

## **BILL ANALYSIS**

C.S.H.B. 2804  
By: Aycock  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties have argued that the state's school accountability system has relied too much on state standardized exams and does not comprehensively evaluate school performance. These interested parties also assert that this overreliance on state exams has unintentionally narrowed the focus of teaching and learning. C.S.H.B. 2804 seeks to limit the use of state standardized tests in the school accountability system and expand the use of other indicators of student success and school performance.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 5 of this bill.

### **ANALYSIS**

C.S.H.B. 2804 amends the Education Code to remove the specification that the indicators of achievement required to be adopted by the commissioner of education are student achievement indicators and to require school districts and campuses to be evaluated based on five domains of indicators of achievement. The bill includes the results of statewide standardized tests and end-of-course tests in the first domain, as well as the results of tests for certain students of limited English proficiency and certain students in special education programs. The bill includes in the second domain the percentages of students who met certain standards for annual improvement on the tests included in the first domain. The bill includes in the third domain the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds. The bill includes in the fourth domain certain existing performance indicators, with some revision, for the purpose of evaluating the performance of high school campuses and districts that include high school campuses and sets out indicators for the purpose of evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses. The bill also includes in the fourth domain any additional indicators of student achievement not associated with performance on standardized tests determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers. The bill establishes that the fifth domain consists of the three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by the bill.

C.S.H.B. 2804 requires each school district and each campus, before the beginning of each school year and for purposes of including the local evaluation of districts and campuses under the fifth domain and assigning certain district and campus performance ratings, to select and

report to the Texas Education Agency (TEA) three programs or categories from the following programs or categories of performance under which the district or campus will evaluate district or campus performance, respectively: fine arts, wellness and physical education, community and parental involvement, the 21st Century Workforce Development program, the second language acquisition program, the digital learning environment, dropout prevention strategies, and educational programs for gifted and talented students. The bill requires each district and campus, by such time and for such purposes, to submit to TEA the criteria the district or campus will use to evaluate respective district or campus performance and assign the district or campus a performance rating, as applicable, and to make the selected programs or categories of performance and the criteria available on the district's or campus's website, as applicable.

C.S.H.B. 2804 requires each school district, based on the evaluation with regard to community and student engagement, to assign the district and each campus a performance rating of A, B, C, D, or F, for both overall performance and for each program or category evaluated. The bill establishes that an overall or a program or category performance rating reflects the following: exemplary performance for A, recognized performance for B, acceptable performance for C, and unacceptable performance for D or F. The bill requires each school district and campus, on or before the date determined by the commissioner by rule, to report each such performance rating to TEA for the purpose of including the rating in evaluating school district and campus performance and assigning an overall rating under applicable law.

C.S.H.B. 2804 excludes the locally selected and evaluated achievement indicators under the fifth domain from certain law relating to the comparison of achievement indicators to state-established standards and law under which the achievement indicators are used as a reference point in relation to district and campus improvement plans, the annual report on open-enrollment charter school performance, TEA's evaluation of bilingual education and special language programs, and additional performance indicators adopted for parent and educator reports.

C.S.H.B. 2804 requires the indicators of the quality of learning and achievement adopted by the commissioner to measure and evaluate school districts and campuses with respect to the following:

- improving student preparedness for success in subsequent grade levels and entering the workforce, the military, or postsecondary education;
- reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
- informing parents and the community regarding campus and district performance in the five domains, with the fifth domain in accordance with local priorities and preferences.

C.S.H.B. 2804 adds a temporary provision, set to expire September 1, 2016, requiring the commissioner to assign each district and campus a performance rating not later than August 15 of each year. The bill makes this provision effective September 1, 2015, and applicable beginning with the 2015–2016 school year.

C.S.H.B. 2804 changes the deadline by which the performance rating of each district and campus must be made publicly available from not later than August 8 of each year to not later than August 15 of each year. The bill makes this provision effective September 1, 2016, and applicable beginning with the 2016–2017 school year.

C.S.H.B. 2804, effective September 1, 2017, specifies that the A-F performance rating that the commissioner is required to assign each public school district is an overall performance rating, requires the commissioner to assign an overall performance letter rating to each public school campus as well as to each district, and requires the commissioner, in addition to the overall performance rating, to assign each district and campus a separate domain performance rating of A, B, C, D, or F for each of the first four domains. The bill removes the requirement that the

commissioner determine the criteria for each designated letter performance rating and establishes that an overall or domain performance rating reflects the following: exemplary performance for A, recognized performance for B, acceptable performance for C, and unacceptable performance for D or F. The bill removes the requirement that the commissioner assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. The bill clarifies that a district is prohibited from receiving an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. The bill establishes that a reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A or B or exemplary or recognized performance.

