

By: Aycock

H.B. No. 2804

Substitute the following for H.B. No. 2804:

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C.S.H.B. No. 2804

A BILL TO BE ENTITLED

AN ACT

relating to evaluation of public school performance.

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

SECTION 1. The heading to Section 39.053, Education Code, is amended to read as follows:

Sec. 39.053. PERFORMANCE INDICATORS: [STUDENT] ACHIEVEMENT.

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

(a) The commissioner shall adopt a set of indicators of the quality of learning and [student] achievement. The commissioner biennially shall review the indicators for the consideration of appropriate revisions.

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

(1) improving student preparedness for success in:

(A) subsequent grade levels; and

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

(2) reducing, with the goal of eliminating, student academic achievement differentials among students from different

1 racial and ethnic groups and socioeconomic backgrounds; and

2 (3) informing parents and the community regarding  
3 campus and district performance in the domains described by  
4 Subsection (c) and, for the domain described by Subsection (c)(5),  
5 in accordance with local priorities and preferences.

6 (b) Performance on the ~~[student]~~ achievement indicators  
7 adopted under Subsections (c)(1)-(4) ~~[this section]~~ shall be  
8 compared to state-established standards. The indicators must be  
9 based on information that is disaggregated by race, ethnicity, and  
10 socioeconomic status.

11 (c) School districts and campuses must be evaluated based on  
12 five domains of indicators ~~[Indicators]~~ of ~~[student]~~ achievement  
13 adopted under this section that ~~[must]~~ include:

14 (1) in the first domain, the results of:

15 (A) assessment instruments required under  
16 Sections 39.023(a), (c), and (l), including the results of  
17 assessment instruments required for graduation retaken by a  
18 student, aggregated across grade levels by subject area, including:

19 (i) ~~[(A)]~~ for the performance standard  
20 determined by the commissioner under Section 39.0241(a), ~~[+]~~

21 ~~[(i)]~~ the percentage of students who  
22 performed satisfactorily on the assessment instruments, aggregated  
23 across grade levels by subject area; and

24 (ii) ~~[for students who did not perform~~  
25 ~~satisfactorily, the percentage of students who met the standard for~~  
26 ~~annual improvement, as determined by the agency under Section~~  
27 ~~39.034, on the assessment instruments, aggregated across grade~~

1 ~~levels by subject area; and~~

2 [~~(B)~~] for the college readiness performance  
3 standard as determined under Section 39.0241, ~~[+~~

4 [~~(i)~~] the percentage of students who  
5 performed satisfactorily on the assessment instruments, aggregated  
6 across grade levels by subject area; and

7 (B) assessment instruments required under  
8 Section 39.023(b), aggregated across grade levels by subject area,  
9 including the percentage of students who performed satisfactorily  
10 on the assessment instruments, as determined by the performance  
11 standard adopted by the agency, aggregated across grade levels by  
12 subject area;

13 (2) in the second domain:

14 (A) for assessment instruments under Subdivision  
15 (1)(A):

16 (i) for the performance standard determined  
17 by the commissioner under Section 39.0241(a), the percentage of  
18 students who met the standard for annual improvement on the  
19 assessment instruments, as determined by the commissioner by rule  
20 or by the method for measuring annual improvement under Section  
21 39.034, aggregated across grade levels by subject area; and

22 (ii) for the college readiness performance  
23 standard as determined under Section 39.0241, the percentage of  
24 students who met the standard for annual improvement on the  
25 assessment instruments, as determined by the commissioner by rule  
26 or by the method for measuring annual improvement under Section  
27 39.034, aggregated across grade levels by subject area; and

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

7                   (3) in the third domain, the student academic  
8 achievement differentials among students from different racial and  
9 ethnic groups and socioeconomic backgrounds;

10                  (4) in the fourth domain:

11                   (A) for evaluating the performance of high school  
12 campuses and districts that include high school campuses:

13                   (i) [~~(ii)~~ for students who did not perform  
14 satisfactorily, the percentage of students who met the standard for  
15 annual improvement, as determined by the agency under Section  
16 39.034, on the assessment instruments, aggregated across grade  
17 levels by subject area;

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

23                   (ii) [~~(3)~~] high school graduation rates,  
24 computed in accordance with standards and definitions adopted in  
25 compliance with the No Child Left Behind Act of 2001 (20 U.S.C.  
26 Section 6301 et seq.);

