

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 have  
24 completed an advanced placement course;

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:

12 (a) dropout rates, computed in the  
13 manner described by Paragraph (A)(i); and

14 (b) the percentage of students in  
15 grades seven and eight who receive instruction in preparing for  
16 high school, college, and a career that includes information  
17 regarding the creation of a high school personal graduation plan  
18 under Section 28.02121, the distinguished level of achievement  
19 described by Section 28.025(b-15), each endorsement described by  
20 Section 28.025(c-1), college readiness standards, and potential  
21 career choices and the education needed to enter those careers; and

22 (C) any additional indicators of student  
23 achievement not associated with performance on standardized  
24 assessment instruments determined appropriate for consideration by  
25 the commissioner in consultation with educators, parents, business  
26 and industry representatives, and employers; and

27 (5) in the fifth domain, three programs or specific

1 categories of performance related to community and student  
2 engagement locally selected and evaluated as provided by Section  
3 39.0546.

4 (f) Annually, the commissioner shall define the state  
5 standard for the current school year for each [~~student~~] achievement  
6 indicator described by Subsections (c)(1)-(4) [~~Subsection (c)~~] and  
7 shall project the state standards for each indicator for the  
8 following two school years. The commissioner shall periodically  
9 raise the state standards for the college readiness [~~student~~]  
10 achievement indicator described by Subsection (c)(1)(A)(ii)  
11 [~~(c)(1)(B)(i)~~] for accreditation as necessary to reach the goals of  
12 achieving, by not later than the 2019-2020 school year:

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

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

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

22 (1) the student's expulsion under Section 37.007; and

23 (2) as applicable:

24 (A) adjudication as having engaged in delinquent  
25 conduct or conduct indicating a need for supervision, as defined by  
26 Section 51.03, Family Code; or

27 (B) conviction of and sentencing for an offense

1 under the Penal Code.

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

5 (1) students who are ordered by a court to attend a  
6 high school equivalency certificate program but who have not yet  
7 earned a high school equivalency certificate;

8 (2) students who were previously reported to the state  
9 as dropouts, including a student who is reported as a dropout,  
10 reenrolls, and drops out again, regardless of the number of times of  
11 reenrollment and dropping out;

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

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

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

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

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

27 Sec. 39.0535. TEMPORARY PROVISION: ASSIGNMENT OF



1 PERFORMANCE RATINGS. (a) Notwithstanding any other law, the  
2 commissioner shall assign each district and campus a performance  
3 rating not later than August 15 of each year.

4 (b) This section expires September 1, 2016.

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

7 (a) The commissioner shall adopt rules to evaluate school  
8 district and campus performance and assign each district and campus  
9 a performance rating [~~of A, B, C, D, or F~~]. In adopting rules under  
10 this subsection, the commissioner shall determine the criteria for  
11 each [~~designated letter~~] performance rating. [~~A district~~  
12 ~~performance rating of A, B, or C reflects acceptable performance~~  
13 ~~and a district performance rating of D or F reflects unacceptable~~  
14 ~~performance. The commissioner shall also assign each campus a~~  
15 ~~performance rating of exemplary, recognized, acceptable, or~~  
16 ~~unacceptable. A campus performance rating of exemplary,~~  
17 ~~recognized, or acceptable reflects acceptable performance, and a~~  
18 ~~campus performance rating of unacceptable reflects unacceptable~~  
19 ~~performance. A district may not receive a performance rating of A~~  
20 ~~if the district includes any campus with a performance rating of~~  
21 ~~unacceptable.] Not later than August 15 [~~8~~] of each year, the  
22 performance rating of each district and campus shall be made  
23 publicly available as provided by rules adopted under this  
24 subsection. If a district or campus received a performance rating  
25 that reflected unacceptable performance for the preceding school  
26 year, the commissioner shall notify the district of a subsequent  
27 such designation on or before June 15.~~

1 SECTION 5. Effective September 1, 2017, Section 39.054,  
2 Education Code, is amended by amending Subsections (a), (c), (e),  
3 and (f) and adding Subsections (a-1), (a-2), and (a-3) to read as  
4 follows:

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

1 or domain performance rating of A, B, or C or exemplary, recognized,  
2 or acceptable performance.