C.S.H.B. 2804 requires the commissioner, for purposes of assigning the overall district and campus performance rating as effective September 1, 2017, to attribute 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains, 35 percent to the achievement indicators for the fourth domain, and 10 percent to the locally selected and evaluated achievement indicators provided for under the fifth domain. The bill requires the commissioner by rule to adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus and is not compensated for by a performance rating of A, B, or C in another domain. The bill changes the deadline by which the ratings must be made publicly available from not later than August 8 of each year to not later than August 15 of each year. The bill makes its provisions relating to the assignment of overall or domain performance ratings effective September 1, 2017.

C.S.H.B. 2804 repeals statutory provisions requiring performance on achievement indicators consisting of test results and dropout rates to be compared to state standards established by the commissioner and to required improvement, as the term is defined for districts and campuses and for students with respect to meeting their respective standards; requiring the commissioner, in evaluating district and campus performance, to evaluate against state standards and consider the performance of each campus in a district and each open-enrollment charter school on the basis of the campus's or school's performance on the student achievement indicators, other than, to the greatest extent possible, the student achievement indicator consisting of test results; and authorizing the commissioner, in evaluating district and campus performance on the indicators consisting of test results and dropout rates, to assign an acceptable performance rating or grant an exception under certain conditions. The bill's provisions apply beginning with the 2017–2018 school year, except as otherwise provided.

C.S.H.B. 2804 repeals Sections 39.053(e) and 39.054(b), (d), and (d-1), Education Code.

### **EFFECTIVE DATE**

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2804 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0265 to read as follows:  
Sec. 39.0265. LOCAL ASSESSMENT

#### HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

REQUIRED FOR SCIENCE, SOCIAL STUDIES, AND WRITING. (a) To evaluate student achievement in science, social studies, and writing, each school district shall assess students as provided by this section.

(b) For purposes of school district assessment under this section, the commissioner by rule shall adopt an approved list of:

(1) for science and writing, assessment instruments; and

(2) for science, social studies, and writing, rubrics that establish criteria for selecting, compiling, and evaluating student-produced work, including specific major projects or a portfolio of assignments completed over the course of a school year.

(c) Each school district shall select and use for assessment purposes assessment instruments or rubrics, as appropriate, from the approved list under Subsection (b). For science and writing, a district may also use a norm-referenced assessment instrument that complies with Section 39.026. Each school district shall adopt a policy that requires the assessment of students:

(1) in science and writing using a selected assessment instrument or rubric:

(A) at least once during the period the student is enrolled in grades three through five; and

(B) at least once during the period the student is enrolled in grades six through eight; and

(2) in social studies, using a selected rubric:

(A) at least once during the period the student is enrolled in grades six through eight; and

(B) and least once during the period the student is enrolled in high school.

(d) The agency shall provide training in evaluating student-produced work under each approved rubric. A teacher or another person evaluating student-produced work for purposes of this section must complete the agency training before evaluating student-produced work under this section to ensure consistent application of evaluation criteria within an approved rubric.

(e) The commissioner may conduct random audits of locally conducted assessments under this section to ensure that the data produced is sufficiently reliable for purposes of reporting under Section 39.053(c)(2).

(f) To comply as necessary with federal law, the commissioner may submit assessment instruments, rubrics, and related materials approved under Subsection (b) to the United States Department of Education for peer review.

No equivalent provision.

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

(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, disparities in preparedness for success among students from different racial and ethnic groups and socioeconomic backgrounds; and

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

(c) School districts and campuses must be evaluated based on four domains of indicators [Indicators] of student

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 racial and ethnic groups and socioeconomic backgrounds; and

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

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

(c) School districts and campuses must be evaluated based on five domains of indicators [Indicators] of [student]

achievement adopted under this section that ~~[must]~~ include:

