

SUBJECT: Public school accountability and graduation program changes

COMMITTEE: Public Education — committee substitute recommended

VOTE: 9 ayes — Eissler, Hochberg, Allen, Aycock, Farias, Jackson, Patrick, Shelton, Weber

0 nays

2 absent — Dutton, Olivo

WITNESSES: *(On original bill:)*  
For — David Dunn, Texas Charter Schools Association; Roy Larson, Richard Middleton; *(Registered, but did not testify: Ed Sterling, Texas Press Association and Texas Daily Newspaper Association)*

Against — Maria Emerson; Zenobia Joseph, A+ Writers Consulting, LCC; Susan Moffat, Save Texas Schools and Livable City; Allen Weeks, Save Texas Schools; *(Registered, but did not testify: Yannis Banks, Texas NAACP)*

On — David Anthony, Texas School Alliance; Angela Baker, Austin Interfaith and Texas IAF; Debra Balthazar, TMO and Texas IAF Network; Jerry Bonham, Association of Texas Professional Educators; Laurie Briker, Texas Higher Education Coordinating Board; Holly Eaton, Texas Classroom Teachers Association; Harley Eckhart, Texas Elementary Principals and Supervisors Association; Mike Falick, Spring Branch ISD; Luis Figueroa, Mexican American Legal Defense and Educational Fund; John Fitzpatrick, Texas High School Project and Community Foundation of Texas; Robert Floyd, Texas Coalition for Quality Arts Education; John Folks, Texas Association of School Administrators; Edward Fuller; Emmanuel Garcia, Texas Center for Education Policy; Bill Hammond and Sandy Kress, Texas Association of Business; Melinda Harrington, Texas Association of School Boards; Julian Heilig; Regina Hinojosa, Austin Interfaith and Texas IAF; Linda Holcombe, Texas Industrial Vocational Association; Judith Hutchinson; Richard Kouri, Texas State Teachers Association; Patricia Lopez, Texas Center for Education Policy; Ted Melina Raab, Texas-AFT; Mike Meroney, Texas Association of Manufacturers; Kathy Miller, Texas Freedom Network; Raymund

Paredes, Texas Higher Education Coordinating Board; Chris Patterson, Military Child Education Coalition; Bill Ratliff, Raise Your Hand Texas; Andrew Scheberle, Austin Chamber of Commerce; Rod Schroder, Texas School Alliance; Steve Swanson; Brooke Terry, Texas Public Policy Foundation; Angela Valenzuela, Texas Center for Education- UT Austin; Mary Whiteker, Texas Association of Community Schools; Jim Windham, Texas Institute for Education Reform (*Registered, but did not testify*: Becky Bunte, Texas Association of School Business Officials; Jose Guerrero, Austin Interfaith and Texas IAF; Eric Hartman, Texas AFT; Lynn Moak, Texas School Alliance; Edna Molina, COPS/METRO and Technology Association of Texas; Robin Painovich, Career and Technology Association of Texas; Hector Rivero, Texas Chemical Council; Paul Ruiz, Texas Coalition for a Competitive Workforce; Gwendolyn Santiago, Texas Association of School Business Officials; Karen Soehnge-Garza, Houston ISD, Dallas ISD, Fort Worth ISD, Austin ISD, Corpus Christi ISD, San Antonio ISD; Gerald Young, Agriculture Teachers Association) (*On committee substitute: Registered, but did not testify*: David Anderson, Texas Education Agency; Criss Cloudt, Texas Education Agency)

**BACKGROUND:** **SCHOOL DISTRICT ACCREDITATION.** Each year the commissioner of education assigns a status of accredited, accredited-warned, or accredited-probation to each public school district based on financial and academic performance standards. If a school district is not accredited, then the district may not receive money from the state. Based on the same standards, the accreditation system also labels districts as exemplary, recognized, academically acceptable, or academically unacceptable. The Texas Education Agency (TEA) may conduct investigations of any district with excessive absences, exemptions, alternative education placements, or compliance reviews.