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

5 (1) 55 percent of the performance evaluation to the  
6 achievement indicators for the first, second, and third domains  
7 under Sections 39.053(c)(1)-(3);

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

12 (3) for high school campuses and districts that  
13 include those campuses:

14 (A) 10 percent of the performance evaluation to  
15 the high school graduation rate achievement indicator described by  
16 Section 39.053(c)(4)(A)(ii); and

17 (B) 25 percent to the remaining applicable  
18 achievement indicators for the fourth domain under Section  
19 39.053(c)(4); and

20 (4) 10 percent of the performance evaluation to the  
21 locally selected and evaluated achievement indicators provided for  
22 under the fifth domain under Section 39.053(c)(5).

23 (a-2) The commissioner by rule shall adopt procedures to  
24 ensure that a repeated performance rating of D or F or unacceptable  
25 in one domain, particularly performance that is not significantly  
26 improving, is reflected in the overall performance rating of a  
27 district or campus and is not compensated for by a performance

1 rating of A, B, or C in another domain.

2        (a-3) Not later than August 15 [~~8~~] of each year, the  
3 performance ratings [~~rating~~] of each district and campus shall be  
4 made publicly available as provided by rules adopted under this  
5 section [~~subsection~~]. If a district or campus received an overall  
6 or domain [~~a~~] performance rating of D or F [~~that reflected~~  
7 ~~unacceptable performance~~] for the preceding school year, the  
8 commissioner shall notify the district of a subsequent such  
9 designation on or before June 15.

10        (c) In evaluating school district and campus performance on  
11 the [~~student~~] achievement indicators for student performance on  
12 assessment instruments [~~indicators~~] adopted under Sections  
13 39.053(c)(1) and (2) and the dropout rate indicator adopted under  
14 Sections 39.053(c)(4)(A)(i) and (B)(ii)(a), the commissioner shall  
15 define acceptable performance as meeting the state standard  
16 determined by the commissioner under Section 39.053(f) [~~39.053(e)~~]  
17 for the current school year based on:

- 18            (1) student performance in the current school year; or  
19            (2) student performance as averaged over the current  
20 school year and the preceding two school years.

21        (e) Each annual performance review under this section shall  
22 include an analysis of the [~~student~~] achievement indicators adopted  
23 under Sections 39.053(c)(1)-(4) [~~Section 39.053(e)~~] to determine  
24 school district and campus performance in relation to [~~+~~

25            [~~(1)~~] standards established for each indicator [~~, and~~  
26            [~~(2)~~ ~~required improvement as defined under Section~~  
27 39.053(e)].

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

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

16 (b) Notwithstanding Section 39.053(c)(4)(A)(i)  
17 [~~39.053(c)(2)~~], the commissioner shall use the alternative  
18 completion rate under this subsection to determine the dropout rate  
19 [~~student achievement~~] indicator under Section 39.053(c)(4)(A)(i)  
20 [~~39.053(c)(2)~~] for a dropout recovery school. The alternative  
21 completion rate shall be the ratio of the total number of students  
22 who graduate, continue attending school into the next academic  
23 year, or receive a high school equivalency certificate to the total  
24 number of students in the longitudinal cohort of students.

25 (c) Notwithstanding Section 39.053(c)(4)(A)(i)  
26 [~~39.053(c)(2)~~], in determining the performance rating under  
27 Section 39.054 of a dropout recovery school, the commissioner shall

1 include any student described by Section 39.053(g-1) who graduates  
2 or receives a high school equivalency certificate.

