

By: Perry

S.B. No. 1173

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. Sections 39.053(c), (g), (g-1), and (g-2), Education Code, are amended 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, 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, 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 commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by

1 subject area;

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

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

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

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

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

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

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

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

26 (F) ~~[(vi)]~~ the percentage of students who
27 satisfy the Texas Success Initiative (TSI) college readiness

1 benchmarks prescribed by the Texas Higher Education Coordinating
2 Board under Section 51.3062(f) on an assessment instrument in
3 reading, writing, or mathematics designated by the Texas Higher
4 Education Coordinating Board under Section 51.3062(c);

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

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

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

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

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

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

19 [~~(ii) for middle and junior high school~~
20 ~~campuses.~~

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

23 [~~(b) the percentage of students in~~
24 ~~grades seven and eight who receive instruction in preparing for~~
25 ~~high school, college, and a career that includes information~~
26 ~~regarding the creation of a high school personal graduation plan~~
27 ~~under Section 28.02121, the distinguished level of achievement~~

described by Section [28.025\(b-15\)](#), each endorsement described by
Section [28.025\(c-1\)](#), college readiness standards, and potential
career choices and the education needed to enter those careers,
and

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

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

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

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

(2) as applicable:

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

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

(g-1) In computing dropout and completion rates under
Subsection (c)(4)(A) ~~[Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~,

1 the commissioner shall exclude:

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

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

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

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

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

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

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

23 (1) are at least 18 years of age as of September 1 of
24 the school year as reported for the fall semester Public Education
25 Information Management System (PEIMS) submission and have
26 satisfied the credit requirements for high school graduation;

27 (2) have not completed their individualized education

1 program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals
2 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);
3 and

4 (3) are enrolled and receiving individualized
5 education program services.

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

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

26 (a-1) For purposes of assigning an overall performance
27 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, an additional 35 percent of the performance evaluation to the ~~[applicable]~~ achievement indicators for the first, second, and third domains under Sections 39.053(c)(1)-(3) ~~[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

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

(b) Notwithstanding Section 39.053(c)(4)(A) ~~[39.053(c)(4)(A)(i)]~~, the commissioner shall use the alternative completion rate under this subsection to determine the dropout rate indicator under Section 39.053(c)(4)(A) ~~[39.053(c)(4)(A)(i)]~~ 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) ~~[39.053(c)(4)(A)(i)]~~, 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 5. Section 39.055, Education Code, is amended to read as follows:

Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.053(g-3) ~~[39.054(f)]~~, for purposes of determining the performance of a school district, campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the

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

10 SECTION 6. This Act applies beginning with the 2017-2018
11 school year.

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