**PUBLIC SCHOOL ACCOUNTABILITY SYSTEM.** The public school accountability system evaluates schools and school districts by measuring student retention and students' knowledge of core subjects. Each school, and subsequently each district as a whole, receives a performance rating of exemplary, recognized, academically acceptable, or academically unacceptable. An academically unacceptable rating leads to intervention by the TEA and possible sanctions. A minimum percentage of students in a particular school must pass each portion of the TAKS in order for the school to be rated academically acceptable or higher. In addition, each of several student groups — including African-American, Hispanic,

Caucasian, and economically disadvantaged students — that meets minimum size requirements must meet minimum passing standards for each portion of the TAKS in order for the school to be rated academically acceptable. Individual student passing standards — the number of questions a student must answer correctly — vary slightly each year. To ensure comparability from year to year, the TEA determines yearly the passing standard for each portion and grade level.

For a high school to be rated academically acceptable or higher, in addition to meeting TAKS expectations, a school must have a “completion rate” of at least 75 percent. The completion rate is the percentage of students who graduated with their class or earlier, or who have re-enrolled as continuing students. For a middle school to be rated academically acceptable or higher, it must maintain an annual dropout rate of 1 percent or less for students in grades 7 and 8, in addition to meeting TAKS expectations.

Sanctions become more severe for each consecutive year a school is rated as academically unacceptable. A school rated academically unacceptable may earn an academically acceptable rating and avoid further sanctions by having an acceptable graduation rate (middle schools) or completion rate (high schools), meeting passing standards in all four areas of the TAKS (English/language arts, social studies, mathematics, and science), or demonstrating required improvement on the TAKS. A school demonstrates required improvement by showing enough improvement since the previous school year on the deficient TAKS measures to meet the current year accountability standard in two years.

The first year a school is rated as academically unacceptable, the commissioner of education must choose one of several options provided in the Texas Education Code, but the law becomes increasingly prescriptive for subsequent years, culminating in closure of the campus. The school district to which the academically unacceptable campus belongs must pay from its existing budget for the cost of complying with sanctions.

*First year.* For the first year a campus is rated academically unacceptable, the commissioner may permit the campus to redesign itself or may take one or more of the following actions:

- issue public notice of the deficiency to the district's school board;
- order the district's school board to notify the public of the rating, of improvements necessary to become academically acceptable, and of the sanctions that may be imposed if the campus does not improve, and hear public comment on steps being taken to improve the campus;
- order the school district to submit a report about the level of parental involvement at the school and strategies to improve parental involvement;
- order the school district to report to TEA on the effectiveness of the district and of campus-level planning and decision-making committees and of a plan detailing strategies to improve these committees;
- order the school district to prepare a school improvement plan to address each academic excellence indicator for which the campus was rated unacceptable, with the district having to implement the plan upon its approval by the commissioner;
- order a hearing at which the president of the school board, the superintendent, and the campus principal would appear to explain to the commissioner the school's low performance, lack of improvement, and plans for improvement; or
- appoint a campus intervention team.

*Second year.* The second consecutive year a school is rated academically unacceptable, it must be reconstituted and assigned a campus intervention team. The campus intervention team helps develop and implement a reconstitution plan, which must be approved by the commissioner. A reconstitution plan involves significant change in the way the school conducts business, such as removing faculty or instituting or eliminating a block schedule. A block schedule increases the time spent in each class by decreasing the number of classes a student has in one day. The most common type of block schedule would give students "A" and "B" days, with the student attending certain classes on "A" days and other classes on "B" days. During the development of a reconstitution plan, campus administration, under the advisement of the TEA, might discover that 45 minutes of instruction in mathematics was insufficient and move to a block schedule to devote 90 minutes of instruction to mathematics. Also, if a school principal has been assigned to the campus for the full two years the campus was rated academically unacceptable, then the principal must be removed. Math, reading, science, writing, English/language arts, and social studies teachers must be removed from the campus unless the

campus intervention team determines that students taught by the teacher exhibit a pattern of significant academic improvement. In addition to mandated sanctions, the commissioner may appoint a conservator, monitor, management team, or a board of managers to oversee the campus and district.

*Third year.* After the third year a campus is rated academically unacceptable, the commissioner reviews the progress the campus has made. If the commissioner determines that the campus is not fully implementing the reconstitution plan, then the commissioner may pursue alternative management or order the closure of the school.

