

1-1 By: Guillen (Senate Sponsor - Uresti) H.B. No. 61  
 1-2 (In the Senate - Received from the House May 3, 2017;  
 1-3 May 8, 2017, read first time and referred to Committee on  
 1-4 Education; May 22, 2017, reported favorably by the following vote:  
 1-5 Yeas 11, Nays 0; May 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to consideration under the public school accountability  
 1-22 system of performance on assessment instruments by certain students  
 1-23 formerly receiving special education services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 39.053, Education Code, is amended by  
 1-26 amending Subsection (c) and adding Subsection (g-3) to read as  
 1-27 follows:

1-28 (c) School districts and campuses must be evaluated based on  
 1-29 five domains of indicators of achievement adopted under this  
 1-30 section that include:

1-31 (1) in the first domain, the results of:

1-32 (A) assessment instruments required under  
 1-33 Sections 39.023(a), (c), and (l), including the results of  
 1-34 assessment instruments required for graduation retaken by a  
 1-35 student, aggregated across grade levels by subject area, including:

1-36 (i) for the performance standard determined  
 1-37 by the commissioner under Section 39.0241(a), the percentage of  
 1-38 students who performed satisfactorily on the assessment  
 1-39 instruments, aggregated across grade levels by subject area; and

1-40 (ii) for the college readiness performance  
 1-41 standard as determined under Section 39.0241, the percentage of  
 1-42 students who performed satisfactorily on the assessment  
 1-43 instruments, aggregated across grade levels by subject area; and

1-44 (B) assessment instruments required under  
 1-45 Section 39.023(b), aggregated across grade levels by subject area,  
 1-46 including the percentage of students who performed satisfactorily  
 1-47 on the assessment instruments, as determined by the performance  
 1-48 standard adopted by the agency, aggregated across grade levels by  
 1-49 subject area;

1-50 (2) in the second domain:

1-51 (A) for assessment instruments under Subdivision

1-52 (1)(A):

1-53 (i) for the performance standard determined  
 1-54 by the commissioner under Section 39.0241(a), the percentage of  
 1-55 students who met the standard for annual improvement on the  
 1-56 assessment instruments, as determined by the commissioner by rule  
 1-57 or by the method for measuring annual improvement under Section  
 1-58 39.034, aggregated across grade levels by subject area; and

1-59 (ii) for the college readiness performance  
 1-60 standard as determined under Section 39.0241, the percentage of  
 1-61 students who met the standard for annual improvement on the

2-1 assessment instruments, as determined by the commissioner by rule  
2-2 or by the method for measuring annual improvement under Section  
2-3 39.034, aggregated across grade levels by subject area; and  
2-4 (B) for assessment instruments under Subdivision  
2-5 (1)(B), the percentage of students who met the standard for annual  
2-6 improvement on the assessment instruments, as determined by the  
2-7 commissioner by rule or by the method for measuring annual  
2-8 improvement under Section 39.034, aggregated across grade levels by  
2-9 subject area;

2-10 (3) in the third domain, the student academic  
2-11 achievement differentials among students from different racial and  
2-12 ethnic groups and socioeconomic backgrounds;

2-13 (4) in the fourth domain:

2-14 (A) for evaluating the performance of high school  
2-15 campuses and districts that include high school campuses:

2-16 (i) dropout rates, including dropout rates  
2-17 and district completion rates for grade levels 9 through 12,  
2-18 computed in accordance with standards and definitions adopted by  
2-19 the National Center for Education Statistics of the United States  
2-20 Department of Education;

2-21 (ii) high school graduation rates, computed  
2-22 in accordance with standards and definitions adopted in compliance  
2-23 with the Every Student Succeeds Act [~~No Child Left Behind Act of~~  
2-24 ~~2001~~] (20 U.S.C. Section 6301 et seq.);

2-25 (iii) the percentage of students who  
2-26 successfully completed the curriculum requirements for the  
2-27 distinguished level of achievement under the foundation high school  
2-28 program;

2-29 (iv) the percentage of students who  
2-30 successfully completed the curriculum requirements for an  
2-31 endorsement under Section 28.025(c-1);

2-32 (v) the percentage of students who  
2-33 completed a coherent sequence of career and technical courses;

2-34 (vi) the percentage of students who satisfy  
2-35 the Texas Success Initiative (TSI) college readiness benchmarks  
2-36 prescribed by the Texas Higher Education Coordinating Board under  
2-37 Section 51.3062(f) on an assessment instrument in reading, writing,  
2-38 or mathematics designated by the Texas Higher Education  
2-39 Coordinating Board under Section 51.3062(c);

2-40 (vii) the percentage of students who earn  
2-41 at least 12 hours of postsecondary credit required for the  
2-42 foundation high school program under Section 28.025 or to earn an  
2-43 endorsement under Section 28.025(c-1);

2-44 (viii) the percentage of students who have  
2-45 completed an advanced placement course;

2-46 (ix) the percentage of students who enlist  
2-47 in the armed forces of the United States; and

2-48 (x) the percentage of students who earn an  
2-49 industry certification;

2-50 (B) for evaluating the performance of middle and  
2-51 junior high school and elementary school campuses and districts  
2-52 that include those campuses:

2-53 (i) student attendance; ~~and~~

2-54 (ii) for middle and junior high school  
2-55 campuses:

