

1-1 By: Perry S.B. No. 1173
 1-2 (In the Senate - Filed March 1, 2017; March 9, 2017, read
 1-3 first time and referred to Committee on Education; May 15, 2017,
 1-4 reported favorably by the following vote: Yeas 11, Nays 0;
 1-5 May 15, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Hall	X			
1-12 Huffines	X			
1-13 Hughes	X			
1-14 Seliger	X			
1-15 Taylor of Collin	X			
1-16 Uresti	X			
1-17 West	X			

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

1-21 relating to evaluation of public school performance.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Sections 39.053(c), (g), (g-1), and (g-2),
 1-24 Education Code, are amended to read as follows:
 1-25 (c) School districts and campuses must be evaluated based on
 1-26 the following [five] domains of indicators of achievement adopted
 1-27 under this section, of which the first, second, third, and fifth
 1-28 apply to middle and junior high school and elementary school
 1-29 campuses and districts that include those campuses and all of which
 1-30 apply to high school campuses and districts that include those
 1-31 campuses [that include]:
 1-32 (1) in the first domain, the results of:
 1-33 (A) assessment instruments required under
 1-34 Sections 39.023(a), (c), and (l), including the results of
 1-35 assessment instruments required for graduation retaken by a
 1-36 student, aggregated across grade levels by subject area, including:
 1-37 (i) for the performance standard determined
 1-38 by the commissioner under Section 39.0241(a), the percentage of
 1-39 students who performed satisfactorily on the assessment
 1-40 instruments, aggregated across grade levels by subject area; and
 1-41 (ii) for the college readiness performance
 1-42 standard as determined under Section 39.0241, the percentage of
 1-43 students who performed satisfactorily on the assessment
 1-44 instruments, aggregated across grade levels by subject area; and
 1-45 (B) assessment instruments required under
 1-46 Section 39.023(b), aggregated across grade levels by subject area,
 1-47 including the percentage of students who performed satisfactorily
 1-48 on the assessment instruments, as determined by the performance
 1-49 standard adopted by the agency, aggregated across grade levels by
 1-50 subject area;
 1-51 (2) in the second domain:
 1-52 (A) for assessment instruments under Subdivision
 1-53 (1)(A):
 1-54 (i) for the performance standard determined
 1-55 by the commissioner under Section 39.0241(a), the percentage of
 1-56 students who met the standard for annual improvement on the
 1-57 assessment instruments, as determined by the commissioner by rule
 1-58 or by the method for measuring annual improvement under Section
 1-59 39.034, aggregated across grade levels by subject area; and
 1-60 (ii) for the college readiness performance
 1-61 standard as determined under Section 39.0241, the percentage of