- (1) in the first domain, the results of:
- (A) reading and mathematics 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) ~~[(A)]~~ for the performance standard determined by the commissioner under Section 39.0241(a):
- (a) ~~[(i)]~~ the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and
- (b) ~~[(ii)]~~ for students who did not perform satisfactorily, 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 ~~[the agency]~~ under Section 39.034, ~~[on the assessment instruments,]~~ aggregated across grade levels by subject area; and
- (ii) ~~[(B)]~~ for the college readiness performance standard as determined under Section 39.0241:
- (a) ~~[(i)]~~ the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and
- (b) ~~[(ii)]~~ for students who did not perform satisfactorily, 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 ~~[the agency]~~ under Section 39.034, ~~[on the assessment instruments,]~~ aggregated across grade levels by subject area;
- (B) reading and mathematics assessment instruments required under Section 39.023(b), aggregated across grade levels by subject area, including:
- (i) 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; and

achievement adopted under this section that ~~[must]~~ 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) ~~[(A)]~~ for the performance standard determined by the commissioner under Section 39.0241(a)<sub>2</sub>~~;~~
- ~~[(i)]~~ the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and
- (ii) ~~[for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area; and~~
- ~~[(B)]~~ for the college readiness performance standard as determined under Section 39.0241<sub>2</sub>~~;~~
- ~~[(i)]~~ 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;

(ii) for students who did not perform satisfactorily, as determined by the performance standard adopted by the agency, 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

(C) Algebra I, English I, and English II end-of-course assessment instruments under Section 39.023(c), including the results of assessment instruments 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):

(a) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(b) for students who did not perform satisfactorily, 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:

(a) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(b) for students who did not perform satisfactorily, 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;

(2) in the second domain, the results of science, social studies, and writing assessment instruments and rubrics selected and used by school districts as provided by Section 39.0265;

(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 subject area;

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

(3) in the third domain:

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

- (i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;
- (ii) [~~3~~] high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);
- (iii) [~~4~~] the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high

(4) in the fourth domain:

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

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

- [~~2~~] dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;
- (ii) [~~3~~] high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);
- (iii) [~~4~~] the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high



school program;

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

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

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

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

~~(vii) [(B)] the percentage [number] of students who earn[:~~

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

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

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

~~(x) the percentage of students who earn [(ii) at least 30 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);~~

~~[(iii) an associate's degree; or~~

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

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

(i) student attendance;

(ii) the percentage of students who advance to the next grade level;

(iii) the number of student disciplinary incidents; and

(iv) for middle and junior high school campuses, dropout rates, computed in the manner described by Paragraph (A)(i); and

school program;

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

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

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

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

~~(vii) [(B)] the percentage [number] of students who earn[:~~

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

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

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

~~(x) the percentage of students who earn [(ii) at least 30 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);~~

~~[(iii) an associate's degree; or~~

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

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

(i) student attendance; and

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

(C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for

(4) in the fourth domain, three programs or specific categories of performance related to community and student engagement selected as provided by Section 39.0546.

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

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

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

(g) In defining the required state standard for the dropout rate indicator described by Subsections (c)(3)(A)(i) and (B)(iv) [Subsection (c)(2)], 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 Subsections (c)(3)(A)(i) and (B)(iv) [Subsection (c)(2)], the commissioner shall exclude:

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

(2) students who were previously reported to

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.

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

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

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

(g) In defining the required state standard for the dropout rate indicator described by Subsections (c)(4)(A)(i) and (B)(ii) [Subsection (c)(2)], 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 Subsections (c)(4)(A)(i) and (B)(ii) [Subsection (c)(2)], the commissioner shall exclude:

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

(2) students who were previously reported to

the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

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

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

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

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

No equivalent provision.

No equivalent provision.

the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

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

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

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

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

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

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

(b) This section expires September 1, 2016.

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

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district a performance rating of A, B, C, D, or F. In adopting rules under this subsection, the commissioner shall determine the criteria for each designated letter performance rating. A district performance rating of A, B, or C reflects acceptable performance and a district performance rating of D or F reflects unacceptable performance. The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. A district may not receive a performance rating of A if the district

includes any campus with a performance rating of unacceptable. Not later than August 15 [8] of each year, the performance rating of each district and campus shall be made publicly available as provided by rules adopted under this subsection. If a district or campus received a performance rating that reflected unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.

SECTION 3. Section 39.054, Education Code, is amended by adding Subsection (a-1) and amending Subsections (c), (d), (e), and (f) to read as follows:

*(See Subsection (a-1) below.)*

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

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall [a] performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Sections 39.053(c)(1)-(4). An overall or domain [an overall or domain] performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of [C, B, or] C reflects acceptable performance. An overall or domain [and a district] performance rating of D or F reflects unacceptable performance. [The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance.] A district may not receive an overall or domain [a] performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F [unacceptable]. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A or B or exemplary or recognized

performance.