*Fourth year.* After the fourth consecutive year a campus is rated academically unacceptable, either alternative management or the closure of the campus is required. If the commissioner determines that a specific condition resulted in the high school's academically unacceptable rating, the commissioner may issue a one-year waiver from closure or alternative management, allowing the campus to contract for "targeted technical assistance" and avoid closure or alternative management. Examples of targeted technical assistance would be a math specialist helping where the commissioner determined the school was deficient in math or a school change specialist providing help if school administrators did not know how to redesign a school.

*Fifth year.* After the fifth consecutive year a campus is rated academically unacceptable, alternative management or closure is required.

**GRADE PROMOTION.** Students in 3rd, 5th, and 8th grades must pass the TAKS in order to move to the next grade level. If a student does not pass the TAKS, the student may retake the test two more times. The student also is given supplemental instruction in the time periods between attempts. There are several modified versions of the TAKS to compensate for students' disabilities or limited English proficiency. If a student does not pass the state assessment after three attempts, the student may not be promoted to the next grade level. A parent is allowed to appeal this decision. A grade placement committee consisting of the school principal, the student's parent or guardian, and the student's teacher may promote the student to next grade despite the student's failure to adequately perform on the assessment.

**UNIFORM GPA.** HB 3851 by Morrison, enacted by the 80th Legislature in 2007, required the Texas Higher Education Coordinating Board to create a standard method of determining high school student grade point averages (GPA) for admission to a Texas public university. The coordinating board asked the attorney general for an opinion on the scope of the law when it became clear that not all stakeholders interpreted the law in the same manner. In particular, the coordinating board asked for clarification on whether school districts were required to use the standard method of calculation and whether or not the coordinating board had the latitude to provide a transition period for implementation of the standard method of calculation. The attorney general determined, in Opinion No. GA-0655, August 26, 2008, that the standard GPA calculation must be used by the school districts for purposes of public university admissions and that the coordinating board has the latitude to implement this legislation in a manner that does not retroactively impact students already in public high schools.

**DIGEST:**

CSHB 3 would amend high school graduation program specifications, the procedure by which students are promoted from one grade level to the next, the standards by which schools and school districts are held accountable both financially and academically, the way in which schools and school districts report data to TEA, and the way in which the data are disseminated. The bill would amend the public school mission to include striving for student performance—disaggregated by race, ethnicity, and socioeconomic status—to rank in the top 10 nationally in terms of college readiness by 2019-20.

**HIGH SCHOOL GRADUATION PROGRAMS**

CSHB 3 would prohibit the State Board of Education (SBOE) from designating specific enrichment courses that had to be taken or a specific number of enrichment course credits that had to be achieved to fulfill requirements under the recommended high school program. The SBOE would designate specific foundation courses that would have to be taken and a specific number of foundation courses that would have to be taken under the minimum, recommended, and advanced high school programs.

The SBOE would have to adopt rules to allow courses offered under the foundation curriculum or the enrichment curriculum to simultaneously satisfy more than one course credit necessary for graduation. SBOE would be required to adopt rules to authorize school districts to implement a

program under which students in middle or junior high school could earn credits toward high school graduation for any course that SBOE determined to qualify as a high school equivalent.

The commissioner would have to adopt standards to evaluate school district programs for gifted and talented students to determine whether a district operated a program in accordance with the Texas Performance Standards Project or another program approved by the commissioner that met the requirements of the state plan for the education of gifted and talented students.

*GPA calculation.* The bill would repeal the authority of the Texas Higher Education Coordinating Board to adopt a uniform grade point average calculation for university admission.

**Minimum high school graduation program.** A student could not graduate under the minimum high school plan unless the student was at least 16 years old, had completed the credits necessary for the 10th grade under the recommended or advanced high school programs, had failed to have been promoted to the 10th grade one or more times, and the student's parent or guardian and a school administrator had approved. A parent or guardian would not be able to consent until the school district provided written notice in both English and Spanish explaining the benefits of the recommended high school program. This bill would require that a parent or guardian sign written confirmation that notification was received.

A student under the minimum program would have to perform satisfactorily, as determined by the commissioner of education, on the Algebra I and English III end-of-course exams in order to receive a high school diploma. A student who did not perform satisfactorily would have to retake the exam. If the student's performance did not meet college readiness performance standards, the student could take the exam again. The school district would have to offer accelerated instructional opportunities to any student who did not perform satisfactorily.