3 (d) Notwithstanding Section 39.053(c), for purposes of  
4 evaluating ~~For~~ a dropout recovery school under the accountability  
5 procedures adopted by the commissioner to determine the performance  
6 rating of the school under Section 39.054:

7 (1) ~~[7]~~ only the best result from the primary  
8 administration or ~~[and]~~ any retake of an assessment instrument  
9 administered to a student in the school year evaluated ~~[under the~~  
10 ~~accountability procedures adopted by the commissioner]~~ may be  
11 considered; and

12 (2) only a student enrolled continuously for at least  
13 90 days during the school year evaluated may be considered ~~[in~~  
14 ~~determining the performance rating of the school under Section~~  
15 39.054].

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

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

23 (1) each school district shall:

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

1 performance;

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

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

7 (2) each campus shall:

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

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

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

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

1           (c) On or before the date determined by the commissioner by  
2 rule, each school district and campus shall report each performance  
3 rating to the agency for the purpose of including the rating in  
4 evaluating school district and campus performance and assigning an  
5 overall rating under Section 39.054.

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

8   SUBCHAPTER N. TEXAS COMMISSION ON NEXT GENERATION ASSESSMENTS AND  
9   ACCOUNTABILITY

10           Sec. 39.501. DEFINITION. In this subchapter, "commission"  
11 means the Texas Commission on Next Generation Assessments and  
12 Accountability.

13           Sec. 39.502. TEXAS COMMISSION ON NEXT GENERATION  
14 ASSESSMENTS AND ACCOUNTABILITY. (a) The Texas Commission on Next  
15 Generation Assessments and Accountability is established to  
16 develop and make recommendations for new systems of student  
17 assessment and public school accountability.

18           (b) The commission is composed of 15 members, consisting of  
19 the following:

20                           (1) four members appointed by the governor;

21                           (2) three members appointed by the lieutenant  
22 governor;

23                           (3) three members appointed by the speaker of the  
24 house of representatives;

25                           (4) the chair of the senate committee on education, or  
26 a representative designated by the chair;

27                           (5) the chair of the senate committee on higher



1 education, or a representative designated by the chair;

2 (6) the chair of the house of representatives  
3 committee on public education, or a representative designated by  
4 the chair;

5 (7) the chair of the house of representatives  
6 committee on higher education, or a representative designated by  
7 the chair; and

8 (8) a member of the State Board of Education, as  
9 designated by the chair of that board.

10 (c) In making appointments under Subsections (b)(1), (2),  
11 and (3), the governor, lieutenant governor, and speaker of the  
12 house of representatives shall coordinate to ensure that the  
13 commission includes at least one of each of the following  
14 representatives:

15 (1) a parent or person standing in parental relation  
16 to a student enrolled in the public school system;

17 (2) an educator in the public school system;

18 (3) an educator in a school district that is a  
19 participant in the Texas High Performance Schools Consortium under  
20 Section 7.0561;

21 (4) a member of the business community;

22 (5) a member of the civic community;

23 (6) a leader in student assessment development and  
24 use; and

25 (7) a leader in research concerning student assessment  
26 and education outcomes.

27 Sec. 39.503. PRESIDING OFFICER. The governor shall

1 designate the presiding officer of the commission.

2 Sec. 39.504. COMPENSATION AND REIMBURSEMENT. A member of  
3 the commission is not entitled to compensation for service on the  
4 commission but is entitled to reimbursement for actual and  
5 necessary expenses incurred in performing commission duties.

6 Sec. 39.505. ADMINISTRATIVE SUPPORT AND FUNDING.

7 (a) Staff members of the agency shall provide administrative  
8 support for the commission.

9 (b) Funding for the administrative and operational expenses  
10 of the commission shall be provided by appropriation to the agency  
11 for that purpose.