27                   (iii) [~~(4)~~] the percentage of students who

1 successfully completed the curriculum requirements for the  
2 distinguished level of achievement under the foundation high school  
3 program;

4 (iv) ~~[(5)]~~ the percentage of students who  
5 successfully completed the curriculum requirements for an  
6 endorsement under Section 28.025(c-1); ~~[and]~~

7 (v) the percentage of students who  
8 completed a coherent sequence of career and technical courses;

9 (vi) ~~[(6) at least three additional~~  
10 ~~indicators of student achievement to evaluate district and campus~~  
11 ~~performance, which must include either:~~

12 ~~[(A)]~~ the percentage of students who satisfy the  
13 Texas Success Initiative (TSI) college readiness benchmarks  
14 prescribed by the Texas Higher Education Coordinating Board under  
15 Section 51.3062(f) on an assessment instrument in reading, writing,  
16 or mathematics designated by the Texas Higher Education  
17 Coordinating Board under Section 51.3062(c); ~~[or]~~

18 (vii) ~~[(B)]~~ the percentage ~~[number]~~ of  
19 students who earn~~+~~

20 ~~[(i)]~~ at least 12 hours of postsecondary  
21 credit required for the foundation high school program under  
22 Section 28.025 or to earn an endorsement under Section 28.025(c-1);

23 (viii) the percentage of students who are  
24 enrolled in advanced placement courses;

25 (ix) the percentage of students who enlist  
26 in the armed forces of the United States; and

27 (x) the percentage of students who earn

1 ~~[(ii) at least 30 hours of postsecondary credit required for the~~  
2 ~~foundation high school program under Section 28.025 or to earn an~~  
3 ~~endorsement under Section 28.025(c-1),~~

4 ~~[(iii) an associate's degree, or~~

5 ~~[(iv)] an industry certification;~~

6 (B) for evaluating the performance of middle and  
7 junior high school and elementary school campuses and districts  
8 that include those campuses:

9 (i) student attendance; and

10 (ii) for middle and junior high school  
11 campuses, dropout rates, computed in the manner described by  
12 Paragraph (A)(i); or

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

18 (5) in the fifth domain, three programs or specific  
19 categories of performance related to community and student  
20 engagement locally selected and evaluated as provided by Section  
21 39.0546.

22 (f) Annually, the commissioner shall define the state  
23 standard for the current school year for each ~~[student]~~ achievement  
24 indicator described by Subsections (c)(1)-(4) ~~[Subsection (c)]~~ and  
25 shall project the state standards for each indicator for the  
26 following two school years. The commissioner shall periodically  
27 raise the state standards for the college readiness ~~[student]~~

1 achievement indicator described by Subsection (c)(1)(A)(ii)  
2 [~~(c)(1)(B)(i)~~] for accreditation as necessary to reach the goals of  
3 achieving, by not later than the 2019-2020 school year:

4 (1) student performance in this state, disaggregated  
5 by race, ethnicity, and socioeconomic status, that ranks nationally  
6 in the top 10 states in terms of college readiness; and

7 (2) student performance~~[7]~~ with no significant  
8 achievement gaps by race, ethnicity, and socioeconomic status.

9 (g) In defining the required state standard for the dropout  
10 rate indicator described by Subsections (c)(4)(A)(i) and (B)(ii)  
11 [~~Subsection (c)(2)~~], the commissioner may not consider as a dropout  
12 a student whose failure to attend school results from:

13 (1) the student's expulsion under Section [37.007](#); and

14 (2) as applicable:

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

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

20 (g-1) In computing dropout and completion rates under  
21 Subsections (c)(4)(A)(i) and (B)(ii) [~~Subsection (c)(2)~~], the  
22 commissioner shall exclude:

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

26 (2) students who were previously reported to the state  
27 as dropouts, including a student who is reported as a dropout,

reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

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

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

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

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

SECTION 3. Effective September 1, 2015, Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0535 to read as follows:

Sec. 39.0535. TEMPORARY PROVISION: ASSIGNMENT OF PERFORMANCE RATINGS. (a) Notwithstanding any other law, the commissioner shall assign each district and campus a performance rating not later than August 15 of each year.

(b) This section expires September 1, 2016.

