 9-62 Code, are amended to read as follows:

9-63 (b) Notwithstanding Section 39.053(c)(1)(B)(ix)  
 9-64 [~~39.053(c)(4)(A)(i)]~~, the commissioner shall use the alternative  
 9-65 completion rate under this subsection to determine the graduation  
 9-66 [~~dropout~~] rate indicator under Section 39.053(c)(1)(B)(ix)  
 9-67 [~~39.053(c)(4)(A)(i)]~~ for a dropout recovery school. The  
 9-68 alternative completion rate shall be the ratio of the total number  
 9-69 of students who graduate, continue attending school into the next

10-1 academic year, or receive a high school equivalency certificate to  
 10-2 the total number of students in the longitudinal cohort of  
 10-3 students.

10-4 (c) Notwithstanding Section 39.053(c)(1)(B)(ix)  
 10-5 [~~39.053(c)(4)(A)(i)~~], in determining the performance rating under  
 10-6 Section 39.054 of a dropout recovery school, the commissioner shall  
 10-7 include any student described by Section 39.053(g-1) who graduates  
 10-8 or receives a high school equivalency certificate.

10-9 (d) Notwithstanding Section 39.053(c), for purposes of  
 10-10 evaluating a dropout recovery school under the accountability  
 10-11 procedures adopted by the commissioner to determine the performance  
 10-12 rating of the school under Section 39.054, [+  
 10-13 [~~(1)~~] only the best result from the primary  
 10-14 administration or any retake of an assessment instrument  
 10-15 administered to a student in the school year evaluated may be  
 10-16 considered[~~, and~~  
 10-17 [~~(2) only a student enrolled continuously for at least~~  
 10-18 ~~90 days during the school year evaluated may be considered]~~.

10-19 SECTION 15. Section 39.055, Education Code, is amended to  
 10-20 read as follows:

10-21 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT  
 10-22 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY  
 10-23 PURPOSES. Notwithstanding any other provision of this code except  
 10-24 to the extent otherwise provided under Section 39.053(g-3)  
 10-25 [~~39.054(f)~~], for purposes of determining the performance of a  
 10-26 school district, campus, or open-enrollment charter school under  
 10-27 this chapter, a student ordered by a juvenile court into a  
 10-28 residential program or facility operated by or under contract with  
 10-29 the Texas Juvenile Justice Department, a juvenile board, or any  
 10-30 other governmental entity or any student who is receiving treatment  
 10-31 in a residential facility is not considered to be a student of the  
 10-32 school district in which the program or facility is physically  
 10-33 located or of an open-enrollment charter school, as  
 10-34 applicable. The performance of such a student on an assessment  
 10-35 instrument or other achievement indicator adopted under Section  
 10-36 39.053 or reporting indicator adopted under Section 39.301 shall be  
 10-37 determined, reported, and considered separately from the  
 10-38 performance of students attending a school of the district in which  
 10-39 the program or facility is physically located or an open-enrollment  
 10-40 charter school, as applicable.

10-41 SECTION 16. Subchapter E, Chapter 39, Education Code, is  
 10-42 amended by adding Section 39.118 to read as follows:

10-43 Sec. 39.118. INTERVENTIONS AND SANCTIONS OF INCREASED  
 10-44 SEVERITY FOR CERTAIN DISTRICTS AND CAMPUSES. (a) The commissioner  
 10-45 shall adopt rules to impose interventions and sanctions of  
 10-46 increased severity applicable only to a school district or campus  
 10-47 that is assigned a performance rating of F under Section 39.054.

10-48 (b) The commissioner may not adopt a rule under this section  
 10-49 that conflicts with the imposition of a specific intervention or  
 10-50 sanction required by law.

10-51 SECTION 17. Section 39.301(b), Education Code, is amended  
 10-52 to read as follows:

10-53 (b) Performance on the indicators adopted under this  
 10-54 section shall be evaluated in the same manner provided for  
 10-55 evaluation of the achievement indicators under Sections  
 10-56 39.053(c)(1), (2), and (3)(B) and (C) [~~39.053(c)(1)-(4)~~].

10-57 SECTION 18. Effective September 1, 2017, Section 39.054(c),  
 10-58 Education Code, as effective September 1, 2017, is repealed.

10-59 SECTION 19. This Act applies beginning with the 2017-2018  
 10-60 school year.

10-61 SECTION 20. Except as otherwise provided by this Act, this  
 10-62 Act takes effect immediately if it receives a vote of two-thirds of  
 10-63 all the members elected to each house, as provided by Section 39,  
 10-64 Article III, Texas Constitution. If this Act does not receive the  
 10-65 vote necessary for immediate effect, this Act takes effect  
 10-66 September 1, 2017.

10-67 \* \* \* \* \*