

By: Isaac

H.B. No. 1333

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability, including assessment of students and appraisal of teachers.

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

SECTION 1. Section 21.351(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. The criteria must be based on observable, job-related behavior, including:

(1) teachers' implementation of discipline management procedures; and

(2) the performance of teachers' students, provided that consideration of student performance is not based in any part on student performance on assessment instruments administered under Section 39.023.

SECTION 2. Section 39.023(a), Education Code, as effective September 1, 2017, is amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, ~~[writing,~~ mathematics, ~~[social studies,~~ and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (1) or exempted under Section 39.027, shall be assessed in:

1 (1) mathematics, annually in grades three through
2 seven without the aid of technology and in grade eight with the aid
3 of technology on any assessment instrument that includes algebra;

4 (2) reading, annually in grades three through eight;
5 and

6 (3) [~~writing, including spelling and grammar, in~~
7 ~~grades four and seven,~~

8 [~~(4) social studies, in grade eight,~~

9 [~~(5)] science, in grades five and eight[, and~~

10 [~~(6) any other subject and grade required by federal~~
11 ~~law].~~

12 SECTION 3. Section 39.023(c), Education Code, is amended to
13 read as follows:

14 (c) The agency shall also adopt end-of-course assessment
15 instruments for secondary-level courses in reading, mathematics,
16 and science only as necessary to comply with the Every Student
17 Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered
18 only as necessary to meet the minimum requirements of that Act
19 [~~Algebra I, biology, English I, English II, and United States~~
20 ~~history. The Algebra I end-of-course assessment instrument must be~~
21 ~~administered with the aid of technology. The English I and English~~
22 ~~II end-of-course assessment instruments must each assess essential~~
23 ~~knowledge and skills in both reading and writing in the same~~
24 ~~assessment instrument and must provide a single score]. A school
25 district shall comply with State Board of Education rules regarding
26 administration of the assessment instruments adopted under [~~listed~~
27 ~~in~~] this subsection. If a student is in a special education program~~

1 under Subchapter A, Chapter 29, the student's admission, review,
2 and dismissal committee shall determine whether any allowable
3 modification is necessary in administering to the student an
4 assessment instrument required under this subsection. The State
5 Board of Education shall administer the assessment instruments.
6 ~~[The State Board of Education shall adopt a schedule for the~~
7 ~~administration of end-of-course assessment instruments that~~
8 ~~complies with the requirements of Subsection (c-3).]~~

9 SECTION 4. Section 39.023(c-3), Education Code, as
10 effective September 1, 2017, is amended to read as follows:

11 (c-3) The State Board of Education, with input from school
12 districts, shall adopt [In-adopting] a schedule for the
13 administration of assessment instruments under this section that
14 minimizes the disruption of classroom instruction [~~, the State~~
15 ~~Board of Education shall require:~~

16 ~~[(1) assessment instruments administered under~~
17 ~~Subsection (a) to be administered on a schedule so that the first~~
18 ~~assessment instrument is administered at least two weeks later than~~
19 ~~the date on which the first assessment instrument was administered~~
20 ~~under Subsection (a) during the 2006-2007 school year; and~~

21 ~~[(2) the spring administration of end-of-course~~
22 ~~assessment instruments under Subsection (c) to occur in each school~~
23 ~~district not earlier than the first full week in May, except that~~
24 ~~the spring administration of the end-of-course assessment~~
25 ~~instruments in English I and English II must be permitted to occur~~
26 ~~at an earlier date].~~

27 SECTION 5. Section 39.023, Education Code, is amended by

1 adding Subsection (q) to read as follows:

2 (q) Notwithstanding any provision of this section or other
3 law, if changes made to the Every Student Succeeds Act (20 U.S.C.
4 Section 6301 et seq.) reduce the number or frequency of assessment
5 instruments required to be administered to students, the State
6 Board of Education shall adopt rules reducing the number or
7 frequency of assessment instruments administered to students under
8 state law, and the commissioner shall ensure that students are not
9 assessed in subject areas or in grades that are no longer required
10 to meet the minimum requirements of that Act.

11 SECTION 6. Subchapter B, Chapter 39, Education Code, is
12 amended by adding Section 39.040 to read as follows:

13 Sec. 39.040. ALTERNATIVE ASSESSMENT INSTRUMENTS. (a) The
14 commissioner by rule shall adopt procedures to identify nationally
15 recognized, norm-referenced assessment instruments as additional
16 alternative assessment instruments that may be used to evaluate
17 student achievement for purposes of complying with accountability
18 requirements under this chapter.

19 (b) Additional alternative assessment instruments
20 identified as provided by Subsection (a) may be used:

21 (1) for grades three through eight, provided that the
22 commissioner obtains any necessary waiver from the application of
23 any conflicting federal law or regulation as provided by Subsection
24 (d); and

25 (2) for secondary-level courses.

26 (c) The procedures adopted to identify all additional
27 alternative assessment instruments under Subsection (a) must be

1 consistent with the federal procedures required by the Every
2 Student Succeeds Act (20 U.S.C. Section 6311) for state approval of
3 nationally recognized high school academic assessment instruments
4 that are available for local selection, including requiring each
5 additional alternative assessment instrument identified to be
6 aligned with the essential knowledge and skills for the appropriate
7 grade level in the subject assessed.