*(See Subsection (a) above.)*

(a-1) In addition to the overall performance rating assigned to each school district and campus under Subsection (a), the commissioner shall assign each district and campus a separate rating for each domain under Section 39.053(c). For purposes of assigning an overall rating under Subsection (a), the commissioner by rule shall determine the appropriate weight to assign each domain to accurately reflect the overall performance of districts and campuses.

(a-1) For purposes of assigning an overall performance rating under Subsection (a), the commissioner shall attribute 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(c)(1)-(3), 35 percent of the performance evaluation to the achievement indicators for the fourth domain under Section 39.053(c)(4), and 10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(c)(5). The commissioner by rule shall adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus and is not compensated for by a performance rating of A, B, or C in another domain.

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

(c) In evaluating school district and campus performance on the student achievement indicator for student performance on reading and mathematics assessment instruments [indicators] adopted under Section [Sections] 39.053(c)(1) and the dropout rate indicator adopted under Sections 39.053(c)(3)(A)(i) and (B)(iv) [(2)], the commissioner shall define acceptable performance as meeting the state standard determined by the commissioner under Section 39.053(f) [39.053(e)] for the current school year based on:

(c) In evaluating school district and campus performance on the [student] achievement indicators for student performance on assessment instruments [indicators] adopted under Sections 39.053(c)(1) and (2) and the dropout rate indicator adopted under Sections 39.053(c)(4)(A)(i) and (B)(ii), the commissioner shall define acceptable performance as meeting the state standard determined by the commissioner under Section 39.053(f) [39.053(e)] 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.

(d) In evaluating performance under Subsection (c), the commissioner:

(1) may assign an acceptable performance rating if the campus or district:

(A) performs satisfactorily on 85 percent of the measures the commissioner determines appropriate with respect to the student achievement indicator for student performance on reading and mathematics assessment instruments ~~[indicators]~~ adopted under Section ~~[Sections]~~ 39.053(c)(1) and the dropout rate indicator adopted under Sections 39.053(c)(3)(A)(i) and (B)(iv) ~~[(2)]~~; and

(B) does not fail to perform satisfactorily on the same measure described by Paragraph (A) for two consecutive school years;

(2) may grant an exception under this subsection to a district or campus only if the performance of the district or campus is within a certain percentage, as determined by the commissioner, of the minimum performance standard established by the commissioner for the measure of evaluation; or

(3) may establish other performance criteria for a district or campus to obtain an exception under this subsection.

(e) Each annual performance review under this section shall include an analysis of the student achievement indicators adopted under Section 39.053(c) to determine school district and campus performance in relation to:

~~[(1)] standards established for each indicator~~; ~~and~~

~~[(2) required improvement as defined under Section 39.053(e)].~~

(f) In the computation of dropout rates under Sections 39.053(c)(3)(A)(i) and (B)(iv) ~~[Section 39.053(e)(2)]~~, a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility

- (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 student achievement indicators adopted under Sections 39.053(c)(1)-(4) ~~[Section 39.053(e)]~~ to determine school district and campus performance in relation to:

~~[(1)] standards established for each indicator~~; ~~and~~

~~[(2) required improvement as defined under Section 39.053(e)].~~

(f) In the computation of dropout rates under Sections 39.053(c)(4)(A)(i) and (B)(ii) ~~[Section 39.053(e)(2)]~~, a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility

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

SECTION 4. Sections 39.0545(b) and (c), Education Code, as added by Chapter 167 (S.B. 1538), Acts of the 83rd Legislature, Regular Session, 2013, are amended.

SECTION 5. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0546 to read as follows:

Sec. 39.0546. EVALUATION OF PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT.

(a) For purposes of evaluating campuses and districts under Section 39.053(c)(4) and assigning ratings under Section 39.054(a-1), each school district shall select and report to the agency three programs or categories under Section 39.0545(b)(1), as added by Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular Session, 2013, under which campuses and the district will be evaluated.

(b) Each district shall submit to the agency the relevant data to evaluate the campuses and district.

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

SECTION 6. Substantially the same as introduced.

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

Sec. 39.0546. PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT AS COMPONENT OF OVERALL DISTRICT AND CAMPUS RATING.