**Recommended and advanced high school graduation programs.** CSHB 3 would amend the specific courses and course credits required to graduate under the recommended and advanced courses. The bill would retain the requirement that all students complete four years of mathematics, science, English language arts, and social studies. It would amend the social studies requirement to include at least one-half credit of

government and at least one-half economics credit, and would require two credits of a language other than English and eight elective credits. The new requirements for these programs would apply to students entering the 9th grade beginning in the 2011-12 school year.

A student under the recommended or advanced program would have to perform satisfactorily, as determined by the commissioner of education, on the end-of-course exams only for Algebra II and English III in order to receive a high school diploma. A student who did not perform satisfactorily would have to retake the exam. If the student's performance did not meet college readiness performance standards, the student could take the exam again, but it would not be required. The school district would have to offer opportunities for accelerated instruction to any student who did not perform satisfactorily.

**Career and Technical.** The bill would authorize SBOE to approve career and technical courses that would satisfy the mathematics and science course credit requirements under the recommended or advanced high school programs and in which a student could enroll after completing Algebra II and physics. These courses would earn a student dual credit for high school and college and satisfy a mathematics or science requirement under the recommended or advanced high school program.

**Course development.** A school district would apply to TEA to offer a career and technical course that would satisfy requirements under the recommended or advanced high school programs and would have to reapply every three years. An application would include a detailed description of the course, the curriculum, the instructional materials, and any required equipment as well as any other information required by the SBOE. If the SBOE did not communicate otherwise with the school district by the 180th day after the date of submission, then the course would be considered approved.

**Course development grant.** The bill would permit an appropriation of no more than a total of \$10 million per biennium for the commissioner of higher education, in conjunction with the comptroller and the Texas Workforce Commission, to award grants of no more than \$1 million to an institution of higher education to develop advanced mathematics and science courses. The institution would work in collaboration with at least one school district and a business entity to prepare high school students for employment or additional training in a high-demand occupation.



Participating business entities would be required to contribute funds or property to be used in the course equaling the value of the grant awarded to the school district. The commissioner of higher education, in conjunction with the comptroller and the Texas Workforce Commissioner, would develop application criteria and award grants, giving priority to courses that would prepare students for high-demand, high-wage, and high-skill occupations; would be transferable to multiple institutions of higher education; and would be developed as a part of a sequence of courses with readily available instructional materials at nominal cost. The bill would require these courses to be reviewed and revised as necessary every four years.

**College readiness performance standards.** CSHB 3 would define college readiness as the level of preparation necessary for a student to enroll and succeed without remediation in an entry-level English language arts or mathematics course for credit towards a baccalaureate or associate degree program.

In addition to passing standards, each scholastic assessment would have a college readiness performance standard. Before the 2012-13 school year, the commissioner of education would research and establish college readiness performance standards across grades 3-12, including the Algebra II and English III end-of-course exams. Beginning with the 2011-12 school year, Algebra II and English III end-of-course assessments would have to be developed to measure college readiness.

Before the 2012-13 school year, TEA would be required to report to the lieutenant governor, the speaker of the House of Representatives, and the clerks of the standing committees pertaining to public education the feasibility of implementing college readiness performance standards for the science and social studies end-of-course exams and report all findings pertaining to college readiness and college readiness performance standards.

Students who met the college readiness performance standard on both the Algebra II and English III end-of-course exams and completed either the recommended or advanced program would not be required to take assessments given by an institution of higher education to assess a student's ability to perform in a freshman-level course.

*Periodic Review of Standards.* The commissioner would collect data every three years to assess the correlation between student performance and college readiness and if necessary adjust the college readiness performance standards. TEA would assess and compare the college readiness standards in Texas to other states and countries to ensure academic rigor and competitiveness. TEA would report its findings to the lieutenant governor, the speaker of the House of Representatives, and the clerks of the House and Senate standing committees pertaining to public education, and if necessary recommend changes to the college readiness performance standards.

### **GRADE PROMOTION**

School districts would be required to determine by the first day of the school year the requirements for students to be promoted to the next grade. School districts would consider a student's performance on assessments, teacher recommendation, a student's grade in each subject area, and any other information a school districts deemed important.

A student who failed to pass the 3rd grade reading assessment, 5th grade mathematics or reading assessment, or 8th grade mathematics or reading assessment would be provided one additional opportunity to pass, and then a school district would be required to provide accelerated instruction to the student.