8 (d) For purposes of using additional alternative assessment
9 instruments in grades three through eight, the commissioner shall
10 seek a waiver from the application of any conflicting federal law or
11 regulation as a result of the use of multiple assessment
12 instruments for assessing students in the same grade.

13 SECTION 7. Section 39.053(c), Education Code, is amended to
14 read as follows:

15 (c) School districts and campuses must be evaluated based on
16 five domains of indicators of achievement adopted under this
17 section that include:

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

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

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

27 (ii) for the college readiness performance

1 standard as determined under Section 39.0241, the percentage of
2 students who performed satisfactorily on the assessment
3 instruments, aggregated across grade levels by subject area; and

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

10 (2) in the second domain:

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

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

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

25 (B) for assessment instruments under Subdivision
26 (1)(B), the percentage of students who met the standard for annual
27 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 school
9 campuses and districts that include high school campuses:

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

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

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

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

7 (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 (viii) the percentage of students who have
12 completed an advanced placement course;

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

15 (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; and

6 (C) any additional indicators of student
7 achievement not associated with performance on standardized
8 assessment instruments determined appropriate for consideration by
9 the commissioner in consultation with educators, parents, business
10 and industry representatives, and employers; and

11 (5) in the fifth domain, the following [~~three~~]
12 programs or specific categories of performance related to community
13 and student engagement under Section 39.0545(b)(1) locally
14 [~~selected and~~] evaluated as provided by Section 39.0546:

15 (A) wellness and physical education; and

16 (B) community and parental involvement.

17 SECTION 8. Section 39.054(a-1), Education Code, is amended
18 to read as follows:

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

21 (1) 25 [~~55~~] percent of the performance evaluation to
22 the achievement indicators for the first, second, and third domains
23 under Sections 39.053(c)(1)-(3);

24 (2) for middle and junior high school and elementary
25 campuses and districts that include only those campuses:

26 (A) 10 percent of the performance evaluation to

27 the dropout rate indicator described by Section

1 39.053(c)(4)(B)(ii)(a); and

2 (B) [7] 35 percent to the remaining ~~[of the~~
3 ~~performance evaluation to the]~~ applicable achievement indicators
4 for the fourth domain under Section 39.053(c)(4);

5 (3) for high school campuses and districts that
6 include those campuses:

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

10 (B) 35 ~~[25]~~ percent to the remaining applicable
11 achievement indicators for the fourth domain under Section
12 39.053(c)(4); and

13 (4) for ~~[10 percent of the performance evaluation to]~~
14 the locally ~~[selected and]~~ evaluated achievement indicators
15 provided for under the fifth domain under Section 39.053(c)(5):

16 (A) 15 percent of the performance evaluation to
17 the wellness and physical education indicator under Section
18 39.053(c)(5)(A); and

19 (B) 15 percent of the performance evaluation to
20 the community and parental involvement indicator under Section
21 39.053(c)(5)(B).

22 SECTION 9. Section 39.0546(a), Education Code, is amended
23 to read as follows:

24 (a) For purposes of including the local evaluation of
25 districts and campuses under Section 39.053(c)(5) and assigning an
26 overall rating under Section 39.054, before the beginning of each
27 school year:

1 (1) each school district shall:

2 (A) [~~select and~~] report to the agency the
3 following [~~three~~] programs or categories under Section
4 39.0545(b)(1) [~~, as added by Chapter 211 (H.B. 5), Acts of the 83rd~~
5 ~~Legislature, Regular Session, 2013,~~] under which the district will
6 evaluate district performance:

7 (i) wellness and physical education under
8 Section 39.0545(b)(1)(B); and

9 (ii) community and parental involvement
10 under Section 39.0545(b)(1)(C);

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

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

16 (2) each campus shall:

17 (A) [~~select and~~] report to the agency the [~~three~~]
18 programs or categories described by Subdivision (1)(A) [~~under~~
19 ~~Section 39.0545(b)(1), as added by Chapter 211 (H.B. 5), Acts of the~~
20 ~~83rd Legislature, Regular Session, 2013,~~] under which the campus
21 will evaluate campus performance;

22 (B) submit to the agency the criteria the campus
23 will use to evaluate campus performance and assign the campus a
24 performance rating; and

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

27 SECTION 10. Section 39.203(c), Education Code, is amended

1 to read as follows:

2 (c) In addition to the distinction designations described
3 by Subsections (a) and (b), a campus that satisfies the criteria
4 developed under Section 39.204 shall be awarded a distinction
5 designation by the commissioner for outstanding performance in
6 academic achievement in reading [~~English language arts~~],
7 mathematics, or science [~~, or social studies~~].

8 SECTION 11. Section 39.02301, Education Code, is repealed.

9 SECTION 12. Not later than September 1, 2018, the
10 commissioner of education shall:

11 (1) adopt rules regarding alternative assessment
12 instruments as required by Section 39.040, Education Code, as added
13 by this Act; and

14 (2) request from the United States Department of
15 Education a waiver from the application of any conflicting federal
16 law or regulation as required by Section 39.040(d), Education Code,
17 as added by this Act, or a written notification that a waiver is not
18 required.

19 SECTION 13. This Act applies beginning with the 2017-2018
20 school year.

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