2-56 (a) dropout rates, computed in the  
2-57 manner described by Paragraph (A)(i); and

2-58 (b) the percentage of students in  
2-59 grades seven and eight who receive instruction in preparing for  
2-60 high school, college, and a career that includes information  
2-61 regarding the creation of a high school personal graduation plan  
2-62 under Section 28.02121, the distinguished level of achievement  
2-63 described by Section 28.025(b-15), each endorsement described by  
2-64 Section 28.025(c-1), college readiness standards, and potential  
2-65 career choices and the education needed to enter those careers; and

2-66 (iii) the percentage of students formerly  
2-67 receiving special education services who achieved satisfactory  
2-68 academic performance for those students, as determined by  
2-69 commissioner rule, on assessment instruments administered under

3-1 Section 39.023 in grades three through eight; and  
 3-2 (C) any additional indicators of student  
 3-3 achievement not associated with performance on standardized  
 3-4 assessment instruments determined appropriate for consideration by  
 3-5 the commissioner in consultation with educators, parents, business  
 3-6 and industry representatives, and employers; and  
 3-7 (5) in the fifth domain, three programs or specific  
 3-8 categories of performance related to community and student  
 3-9 engagement locally selected and evaluated as provided by Section  
 3-10 39.0546.

3-11 (g-3) For purposes of Subsection (c)(4)(B)(iii), a student  
 3-12 formerly receiving special education services means a student whose  
 3-13 enrollment information:

3-14 (1) for the preceding year, as reported through the  
 3-15 Public Education Information Management System (PEIMS), indicates  
 3-16 the student was enrolled at the campus and was participating in a  
 3-17 special education program; and

3-18 (2) for the current year, as reported through the  
 3-19 Public Education Information Management System (PEIMS) and as  
 3-20 reported on assessment instruments administered to the student  
 3-21 under Section 39.023, indicates the student is enrolled at the  
 3-22 campus and is not participating in a special education program.

3-23 SECTION 2. Section 39.202, Education Code, is amended to  
 3-24 read as follows:

3-25 Sec. 39.202. ACADEMIC DISTINCTION DESIGNATION FOR  
 3-26 DISTRICTS AND CAMPUSES. (a) The commissioner by rule shall  
 3-27 establish an academic distinction designation for districts and  
 3-28 campuses for outstanding performance in attainment of  
 3-29 postsecondary readiness. The commissioner shall adopt criteria  
 3-30 for the designation under this section, including:

3-31 (1) percentages of students who:  
 3-32 (A) performed satisfactorily, as determined  
 3-33 under the college readiness performance standard under Section  
 3-34 39.0241, on assessment instruments required under Section  
 3-35 39.023(a), (b), (c), or (l), aggregated across grade levels by  
 3-36 subject area; or

3-37 (B) met the standard for annual improvement, as  
 3-38 determined by the agency under Section 39.034, on assessment  
 3-39 instruments required under Section 39.023(a), (b), (c), or (l),  
 3-40 aggregated across grade levels by subject area, for students who  
 3-41 did not perform satisfactorily as described by Paragraph (A);

3-42 (2) percentages of:  
 3-43 (A) students who earned a nationally or  
 3-44 internationally recognized business or industry certification or  
 3-45 license;

3-46 (B) students who completed a coherent sequence of  
 3-47 career and technical courses;

3-48 (C) students who completed a dual credit course  
 3-49 or an articulated postsecondary course provided for local credit;

3-50 (D) students who achieved applicable College  
 3-51 Readiness Benchmarks or the equivalent on the Preliminary  
 3-52 Scholastic Assessment Test (PSAT), the Scholastic Assessment Test  
 3-53 (SAT), the American College Test (ACT), or the ACT-Plan assessment  
 3-54 program; ~~and~~

3-55 (E) students who received a score on either an  
 3-56 advanced placement test or an international baccalaureate  
 3-57 examination to be awarded college credit; and

3-58 (F) students formerly receiving special  
 3-59 education services who achieved satisfactory academic performance  
 3-60 for those students, as determined by commissioner rule, on  
 3-61 assessment instruments administered under Section 39.023 in grades  
 3-62 three through eight; and

3-63 (3) other factors for determining sufficient student  
 3-64 attainment of postsecondary readiness.

3-65 (b) For purposes of Subsection (a)(2)(F), a student  
 3-66 formerly receiving special education services is a student whose  
 3-67 enrollment information:

3-68 (1) for the preceding year, as reported through the  
 3-69 Public Education Information Management System (PEIMS), indicates

4-1 the student was enrolled in the district and was participating in a  
4-2 special education program; and  
4-3 (2) for the current year, as reported through the  
4-4 Public Education Information Management System (PEIMS) and as  
4-5 reported on assessment instruments administered to the student  
4-6 under Section 39.023, indicates the student is enrolled in the  
4-7 district and is not participating in a special education program.

4-8 SECTION 3. This Act applies beginning with the 2017-2018  
4-9 school year.

4-10 SECTION 4. This Act takes effect immediately if it receives  
4-11 a vote of two-thirds of all the members elected to each house, as  
4-12 provided by Section 39, Article III, Texas Constitution. If this  
4-13 Act does not receive the vote necessary for immediate effect, this  
4-14 Act takes effect September 1, 2017.

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