SECTION 4. Effective September 1, 2016, Section 39.054(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district a performance rating of A, B, C, D, or F. In adopting rules under this



1 subsection, the commissioner shall determine the criteria for each  
 2 designated letter performance rating. A district performance  
 3 rating of A, B, or C reflects acceptable performance and a district  
 4 performance rating of D or F reflects unacceptable performance. The  
 5 commissioner shall also assign each campus a performance rating of  
 6 exemplary, recognized, acceptable, or unacceptable. A campus  
 7 performance rating of exemplary, recognized, or acceptable  
 8 reflects acceptable performance, and a campus performance rating of  
 9 unacceptable reflects unacceptable performance. A district may  
 10 not receive a performance rating of A if the district includes any  
 11 campus with a performance rating of unacceptable. Not later than  
 12 August 15 [8] of each year, the performance rating of each district  
 13 and campus shall be made publicly available as provided by rules  
 14 adopted under this subsection. If a district or campus received a  
 15 performance rating that reflected unacceptable performance for the  
 16 preceding school year, the commissioner shall notify the district  
 17 of a subsequent such designation on or before June 15.

18 SECTION 5. Effective September 1, 2017, Section [39.054](#),  
 19 Education Code, is amended by amending Subsections (a), (c), (e),  
 20 and (f) and adding Subsections (a-1) and (a-2) to read as follows:

21 (a) The commissioner shall adopt rules to evaluate school  
 22 district and campus performance and assign each district and campus  
 23 an overall [a] performance rating of A, B, C, D, or F. In addition to  
 24 the overall performance rating, the commissioner shall assign each  
 25 district and campus a separate domain performance rating of A, B, C,  
 26 D, or F for each domain under Sections [39.053](#)(c)(1)-(4). An overall  
 27 or domain [~~In adopting rules under this subsection, the~~

~~commissioner shall determine the criteria for each designated~~  
~~letter performance rating. A district]~~ performance rating of A  
reflects exemplary performance. An overall or domain performance  
rating of B reflects recognized performance. An overall or domain  
performance rating of [B, or] C reflects acceptable performance.  
An overall or domain [and a district] performance rating of D or F  
 reflects unacceptable performance. ~~[The commissioner shall also~~  
~~assign each campus a performance rating of exemplary, recognized,~~  
~~acceptable, or unacceptable. A campus performance rating of~~  
~~exemplary, recognized, or acceptable reflects acceptable~~  
~~performance, and a campus performance rating of unacceptable~~  
~~reflects unacceptable performance.]~~ A district may not receive an  
overall or domain [a] performance rating of A if the district  
 includes any campus with a corresponding overall or domain  
performance rating of D or F [unacceptable]. A reference in law to  
an acceptable rating or acceptable performance includes an overall  
or domain performance rating of A or B or exemplary or recognized  
performance.

(a-1) For purposes of assigning an overall performance  
rating under Subsection (a), the commissioner shall attribute 55  
percent of the performance evaluation to the achievement indicators  
for the first, second, and third domains under Sections  
39.053(c)(1)-(3), 35 percent of the performance evaluation to the  
achievement indicators for the fourth domain under Section  
39.053(c)(4), and 10 percent of the performance evaluation to the  
locally selected and evaluated achievement indicators provided for  
under the fifth domain under Section 39.053(c)(5). The

1 commissioner by rule shall adopt procedures to ensure that a  
 2 repeated performance rating of D or F or unacceptable in one domain,  
 3 particularly performance that is not significantly improving, is  
 4 reflected in the overall performance rating of a district or campus  
 5 and is not compensated for by a performance rating of A, B, or C in  
 6 another domain.

7       (a-2) Not later than August 15 [~~8~~] of each year, the  
 8 performance ratings [~~rating~~] of each district and campus shall be  
 9 made publicly available as provided by rules adopted under this  
 10 section [~~subsection~~]. If a district or campus received an overall  
 11 or domain [~~a~~] performance rating of D or F [~~that reflected~~  
 12 ~~unacceptable performance~~] for the preceding school year, the  
 13 commissioner shall notify the district of a subsequent such  
 14 designation on or before June 15.

15       (c) In evaluating school district and campus performance on  
 16 the [~~student~~] achievement indicators for student performance on  
 17 assessment instruments [~~indicators~~] adopted under Sections  
 18 39.053(c)(1) and (2) and the dropout rate indicator adopted under  
 19 Sections 39.053(c)(4)(A)(i) and (B)(ii), the commissioner shall  
 20 define acceptable performance as meeting the state standard  
 21 determined by the commissioner under Section 39.053(f) [~~39.053(e)~~]  
 22 for the current school year based on:

- 23           (1) student performance in the current school year; or
- 24           (2) student performance as averaged over the current
- 25 school year and the preceding two school years.