2-1 students who met the standard for annual improvement on the
 2-2 assessment instruments, as determined by the commissioner by rule
 2-3 or by the method for measuring annual improvement under Section
 2-4 39.034, aggregated across grade levels by subject area; and
 2-5 (B) for assessment instruments under Subdivision
 2-6 (1)(B), the percentage of students who met the standard for annual
 2-7 improvement on the assessment instruments, as determined by the
 2-8 commissioner by rule or by the method for measuring annual
 2-9 improvement under Section 39.034, aggregated across grade levels by
 2-10 subject area;
 2-11 (3) in the third domain, the student academic
 2-12 achievement differentials among students from different racial and
 2-13 ethnic groups and socioeconomic backgrounds;
 2-14 (4) in the fourth domain, ~~+~~
 2-15 ~~[(A)]~~ for evaluating the performance of high
 2-16 school campuses and districts that include high school campuses:
 2-17 (A) ~~[(i)]~~ dropout rates, including dropout rates
 2-18 and district completion rates for grade levels 9 through 12,
 2-19 computed in accordance with standards and definitions adopted by
 2-20 the National Center for Education Statistics of the United States
 2-21 Department of Education;
 2-22 (B) ~~[(ii)]~~ high school graduation rates,
 2-23 computed in accordance with standards and definitions adopted in
 2-24 compliance with the Every Student Succeeds Act ~~[No Child Left~~
 2-25 ~~Behind Act of 2001]~~ (20 U.S.C. Section 6301 et seq.);
 2-26 (C) ~~[(iii)]~~ the percentage of students who
 2-27 successfully completed the curriculum requirements for the
 2-28 distinguished level of achievement under the foundation high school
 2-29 program;
 2-30 (D) ~~[(iv)]~~ the percentage of students who
 2-31 successfully completed the curriculum requirements for an
 2-32 endorsement under Section 28.025(c-1);
 2-33 (E) ~~[(v)]~~ the percentage of students who
 2-34 completed a coherent sequence of career and technical courses;
 2-35 (F) ~~[(vi)]~~ the percentage of students who
 2-36 satisfy the Texas Success Initiative (TSI) college readiness
 2-37 benchmarks prescribed by the Texas Higher Education Coordinating
 2-38 Board under Section 51.3062(f) on an assessment instrument in
 2-39 reading, writing, or mathematics designated by the Texas Higher
 2-40 Education Coordinating Board under Section 51.3062(c);
 2-41 (G) ~~[(vii)]~~ the percentage of students who earn
 2-42 at least 12 hours of postsecondary credit required for the
 2-43 foundation high school program under Section 28.025 or to earn an
 2-44 endorsement under Section 28.025(c-1);
 2-45 (H) ~~[(viii)]~~ the percentage of students who have
 2-46 completed an advanced placement course;
 2-47 (I) ~~[(ix)]~~ the percentage of students who enlist
 2-48 in the armed forces of the United States; ~~and~~
 2-49 (J) ~~[(x)]~~ the percentage of students who earn an
 2-50 industry certification;
 2-51 ~~[(B) for evaluating the performance of middle and~~
 2-52 ~~junior high school and elementary school campuses and districts~~
 2-53 ~~that include those campuses:~~
 2-54 ~~[(i) student attendance; and~~
 2-55 ~~[(ii) for middle and junior high school~~
 2-56 ~~campuses:~~
 2-57 ~~[(a) dropout rates, computed in the~~
 2-58 ~~manner described by Paragraph (A)(i); and~~
 2-59 ~~[(b) the percentage of students in~~
 2-60 ~~grades seven and eight who receive instruction in preparing for~~
 2-61 ~~high school, college, and a career that includes information~~
 2-62 ~~regarding the creation of a high school personal graduation plan~~
 2-63 ~~under Section 28.02121, the distinguished level of achievement~~
 2-64 ~~described by Section 28.025(b-15), each endorsement described by~~
 2-65 ~~Section 28.025(c-1), college readiness standards, and potential~~
 2-66 ~~career choices and the education needed to enter those careers;]~~
 2-67 and
 2-68 (K) ~~[(C)]~~ any additional indicators of
 2-69 secondary-level student achievement not associated with

3-1 performance on standardized assessment instruments determined
 3-2 appropriate for consideration by the commissioner in consultation
 3-3 with educators, parents, business and industry representatives,
 3-4 and employers; and

3-5 (5) in the fifth domain, three programs or specific
 3-6 categories of performance related to community and student
 3-7 engagement locally selected and evaluated as provided by Section
 3-8 39.0546.

3-9 (g) In defining the required state standard for the dropout
 3-10 rate indicator described by Subsection (c)(4)(A) [~~Subsections~~
 3-11 ~~(c)(4)(A)(i) and (B)(ii)(a)~~], the commissioner may not consider as
 3-12 a dropout a student whose failure to attend school results from:

3-13 (1) the student's expulsion under Section 37.007; and

3-14 (2) as applicable:

3-15 (A) adjudication as having engaged in delinquent
 3-16 conduct or conduct indicating a need for supervision, as defined by
 3-17 Section 51.03, Family Code; or

3-18 (B) conviction of and sentencing for an offense
 3-19 under the Penal Code.