12 Sec. 39.506. RECOMMENDATIONS. The commission shall develop  
13 recommendations under this subchapter to address:

14 (1) the purpose of a state accountability system and  
15 the role of student assessment in that system;

16 (2) opportunities to assess students that:

17 (A) provide actionable information for a parent  
18 or person standing in parental relation to a student, an educator,  
19 and the public;

20 (B) support learning activities;

21 (C) recognize application of skills and  
22 knowledge;

23 (D) measure student educational growth toward  
24 mastery; and

25 (E) value critical thinking;

26 (3) alignment of state performance standards with  
27 college and career readiness requirements in collaboration with the

1 Texas Workforce Commission and Texas Higher Education Coordinating  
2 Board;

3 (4) policy changes necessary to enable a student to  
4 progress through subject matter and grade levels on demonstration  
5 of mastery; and

6 (5) policy changes necessary to establish a student  
7 assessment and public school accountability system that meets state  
8 goals, is community based, promotes parent and community  
9 involvement, and reflects the unique needs of each community.

10 Sec. 39.507. REPORT. (a) The commission shall prepare and  
11 deliver a report to the governor and the legislature that  
12 recommends statutory changes to improve systems of student  
13 assessment and public school accountability not later than  
14 September 1, 2016.

15 (b) In preparing the report, the commission shall consider  
16 the recommendations of the Texas High Performance Schools  
17 Consortium established under Section 7.0561, including  
18 recommendations related to innovative, next-generation learning  
19 standards and assessment and accountability systems.

20 Sec. 39.508. PUBLIC MEETINGS AND PUBLIC INFORMATION.

21 (a) The commission may hold public meetings as needed to fulfill  
22 its duties under this subchapter.

23 (b) The commission is subject to Chapters 551 and 552,  
24 Government Code.

25 Sec. 39.509. COMMISSION ABOLISHED; EXPIRATION OF

26 SUBCHAPTER. (a) The commission is abolished January 1, 2017.

27 (b) This subchapter expires January 1, 2017.

1 SECTION 9. Section 11.252(a), Education Code, is amended to  
2 read as follows:

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

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

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

26 (3) strategies for improvement of student performance  
27 that include:

- 1 (A) instructional methods for addressing the  
2 needs of student groups not achieving their full potential;
- 3 (B) methods for addressing the needs of students  
4 for special programs, including:
- 5 (i) suicide prevention programs, in  
6 accordance with Subchapter O-1, Chapter 161, Health and Safety  
7 Code, which includes a parental or guardian notification procedure;
- 8 (ii) conflict resolution programs;
- 9 (iii) violence prevention programs; and
- 10 (iv) dyslexia treatment programs;
- 11 (C) dropout reduction;
- 12 (D) integration of technology in instructional  
13 and administrative programs;
- 14 (E) discipline management;
- 15 (F) staff development for professional staff of  
16 the district;
- 17 (G) career education to assist students in  
18 developing the knowledge, skills, and competencies necessary for a  
19 broad range of career opportunities; and
- 20 (H) accelerated education;
- 21 (4) strategies for providing to middle school, junior  
22 high school, and high school students, those students' teachers and  
23 school counselors, and those students' parents information about:
- 24 (A) higher education admissions and financial  
25 aid opportunities;
- 26 (B) the TEXAS grant program and the Teach for  
27 Texas grant program established under Chapter 56;

1 (C) the need for students to make informed  
2 curriculum choices to be prepared for success beyond high school;  
3 and

4 (D) sources of information on higher education  
5 admissions and financial aid;

6 (5) resources needed to implement identified  
7 strategies;

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

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

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

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

17 SECTION 10. Sections 11.253(c) and (d), Education Code, are  
18 amended to read as follows:

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

1 (d) Each campus improvement plan must:

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

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

9 (3) identify how the campus goals will be met for each  
10 student;

11 (4) determine the resources needed to implement the  
12 plan;

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

14 (6) set timelines for reaching the goals;