26       (e) Each annual performance review under this section shall  
 27 include an analysis of the [~~student~~] achievement indicators adopted

under Sections 39.053(c)(1)-(4) [~~Section 39.053(c)~~] to determine school district and campus performance in relation to[+]

[~~(1)~~] standards established for each indicator[+, and  
[~~(2)~~] required improvement as defined under Section  
39.053(e)].

(f) In the computation of dropout rates under Sections 39.053(c)(4)(A)(i) and (B)(ii) [~~Section 39.053(c)(2)~~], a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.

SECTION 6. Sections 39.0545(b) and (c), Education Code, as added by Chapter 167 (S.B. 1538), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(b) Notwithstanding Section 39.053(c)(4)(A)(i) [~~39.053(c)(2)~~], the commissioner shall use the alternative completion rate under this subsection to determine the dropout rate [~~student achievement~~] indicator under Section 39.053(c)(4)(A)(i) [~~39.053(c)(2)~~] for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total

number of students in the longitudinal cohort of students.

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

SECTION 7. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0546 to read as follows:

Sec. 39.0546. PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT AS COMPONENT OF OVERALL DISTRICT AND CAMPUS RATING. (a) For purposes of including the local evaluation of districts and campuses under Section 39.053(c)(5) and assigning an overall rating under Section 39.054, before the beginning of each school year:

(1) each school district shall:

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

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

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

(2) each campus shall:

(A) select and report to the agency three programs or categories under Section 39.0545(b)(1), as added by

1 Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular  
2 Session, 2013, under which the campus will evaluate campus  
3 performance;

4 (B) submit to the agency the criteria the campus  
5 will use to evaluate campus performance and assign the campus a  
6 performance rating; and

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

9 (b) Based on the evaluation under this section, each school  
10 district shall assign the district and each campus shall assign the  
11 campus a performance rating of A, B, C, D, or F, for both overall  
12 performance and for each program or category evaluated. An overall  
13 or a program or category performance rating of A reflects exemplary  
14 performance. An overall or a program or category performance rating  
15 of B reflects recognized performance. An overall or a program or  
16 category performance rating of C reflects acceptable performance.  
17 An overall or a program or category performance rating of D or F  
18 reflects unacceptable performance.

19 (c) On or before the date determined by the commissioner by  
20 rule, each school district and campus shall report each performance  
21 rating to the agency for the purpose of including the rating in  
22 evaluating school district and campus performance and assigning an  
23 overall rating under Section [39.054](#).

24 SECTION 8. Section [11.252\(a\)](#), Education Code, is amended to  
25 read as follows:

26 (a) Each school district shall have a district improvement  
27 plan that is developed, evaluated, and revised annually, in

1 accordance with district policy, by the superintendent with the  
2 assistance of the district-level committee established under  
3 Section 11.251. The purpose of the district improvement plan is to  
4 guide district and campus staff in the improvement of student  
5 performance for all student groups in order to attain state  
6 standards in respect to the ~~[student]~~ achievement indicators  
7 adopted under Sections 39.053(c)(1)-(4) ~~[Section 39.053]~~. The  
8 district improvement plan must include provisions for:

9           (1) a comprehensive needs assessment addressing  
10 district student performance on the ~~[student]~~ achievement  
11 indicators, and other appropriate measures of performance, that are  
12 disaggregated by all student groups served by the district,  
13 including categories of ethnicity, socioeconomic status, sex, and  
14 populations served by special programs, including students in  
15 special education programs under Subchapter A, Chapter 29;

16           (2) measurable district performance objectives for  
17 all appropriate ~~[student]~~ achievement indicators for all student  
18 populations, including students in special education programs  
19 under Subchapter A, Chapter 29, and other measures of student  
20 performance that may be identified through the comprehensive needs  
21 assessment;

22           (3) strategies for improvement of student performance  
23 that include:

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

26                   (B) methods for addressing the needs of students  
27 for special programs, including:

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

4 (ii) conflict resolution programs;

5 (iii) violence prevention programs; and

6 (iv) dyslexia treatment programs;

7 (C) dropout reduction;

8 (D) integration of technology in instructional  
9 and administrative programs;