3-20 (g-1) In computing dropout and completion rates under
 3-21 Subsection (c)(4)(A) [~~Subsections (c)(4)(A)(i) and (B)(ii)(a)~~],
 3-22 the commissioner shall exclude:

3-23 (1) students who are ordered by a court to attend a
 3-24 high school equivalency certificate program but who have not yet
 3-25 earned a high school equivalency certificate;

3-26 (2) students who were previously reported to the state
 3-27 as dropouts, including a student who is reported as a dropout,
 3-28 reenrolls, and drops out again, regardless of the number of times of
 3-29 reenrollment and dropping out;

3-30 (3) students in attendance who are not in membership
 3-31 for purposes of average daily attendance;

3-32 (4) students whose initial enrollment in a school in
 3-33 the United States in grades 7 through 12 was as unschooled refugees
 3-34 or asylees as defined by Section 39.027(a-1);

3-35 (5) students who are in the district exclusively as a
 3-36 function of having been detained at a county detention facility but
 3-37 are otherwise not students of the district in which the facility is
 3-38 located; and

3-39 (6) students who are incarcerated in state jails and
 3-40 federal penitentiaries as adults and as persons certified to stand
 3-41 trial as adults.

3-42 (g-2) In computing completion rates under Subsection
 3-43 (c)(4)(A) [~~(c)(2)~~], the commissioner shall exclude students who:

3-44 (1) are at least 18 years of age as of September 1 of
 3-45 the school year as reported for the fall semester Public Education
 3-46 Information Management System (PEIMS) submission and have
 3-47 satisfied the credit requirements for high school graduation;

3-48 (2) have not completed their individualized education
 3-49 program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals
 3-50 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);
 3-51 and

3-52 (3) are enrolled and receiving individualized
 3-53 education program services.

3-54 SECTION 2. Sections 39.054(a), (a-1), (c), and (e),
 3-55 Education Code, as effective September 1, 2017, are amended to read
 3-56 as follows:

3-57 (a) The commissioner shall adopt rules to evaluate school
 3-58 district and campus performance and assign each district and campus
 3-59 an overall performance rating of A, B, C, D, or F. In addition to
 3-60 the overall performance rating, the commissioner shall assign each
 3-61 district and campus a separate domain performance rating of A, B, C,
 3-62 D, or F for each applicable domain under Sections 39.053(c)(1)-(4).
 3-63 An overall or domain performance rating of A reflects exemplary
 3-64 performance. An overall or domain performance rating of B reflects
 3-65 recognized performance. An overall or domain performance rating of
 3-66 C reflects acceptable performance. An overall or domain
 3-67 performance rating of D or F reflects unacceptable performance. A
 3-68 district may not receive an overall or domain performance rating of
 3-69 A if the district includes any campus with a corresponding overall

4-1 or domain performance rating of D or F. A reference in law to an
4-2 acceptable rating or acceptable performance includes an overall or
4-3 domain performance rating of A, B, or C or exemplary, recognized, or
4-4 acceptable performance.

4-5 (a-1) For purposes of assigning an overall performance
4-6 rating under Subsection (a), the commissioner shall attribute:

4-7 (1) 55 percent of the performance evaluation to the
4-8 achievement indicators for the first, second, and third domains
4-9 under Sections 39.053(c)(1)-(3);

4-10 (2) for middle and junior high school and elementary
4-11 campuses and districts that include only those campuses, an
4-12 additional 35 percent of the performance evaluation to the
4-13 [applicable] achievement indicators for the first, second, and
4-14 third domains under Sections 39.053(c)(1)-(3) ~~[fourth domain under~~
4-15 ~~Section 39.053(c)(4)]~~;

4-16 (3) for high school campuses and districts that
4-17 include those campuses:

4-18 (A) 10 percent of the performance evaluation to
4-19 the high school graduation rate achievement indicator described by
4-20 Section 39.053(c)(4)(B) ~~[39.053(c)(4)(A)(ii)]~~; and

4-21 (B) 25 percent to the remaining applicable
4-22 achievement indicators for the fourth domain under Section
4-23 39.053(c)(4); and

4-24 (4) 10 percent of the performance evaluation to the
4-25 locally selected and evaluated achievement indicators provided for
4-26 under the fifth domain under Section 39.053(c)(5).

4-27 (c) In evaluating school district and campus performance on
4-28 the achievement indicators for student performance on assessment
4-29 instruments adopted under Sections 39.053(c)(1) and (2) and the
4-30 dropout rate indicator adopted under Section 39.053(c)(4)(A)
4-31 ~~[Sections 39.053(c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner
4-32 shall define acceptable performance as meeting the state standard
4-33 determined by the commissioner under Section 39.053(f) for the
4-34 current school year based on:

4-35 (1) student performance in the current school year; or

4-36 (2) student performance as averaged over the current
4-37 school year and the preceding two school years.