15 (7) measure progress toward the performance  
16 objectives periodically to ensure that the plan is resulting in  
17 academic improvement;

18 (8) include goals and methods for violence prevention  
19 and intervention on campus;

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

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

25 (A) student fitness assessment data, including  
26 any data from research-based assessments such as the school health  
27 index assessment and planning tool created by the federal Centers

1 for Disease Control and Prevention;

2 (B) student academic performance data;

3 (C) student attendance rates;

4 (D) the percentage of students who are  
5 educationally disadvantaged;

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

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

11 SECTION 11. Section 12.1013(c), Education Code, is amended  
12 to read as follows:

13 (c) The report must include the performance of each public  
14 school in each class described by Subsection (b) as measured by the  
15 [~~student~~] achievement indicators adopted under Sections  
16 39.053(c)(1)-(4) [~~Section 39.053~~] and student attrition rates.

17 SECTION 12. Section 29.062(a), Education Code, is amended  
18 to read as follows:

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



1 SECTION 13. Section 39.023(a-8), Education Code, as  
2 effective on or before September 1, 2015, is amended to read as  
3 follows:

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

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

20 (b) In determining the accreditation status of a school  
21 district, the commissioner:

22 (1) shall evaluate and consider:

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

25 (B) performance under the financial  
26 accountability rating system developed under Subchapter D; and

27 (2) may evaluate and consider:

1 (A) the district's compliance with statutory  
2 requirements and requirements imposed by rule of the commissioner  
3 or State Board of Education under specific statutory authority that  
4 relate to:

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

8 (ii) the high school graduation  
9 requirements under Section 28.025; or

10 (iii) an item listed under Sections  
11 7.056(e)(3)(C)-(I) that applies to the district;

12 (B) the effectiveness of the district's programs  
13 for special populations; and

14 (C) the effectiveness of the district's career  
15 and technology program.

16 SECTION 15. Section 39.055, Education Code, is amended to  
17 read as follows:

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

1 facility is not considered to be a student of the school district in  
2 which the program or facility is physically located or of an  
3 open-enrollment charter school, as applicable. The performance of  
4 such a student on an assessment instrument or other [~~student~~]  
5 achievement indicator adopted under Section 39.053 or reporting  
6 indicator adopted under Section 39.301 shall be determined,  
7 reported, and considered separately from the performance of  
8 students attending a school of the district in which the program or  
9 facility is physically located or an open-enrollment charter  
10 school, as applicable.

11 SECTION 16. Section 39.056(b), Education Code, is amended  
12 to read as follows:

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

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

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

26 (1) issue public notice of the deficiency to the board  
27 of trustees;

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

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

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

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

17           (6) appoint an agency monitor to participate in and  
18 report to the agency on the activities of the board of trustees or  
19 the superintendent;

20           (7) appoint a conservator to oversee the operations of  
21 the district;

22           (8) appoint a management team to direct the operations  
23 of the district in areas of insufficient performance or require the  
24 district to obtain certain services under a contract with another  
25 person;

26           (9) if a district has a current accreditation status  
27 of accredited-warned or accredited-probation, fails to satisfy any

1 standard under Section 39.054(e), or fails to satisfy financial  
2 accountability standards as determined by commissioner rule,  
3 appoint a board of managers to exercise the powers and duties of the  
4 board of trustees;

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

11 (A) order closure of the district and annex the  
12 district to one or more adjoining districts under Section 13.054;  
13 or

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

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

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

23 (B) restructuring the district or appropriate  
24 school campuses to improve identification of and service to  
25 students who are at risk of dropping out of school, as defined by  
26 Section 29.081;

27 (C) ordering lower student-to-counselor ratios

1 on school campuses with high dropout rates; and

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

5 SECTION 18. Section 39.263(a), Education Code, is amended  
6 to read as follows:

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

13 SECTION 19. Section 39.301(b), Education Code, is amended  
14 to read as follows:

15 (b) Performance on the indicators adopted under this  
16 section shall be evaluated in the same manner provided for  
17 evaluation of the [~~student~~] achievement indicators under Sections  
18 39.053(c)(1)-(4) [~~Section 39.053(c)~~].