This bill would require a school district to inform a parent or guardian, the student's teacher, and the student's teacher in the next grade level of:

- the requirements as determined by the school district to be promoted to the next grade;
- required areas of improvement for the student to meet requirements to advance to the next grade level; and
- any other applicable information as determined by the school district.

*Grade placement committees.* If a student in 3rd, 5th, or 8th grade failed to meet the requirements for student advancement, then a grade placement committee, including the principal, the student's parent or guardian, and one of the student's teachers would be established by the school district. This committee would determine whether the student was to be retained in the same grade for the next school year or placed in the next grade level

with accelerated instruction. If a student failed the assessment and did not participate in accelerated instruction, the student could not be promoted to the next grade level. A parent or guardian could appeal the decision of the grade placement committee, and the district would have to provide written notice of a parent's right to appeal.

***Accelerated instruction.*** All accelerated instruction would have to:

- provide instruction in the subject area in which the student did not perform satisfactorily;
- be approved by the student's parent or guardian and the district;
- be systematic;
- not be based solely on assessment instrument practice skills; and
- have no more than 10 students per teacher in each class.

## STATE ASSESSMENT INSTRUMENTS

TEA would be required to develop state assessments that could provide reliable information relating to each student achievement indicator and provide an appropriate range of performance to serve as a valid indication of growth in student achievement. CSHB 3 would prohibit a separate section dedicated to testing college readiness; these questions would be integrated within the assessment.

***Limited English Proficiency.*** The exemption from taking an assessment instrument provided for certain students with limited English proficiency would be lengthened to five years.

The bill no longer would permit state assessments to be administered by computer and would no longer require school districts to use a new assessment every three years. The bill would repeal the requirement that any student failing to meet performance standards for an end-of-course exam receive accelerated instruction.

## SCHOOL DISTRICT ACCREDITATION

The commissioner would set and biannually review the indicators used to measure district academic and financial performance. Each school district would be assigned an accreditation status of accredited, accredited-

warned, and accredited-probation. CSHB 3 would exempt the performance of students confined by court order to the Texas Youth Commission or a like facility from consideration for accountability purposes. The bill would exempt students ordered to GED programs from being counted as a dropout. A school district would be accredited based on the percentage of students meeting passing standards on assessments as well as the percentage of students meeting college readiness performance standards.

***Accredited-warned.*** A district would be placed on accredited-warned status if the district had been assigned an accreditation status lower than accredited for fewer than three school years.

***Accredited-Probation.*** A district would be placed on accredited-probation status if the district had been assigned an accreditation status lower than accredited for three to five school years. If the district were below on any standard, then the district would be rated accredited-warned.

## **FINANCIAL ACCOUNTABILITY**

CSHB 3 would require open-enrollment charter schools to meet financial accountability expectations. This bill would repeal the rule that 65 percent of a district's budget must be spent for instructional purposes, and would prohibit any proscription of funds appropriated to school districts and open-enrollment charter schools.

***Cost-effective operations.*** The comptroller would identify school districts and campuses that used resource allocation practices that contributed to high academic achievement and cost-effective operations by integrating and evaluating existing academic and financial data, then ranking school districts based upon this evaluation and indentifying potential areas for improvement.

***Financial Solvency.*** The commissioner, in consultation with school district and open-enrollment charter school financial officers, would have to develop a process to review annually the financial solvency of all school districts and open-enrollment charter schools. A template would be developed by which districts and charter schools would submit data. If a deficit within five years were projected for a district, the district would submit to TEA a new budget that would resolve the deficit. A district would be rated accredited-warned if the district did not submit a plan,

failed to have its plan approved, failed to comply with the approved plan, or in a subsequent year TEA found that the plan would not avoid the projected deficit.

### **CAMPUS AND DISTRICT PERFORMANCE RATINGS**

The commissioner would rate each campus, open enrollment charter school, and school district to reflect acceptable performance, unacceptable performance, and performance eligible for distinction based on established standards and student achievement indicators, which would include student performance in the current year and student performance averaged over the current school year and the preceding two years. In addition to high school graduation rates and dropout rates, these performance indicators would include:

- assessment data, including the results of assessments required for graduation that were retaken by a student;
- percentage of students who performed satisfactorily, aggregated across grade levels by subject area;
- percentage of students who did not perform satisfactorily, aggregated across grade levels by subject area;
- the percentage of students who met the standard for annual improvement, aggregated across grade levels by subject area;
- percentage of students who performed satisfactorily on college readiness performance standards, aggregated across grade levels by subject area; and
- the percentage increase from school year to school year in students who performed satisfactorily or who met annual improvement.