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

(1) each school district shall:

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

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

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

(2) each campus shall:

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

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

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

(b) Based on the evaluation under this section, each school district shall assign the district and each campus shall assign the

campus a performance rating of A, B, C, D, or F, for both overall performance and for each program or category evaluated. An overall or a program or category performance rating of A reflects exemplary performance. An overall or a program or category performance rating of B reflects recognized performance. An overall or a program or category performance rating of C reflects acceptable performance. An overall or a program or category performance rating of D or F reflects unacceptable performance.

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

No equivalent provision.

SECTION 8. Section 11.252(a), Education Code, is amended to read as follows:

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

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

(2) measurable district performance objectives for all appropriate [student] achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student



performance that may be identified through the comprehensive needs assessment;

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

- (A) instructional methods for addressing the needs of student groups not achieving their full potential;
- (B) methods for addressing the needs of students for special programs, including:
  - (i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;
  - (ii) conflict resolution programs;
  - (iii) violence prevention programs; and
  - (iv) dyslexia treatment programs;
- (C) dropout reduction;
- (D) integration of technology in instructional and administrative programs;
- (E) discipline management;
- (F) staff development for professional staff of the district;
- (G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and
- (H) accelerated education;

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

- (A) higher education admissions and financial aid opportunities;
- (B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;
- (C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and
- (D) sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

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

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

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

(9) the policy under Section 38.0041

addressing sexual abuse and other maltreatment of children.

No equivalent provision.

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

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

(d) Each campus improvement plan must:

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

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

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

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

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

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

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

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

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

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

- (B) student academic performance data;
- (C) student attendance rates;
- (D) the percentage of students who are educationally disadvantaged;
- (E) the use and success of any method to ensure that students participate in moderate to vigorous physical activity as required by Section 28.002(1); and
- (F) any other indicator recommended by the local school health advisory council.

No equivalent provision.

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

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

No equivalent provision.

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

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

No equivalent provision.

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

- (a-8) A school district or open-enrollment charter school may, for its own use in determining whether students are performing at a satisfactory level, administer to a student at the appropriate grade level, other than a student required to be assessed, an assessment instrument developed for purposes of Subsection (a-4), (a-5), or (a-6). At the request of a district or open-enrollment charter school, the agency shall provide, allow for the administration of, and score each assessment instrument administered under this subsection in the same manner and at the same cost as for

assessment instruments required to be administered under the applicable subsection. The results of an assessment instrument administered under this subsection may not be included as an indicator of [student] achievement under Section 39.053 or any other provision.

No equivalent provision.

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

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

(1) shall evaluate and consider:

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

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

(2) may evaluate and consider:

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

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

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

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

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

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

No equivalent provision.

SECTION 14. 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 39.054(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 school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other ~~[student]~~ achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

No equivalent provision.

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

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

No equivalent provision.

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

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

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

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

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

- (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
- (5) arrange an on-site investigation of the district;
- (6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;
- (7) appoint a conservator to oversee the operations of the district;
- (8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;
- (9) if a district has a current accreditation status of accredited-warned or accredited-probation, fails to satisfy any standard under Section 39.054(e), or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;
- (10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has failed to satisfy any standard under Section 39.054(e), or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:
  - (A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or
  - (B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter; or
- (11) if a district has failed to satisfy any standard under Section 39.054(e) due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:
  - (A) ordering the development of a dropout prevention plan for approval by the commissioner;
  - (B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of

dropping out of school, as defined by Section 29.081;  
(C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and  
(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

No equivalent provision.

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

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

No equivalent provision.

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

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

No equivalent provision.

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

(b) The report card shall include the following information:  
(1) where applicable, the ~~[student]~~ achievement indicators described by Section 39.053(c) and the reporting indicators described by Sections 39.301(c)(1) through (5);  
(2) average class size by grade level and subject;  
(3) the administrative and instructional costs per student, computed in a manner consistent with Section 44.0071; and  
(4) the district's instructional expenditures ratio and instructional employees ratio computed under Section 44.0071, and the statewide average of those ratios, as determined by the commissioner.

No equivalent provision.

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

(2) The report must contain an evaluation of

the status of education in the state as reflected by:

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

(B) the reporting indicators described by Section 39.301.

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

SECTION 6. Sections 39.053(e) and 39.054(b), Education Code, are repealed.

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

SECTION 7. This Act applies beginning with the 2016-2017 school year.

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

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

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

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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