4-38 (e) Each annual performance review under this section shall
4-39 include an analysis of the applicable achievement indicators
4-40 adopted under Sections 39.053(c)(1)-(4) to determine school
4-41 district and campus performance in relation to standards
4-42 established for each indicator.

4-43 SECTION 3. Section 39.054(f), Education Code, as effective
4-44 September 1, 2017, is transferred to Section 39.053, Education
4-45 Code, redesignated as Section 39.053(g-3), Education Code, and
4-46 amended to read as follows:

4-47 (g-3) ~~[(f)]~~ In the computation of dropout rates under
4-48 Subsection (c)(4)(A) ~~[Sections 39.053(c)(4)(A)(i) and (B)(ii)(a)]~~,
4-49 a student who is released from a juvenile pre-adjudication secure
4-50 detention facility or juvenile post-adjudication secure
4-51 correctional facility and fails to enroll in school or a student who
4-52 leaves a residential treatment center after receiving treatment for
4-53 fewer than 85 days and fails to enroll in school may not be
4-54 considered to have dropped out from the school district or campus
4-55 serving the facility or center unless that district or campus is the
4-56 one to which the student is regularly assigned. The agency may not
4-57 limit an appeal relating to dropout computations under this
4-58 subsection.

4-59 SECTION 4. Sections 39.0548(b) and (c), Education Code, are
4-60 amended to read as follows:

4-61 (b) Notwithstanding Section 39.053(c)(4)(A)
4-62 ~~[39.053(c)(4)(A)(i)]~~, the commissioner shall use the alternative
4-63 completion rate under this subsection to determine the dropout rate
4-64 indicator under Section 39.053(c)(4)(A) ~~[39.053(c)(4)(A)(i)]~~ for a
4-65 dropout recovery school. The alternative completion rate shall be
4-66 the ratio of the total number of students who graduate, continue
4-67 attending school into the next academic year, or receive a high
4-68 school equivalency certificate to the total number of students in
4-69 the longitudinal cohort of students.

5-1 (c) Notwithstanding Section 39.053(c)(4)(A)
5-2 [39.053(c)(4)(A)(i)], in determining the performance rating under
5-3 Section 39.054 of a dropout recovery school, the commissioner shall
5-4 include any student described by Section 39.053(g-1) who graduates
5-5 or receives a high school equivalency certificate.

5-6 SECTION 5. Section 39.055, Education Code, is amended to
5-7 read as follows:

5-8 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT
5-9 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY
5-10 PURPOSES. Notwithstanding any other provision of this code except
5-11 to the extent otherwise provided under Section 39.053(g-3)
5-12 [39.054(f)], for purposes of determining the performance of a
5-13 school district, campus, or open-enrollment charter school under
5-14 this chapter, a student ordered by a juvenile court into a
5-15 residential program or facility operated by or under contract with
5-16 the Texas Juvenile Justice Department, a juvenile board, or any
5-17 other governmental entity or any student who is receiving treatment
5-18 in a residential facility is not considered to be a student of the
5-19 school district in which the program or facility is physically
5-20 located or of an open-enrollment charter school, as applicable.
5-21 The performance of such a student on an assessment instrument or
5-22 other achievement indicator adopted under Section 39.053 or
5-23 reporting indicator adopted under Section 39.301 shall be
5-24 determined, reported, and considered separately from the
5-25 performance of students attending a school of the district in which
5-26 the program or facility is physically located or an open-enrollment
5-27 charter school, as applicable.

5-28 SECTION 6. This Act applies beginning with the 2017-2018
5-29 school year.

5-30 SECTION 7. This Act takes effect immediately if it receives
5-31 a vote of two-thirds of all the members elected to each house, as
5-32 provided by Section 39, Article III, Texas Constitution. If this
5-33 Act does not receive the vote necessary for immediate effect, this
5-34 Act takes effect September 1, 2017.

5-35 * * * * *