19 SECTION 20. Section 39.305(b), Education Code, is amended  
20 to read as follows:

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

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

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

27 (3) the administrative and instructional costs per

1 student, computed in a manner consistent with Section 44.0071; and

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

6 SECTION 21. Sections 39.332(b)(2) and (20), Education Code,  
7 are amended to read as follows:

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

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

12 (B) the reporting indicators described by  
13 Section 39.301.

14 (20) The report must contain a comparison of the  
15 performance of open-enrollment charter schools and school  
16 districts on the ~~[student]~~ achievement indicators described by  
17 Section 39.053(c), the reporting indicators described by Section  
18 39.301(c), and the accountability measures adopted under Section  
19 39.053(i), with a separately aggregated comparison of the  
20 performance of open-enrollment charter schools predominantly  
21 serving students at risk of dropping out of school, as described by  
22 Section 29.081(d), with the performance of school districts.

23 SECTION 22. Sections 39.053(e) and 39.054(b), (d), and  
24 (d-1), Education Code, are repealed.

25 SECTION 23. Not later than December 1, 2016, the  
26 commissioner of education shall adopt the set of indicators to  
27 measure and evaluate school districts and campuses as required by

1 Section 39.053, Education Code, as amended by this Act.

2 SECTION 24. Not later than January 1, 2017, the  
3 commissioner of education shall submit a report to the standing  
4 committees of the legislature having primary jurisdiction over  
5 primary and secondary education that provides for a preliminary  
6 evaluation of school districts and campuses under Section 39.054,  
7 Education Code. The report must include:

8 (1) the rating each school district and campus would  
9 have received for the first through fourth domains of indicators as  
10 provided by Sections 39.053(c)(1)-(4), Education Code, as amended  
11 by this Act, for the 2015-2016 school year if the indicators adopted  
12 by the commissioner of education under Section 39.053, Education  
13 Code, as amended by this Act, existed during the 2015-2016 school  
14 year; and

15 (2) the correlation between each designated letter  
16 performance rating the school district or campus would have  
17 received and the percentage of students at each district and  
18 campus:

19 (A) qualifying for the free or reduced-price  
20 breakfast under the national school breakfast programs provided for  
21 by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773);

22 (B) that are students of limited English  
23 proficiency as defined by Section 29.052, Education Code; and

24 (C) disaggregated by race, ethnicity, and  
25 socioeconomic status used to assign ratings in the system.

26 SECTION 25. (a) Except as provided by Subsections (b), (c),  
27 and (d) of this section, this Act applies beginning with the



1 2017-2018 school year.

2 (b) Section 39.0535, Education Code, as added by this Act,  
3 applies beginning with the 2015-2016 school year.

4 (c) Section 39.054(a), Education Code, as amended by this  
5 Act effective September 1, 2016, applies beginning with the  
6 2016-2017 school year.

7 (d) Subchapter N, Chapter 39, Education Code, as added by  
8 this Act, applies beginning with the effective date of this Act.

9 SECTION 26. Except as otherwise provided by this Act, this  
10 Act takes effect immediately if it receives a vote of two-thirds of  
11 all the members elected to each house, as provided by Section 39,  
12 Article III, Texas Constitution. If this Act does not receive the  
13 vote necessary for immediate effect, this Act takes effect  
14 September 1, 2015.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2804 was passed by the House on May 15, 2015, by the following vote: Yeas 102, Nays 26, 3 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2804 on May 28, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2804 on May 31, 2015, by the following vote: Yeas 119, Nays 17, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 2804

I certify that H.B. No. 2804 was passed by the Senate, with amendments, on May 25, 2015, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2804 on May 30, 2015, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor