

By: Holland

H.B. No. 2997

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

(c) School districts and campuses must be evaluated based on the following [five] domains of indicators of achievement adopted under this section, of which the first, second, third, and fifth apply to middle and junior high school and elementary school campuses and districts that include those campuses and all of which apply to high school campuses and districts that include those campuses [that include]:

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

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

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

(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment

instruments required under Section 39.023(c) only, aggregated across grade levels by subject area; and

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

(2) in the second domain:

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

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

(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments required under Section 39.023(c) only, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and

(B) for assessment instruments under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the

1 commissioner by rule or by the method for measuring annual  
2 improvement under Section 39.034, aggregated across grade levels by  
3 subject area;

4 (3) in the third domain, the student academic  
5 achievement differentials among students from different racial and  
6 ethnic groups and socioeconomic backgrounds;

7 (4) in the fourth domain, ~~+~~

8 ~~[(A)]~~ for evaluating the performance of high  
9 school campuses and districts that include high school campuses:

10 (A) ~~[(i)]~~ dropout rates, including dropout rates  
11 and district completion rates for grade levels 9 through 12,  
12 computed in accordance with standards and definitions adopted by  
13 the National Center for Education Statistics of the United States  
14 Department of Education;

15 (B) ~~[(ii)]~~ high school graduation rates,  
16 computed in accordance with standards and definitions adopted in  
17 compliance with the Every Student Succeeds Act ~~[No Child Left~~  
18 ~~Behind Act of 2001]~~ (20 U.S.C. Section 6301 et seq.);

19 (C) ~~[(iii)]~~ the percentage of students who  
20 successfully completed the curriculum requirements for the  
21 distinguished level of achievement under the foundation high school  
22 program;

23 (D) ~~[(iv)]~~ the percentage of students who  
24 successfully completed the curriculum requirements for an  
25 endorsement under Section 28.025(c-1);

26 (E) ~~[(v)]~~ the percentage of students who  
27 completed a coherent sequence of career and technical courses;

1                    (F) [~~(vi)~~] the percentage of students who  
2 satisfy the Texas Success Initiative (TSI) college readiness  
3 benchmarks prescribed by the Texas Higher Education Coordinating  
4 Board under Section 51.3062(f) on an assessment instrument in  
5 reading, writing, or mathematics designated by the Texas Higher  
6 Education Coordinating Board under Section 51.3062(c);

7                    (G) [~~(vii)~~] the percentage of students who earn  
8 at least 12 hours of postsecondary credit required for the  
9 foundation high school program under Section 28.025 or to earn an  
10 endorsement under Section 28.025(c-1);

11                   (H) [~~(viii)~~] the percentage of students who have  
12 completed an advanced placement course;

13                   (I) [~~(ix)~~] the percentage of students who enlist  
14 in the armed forces of the United States; [~~and~~]

15                   (J) [~~(x)~~] the percentage of students who earn an  
16 industry certification;

17                   [~~(B) for evaluating the performance of middle and~~  
18 ~~junior high school and elementary school campuses and districts~~  
19 ~~that include those campuses.~~

20                   [~~(i) student attendance, and~~

21                   [~~(ii) for middle and junior high school~~  
22 ~~campuses.~~

23                   [~~(a) dropout rates, computed in the~~  
24 ~~manner described by Paragraph (A)(i), and~~

25                   [~~(b) the percentage of students in~~  
26 ~~grades seven and eight who receive instruction in preparing for~~  
27 ~~high school, college, and a career that includes information~~

1 ~~regarding the creation of a high school personal graduation plan~~  
2 ~~under Section 28.02121, the distinguished level of achievement~~  
3 ~~described by Section 28.025(b-15), each endorsement described by~~  
4 ~~Section 28.025(c-1), college readiness standards, and potential~~  
5 ~~career choices and the education needed to enter those careers,]~~  
6 and

7                   (K) [~~(C)~~] any additional indicators of  
8 secondary-level student achievement not associated with  
9 performance on standardized assessment instruments determined  
10 appropriate for consideration by the commissioner in consultation  
11 with educators, parents, business and industry representatives,  
12 and employers; and

13               (5) in the fifth domain, three programs or specific  
14 categories of performance related to community and student  
15 engagement locally selected and evaluated as provided by Section  
16 39.0546.