10 (E) discipline management;

11 (F) staff development for professional staff of  
12 the district;

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

16 (H) accelerated education;

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

20 (A) higher education admissions and financial  
21 aid opportunities;

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

24 (C) the need for students to make informed  
25 curriculum choices to be prepared for success beyond high school;  
26 and

27 (D) sources of information on higher education



admissions and financial aid;

(5) resources needed to implement identified strategies;

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

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

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

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

SECTION 9. Sections 11.253(c) and (d), Education Code, are amended to read as follows:

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

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the ~~[student]~~ achievement indicator system as described by Section 39.053;

1           (2) set the campus performance objectives based on the  
2 [~~student~~] achievement indicator system, including objectives for  
3 special needs populations, including students in special education  
4 programs under Subchapter A, Chapter 29;

5           (3) identify how the campus goals will be met for each  
6 student;

7           (4) determine the resources needed to implement the  
8 plan;

9           (5) identify staff needed to implement the plan;

10          (6) set timelines for reaching the goals;

11          (7) measure progress toward the performance  
12 objectives periodically to ensure that the plan is resulting in  
13 academic improvement;

14          (8) include goals and methods for violence prevention  
15 and intervention on campus;

16          (9) provide for a program to encourage parental  
17 involvement at the campus; and

18          (10) if the campus is an elementary, middle, or junior  
19 high school, set goals and objectives for the coordinated health  
20 program at the campus based on:

21               (A) student fitness assessment data, including  
22 any data from research-based assessments such as the school health  
23 index assessment and planning tool created by the federal Centers  
24 for Disease Control and Prevention;

25               (B) student academic performance data;

26               (C) student attendance rates;

27               (D) the percentage of students who are

educationally disadvantaged;

(E) the use and success of any method to ensure that students participate in moderate to vigorous physical activity as required by Section 28.002(1); and

(F) any other indicator recommended by the local school health advisory council.

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

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

SECTION 11. Section 29.062(a), Education Code, is amended to read as follows:

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

SECTION 12. Section 39.023(a-8), Education Code, as effective on or before September 1, 2015, is amended to read as follows:

(a-8) A school district or open-enrollment charter school

1 may, for its own use in determining whether students are performing  
2 at a satisfactory level, administer to a student at the appropriate  
3 grade level, other than a student required to be assessed, an  
4 assessment instrument developed for purposes of Subsection (a-4),  
5 (a-5), or (a-6). At the request of a district or open-enrollment  
6 charter school, the agency shall provide, allow for the  
7 administration of, and score each assessment instrument  
8 administered under this subsection in the same manner and at the  
9 same cost as for assessment instruments required to be administered  
10 under the applicable subsection. The results of an assessment  
11 instrument administered under this subsection may not be included  
12 as an indicator of ~~[student]~~ achievement under Section 39.053 or  
13 any other provision.

14 SECTION 13. Section 39.052(b), Education Code, is amended  
15 to read as follows:

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

18 (1) shall evaluate and consider:

19 (A) performance on ~~[student]~~ achievement  
20 indicators described by Section 39.053(c); and

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

23 (2) may evaluate and consider:

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

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

4 (ii) the high school graduation  
5 requirements under Section 28.025; or

6 (iii) an item listed under Sections  
7 7.056(e)(3)(C)-(I) that applies to the district;

8 (B) the effectiveness of the district's programs  
9 for special populations; and

10 (C) the effectiveness of the district's career  
11 and technology program.

12 SECTION 14. Section 39.055, Education Code, is amended to  
13 read as follows:

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

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

7 SECTION 15. Section 39.056(b), Education Code, is amended  
8 to read as follows:

9 (b) The commissioner shall determine the frequency of  
10 on-site investigations by the agency according to annual  
11 comprehensive analyses of student performance and equity in  
12 relation to the ~~[student]~~ achievement indicators adopted under  
13 Section 39.053.

14 SECTION 16. Section 39.102(a), Education Code, is amended  
15 to read as follows:

16 (a) If a school district does not satisfy the accreditation  
17 criteria under Section 39.052, the academic performance standards  
18 under Section 39.053 or 39.054, or any financial accountability  
19 standard as determined by commissioner rule, the commissioner shall  
20 take any of the following actions to the extent the commissioner  
21 determines necessary:

22 (1) issue public notice of the deficiency to the board  
23 of trustees;

24 (2) order a hearing conducted by the board of trustees  
25 of the district for the purpose of notifying the public of the  
26 insufficient performance, the improvements in performance expected  
27 by the agency, and the interventions and sanctions that may be

1 imposed under this section if the performance does not improve;

2           (3) order the preparation of a student achievement  
3 improvement plan that addresses each academic [~~student~~]  
4 achievement indicator under Section 39.053(c) for which the  
5 district's performance is insufficient, the submission of the plan  
6 to the commissioner for approval, and implementation of the plan;

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

12           (5) arrange an on-site investigation of the district;

13           (6) appoint an agency monitor to participate in and  
14 report to the agency on the activities of the board of trustees or  
15 the superintendent;

16           (7) appoint a conservator to oversee the operations of  
17 the district;

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

22           (9) if a district has a current accreditation status  
23 of accredited-warned or accredited-probation, fails to satisfy any  
24 standard under Section 39.054(e), or fails to satisfy financial  
25 accountability standards as determined by commissioner rule,  
26 appoint a board of managers to exercise the powers and duties of the  
27 board of trustees;

1           (10) if for two consecutive school years, including  
2 the current school year, a district has received an accreditation  
3 status of accredited-warned or accredited-probation, has failed to  
4 satisfy any standard under Section 39.054(e), or has failed to  
5 satisfy financial accountability standards as determined by  
6 commissioner rule, revoke the district's accreditation and:

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

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

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

17           (A) ordering the development of a dropout  
18 prevention plan for approval by the commissioner;

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

23           (C) ordering lower student-to-counselor ratios  
24 on school campuses with high dropout rates; and

25           (D) ordering the use of any other intervention  
26 strategy effective in reducing dropout rates, including mentor  
27 programs and flexible class scheduling.



SECTION 17. Section 39.263(a), Education Code, is amended to read as follows:

(a) The criteria that the commissioner shall use to select successful schools and districts must be related to the goals in Section 4.002 and must include consideration of performance on the ~~[student]~~ achievement indicators adopted under Section 39.053(c) and consideration of the distinction designation criteria prescribed by or developed under Subchapter G.

SECTION 18. Section 39.301(b), Education Code, is amended to read as follows:

(b) Performance on the indicators adopted under this section shall be evaluated in the same manner provided for evaluation of the ~~[student]~~ achievement indicators under Sections 39.053(c)(1)-(4) ~~[Section 39.053(c)]~~.

SECTION 19. Section 39.305(b), Education Code, is amended to read as follows:

(b) The report card shall include the following information:

(1) where applicable, the ~~[student]~~ achievement indicators described by Section 39.053(c) and the reporting indicators described by Sections 39.301(c)(1) through (5);

(2) average class size by grade level and subject;

(3) the administrative and instructional costs per student, computed in a manner consistent with Section 44.0071; and

(4) the district's instructional expenditures ratio and instructional employees ratio computed under Section 44.0071, and the statewide average of those ratios, as determined by the

commissioner.

SECTION 20. Sections 39.332(b)(2) and (20), Education Code, are amended to read as follows:

(2) The report must contain an evaluation of the status of education in the state as reflected by:

(A) the ~~[student]~~ achievement indicators described by Section 39.053; and

(B) the reporting indicators described by Section 39.301.

(20) The report must contain a comparison of the performance of open-enrollment charter schools and school districts on the ~~[student]~~ achievement indicators described by Section 39.053(c), the reporting indicators described by Section 39.301(c), and the accountability measures adopted under Section 39.053(i), with a separately aggregated comparison of the performance of open-enrollment charter schools predominantly serving students at risk of dropping out of school, as described by Section 29.081(d), with the performance of school districts.

SECTION 21. Sections 39.053(e) and 39.054(b), (d), and (d-1), Education Code, are repealed.

SECTION 22. (a) Except as provided by Subsections (b) and (c) of this section, this Act applies beginning with the 2017-2018 school year.

(b) Section 3 of this Act applies beginning with the 2015-2016 school year.

(c) Section 4 of this Act applies beginning with the 2016-2017 school year.

1           SECTION 23. Except as otherwise provided by this Act, this  
2 Act takes effect immediately if it receives a vote of two-thirds of  
3 all the members elected to each house, as provided by Section 39,  
4 Article III, Texas Constitution. If this Act does not receive the  
5 vote necessary for immediate effect, this Act takes effect  
6 September 1, 2015.