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

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

22               (2) as applicable:

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

26                   (B) conviction of and sentencing for an offense  
27 under the Penal Code.

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

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

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

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

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

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

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

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

25 (1) are at least 18 years of age as of September 1 of  
26 the school year as reported for the fall semester Public Education  
27 Information Management System (PEIMS) submission and have

1 satisfied the credit requirements for high school graduation;

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

6 (3) are enrolled and receiving individualized  
7 education program services.

8 SECTION 2. Sections 39.054(a), (a-1), (c), and (e),  
9 Education Code, as effective September 1, 2017, are amended to read  
10 as follows:

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

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

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

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

~~[(3)]~~ for high school campuses and districts that include those campuses:

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

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

(3) for middle and junior high school and elementary campuses and districts that include only those campuses, 45 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); and

(4) for high school campuses and districts that include those campuses, 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).

(c) In evaluating school district and campus performance on



the achievement indicators for student performance on assessment instruments adopted under Sections 39.053(c)(1) and (2) and the dropout rate indicator adopted under Section 39.053(c)(4)(A) [~~Sections 39.053(c)(4)(A)(i) and (B)(ii)(a)~~], the commissioner shall define acceptable performance as meeting the state standard determined by the commissioner under Section 39.053(f) for the current school year based on:

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

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

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

(g-3) [~~(f)~~] In the computation of dropout rates under Subsection (c)(4)(A) [~~Sections 39.053(c)(4)(A)(i) and (B)(ii)(a)~~], 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

1 serving the facility or center unless that district or campus is the  
2 one to which the student is regularly assigned. The agency may not  
3 limit an appeal relating to dropout computations under this  
4 subsection.

5 SECTION 4. Sections [39.0548](#)(b) and (c), Education Code, are  
6 amended to read as follows:

7 (b) Notwithstanding Section [39.053\(c\)\(4\)\(A\)](#)  
8 [~~[39.053\(c\)\(4\)\(A\)\(i\)](#)~~], the commissioner shall use the alternative  
9 completion rate under this subsection to determine the dropout rate  
10 indicator under Section [39.053\(c\)\(4\)\(A\)](#) [~~[39.053\(c\)\(4\)\(A\)\(i\)](#)~~] for a  
11 dropout recovery school. The alternative completion rate shall be  
12 the ratio of the total number of students who graduate, continue  
13 attending school into the next academic year, or receive a high  
14 school equivalency certificate to the total number of students in  
15 the longitudinal cohort of students.

16 (c) Notwithstanding Section [39.053\(c\)\(4\)\(A\)](#)  
17 [~~[39.053\(c\)\(4\)\(A\)\(i\)](#)~~], in determining the performance rating under  
18 Section [39.054](#) of a dropout recovery school, the commissioner shall  
19 include any student described by Section [39.053\(g-1\)](#) who graduates  
20 or receives a high school equivalency certificate.

21 SECTION 5. Section [39.055](#), Education Code, is amended to  
22 read as follows:

23 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT  
24 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY  
25 PURPOSES. Notwithstanding any other provision of this code except  
26 to the extent otherwise provided under Section [39.053\(g-3\)](#)  
27 [~~[39.054\(f\)](#)~~], for purposes of determining the performance of a

1 school district, campus, or open-enrollment charter school under  
2 this chapter, a student ordered by a juvenile court into a  
3 residential program or facility operated by or under contract with  
4 the Texas Juvenile Justice Department, a juvenile board, or any  
5 other governmental entity or any student who is receiving treatment  
6 in a residential facility is not considered to be a student of the  
7 school district in which the program or facility is physically  
8 located or of an open-enrollment charter school, as  
9 applicable. The performance of such a student on an assessment  
10 instrument or other achievement indicator adopted under Section  
11 39.053 or reporting indicator adopted under Section 39.301 shall be  
12 determined, reported, and considered separately from the  
13 performance of students attending a school of the district in which  
14 the program or facility is physically located or an open-enrollment  
15 charter school, as applicable.

16 SECTION 6. This Act applies beginning with the 2017-2018  
17 school year.

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