*Annual Improvement.* TEA would have to determine the necessary annual improvement required for a student to be prepared to perform satisfactorily on grades 5 and 8 assessments.

*Acceptable rating.* A campus or district would have to indicate satisfactory performance on at least 85 percent of student achievement indicators in addition to criteria established by the commissioner to earn an acceptable rating. A campus or district earning an acceptable rating could not fail to perform satisfactorily on the same indicator in two consecutive years.

***Unacceptable rating.*** The commissioner would notify a campus earning a rating of unacceptable performance by June 15. TEA would have to conduct an investigation into a significant pattern of increased student dropout rates or decreased academic performance as the result of the promotion of students who did not perform satisfactorily on assessment instruments. As a result of an investigation, the commissioner could lower the district accreditation or campus and district accountability rating.

**Distinction designations.** The commissioner would establish a distinction designation committee for an area in which a campus or district could earn distinction. Each committee would consist of professionals in the area of distinction, individuals with subject matter expertise, and community and business leaders. The governor, the lieutenant governor, and the speaker of the House each would be able to appoint an individual to the committee. Each committee would develop criteria for a distinction designation subject area by identifying a variety of indicators for measuring excellence relevant to the area of distinction, the grade level of the program, and the student enrollment at the campus.

A campus earning a distinction designation would be exempt from requirements and prohibitions of state law pertaining to that area. If a campus was ranked in the top 25 percent of all state campuses in annual student improvement, then the campus would earn a distinction for outstanding achievement in individual student growth. A campus would be awarded a distinction designation if:

- the campus met performance standards on all student achievement indicators;
- the campus demonstrated an ability to significantly close the achievement gap between student subpopulations; or
- demonstrated significant academic achievement in English language arts, mathematics, science, social studies, fine arts, physical education, 21st century workforce development programs; or second language acquisition.

## **INTERVENTIONS AND SANCTION**

Campus interventions and sanctions would begin the first year a campus was given an unacceptable rating and continue until the campus met performance standards on all student achievement and financial indicators.

If the campus implemented intervention measures substantially similar to federal accountability requirements, the commissioner could accept those measures as sufficient for the purposes of the state accountability system.

***Public Hearing.*** The commissioner could order a hearing at which the president of the school district board of trustees, the superintendent, and the campus principal would appear to explain to the commissioner the school's low performance, lack of improvement, and plans for improvement.

***Campus Improvement Plan.*** A campus or charter school would be required to develop a campus improvement plan to address the areas in which the school was not projected to meet performance standards the following year.

The bill would exempt a principal from the school principal leadership pilot program who was not employed as principal the academic year for which the campus earned an academically unacceptable rating. This exemption would apply only to a school rated academically unacceptable during the 2008-09 school year.

***Campus Intervention Team.*** A campus intervention team would be assigned to any campus that did not meet performance standards on any indicator. The team would provide targeted assistance in the areas in which the school did not meet performance standards and would recommend action and assist in the development of a targeted improvement plan. The team would assist the campus to submit the plan to the school district board of trustees, would assist the campus to present the plan at a public hearing held by the school district board of trustees, and would assist the school administration to submit the plan to the commissioner. The team would remain with the school until all academic performance standards were met, updating the targeted improvement plan as necessary.

***Reconstitution.*** If a campus were rated unacceptable for two consecutive years, the commissioner would order the campus be reconstituted. The commissioner could waive reconstitution for one year if the commissioner determined that significant improvement in student performance over two years indicated that the campus was likely to be rated acceptable the following year.

A reconstitution plan would have to involve significant change in the way the school conducted business. A school principal who had been assigned to the campus at the time for which the campus did not meet performance standards could not be retained unless the school district determined it was appropriate to do so.

The bill would keep the requirement that all math, reading, science, writing, English/language arts, and social studies teachers be removed from the campus unless the campus intervention team determined that students taught by the teacher exhibited a pattern of significant academic improvement. The commissioner would retain the ability to appoint a conservator, monitor, management team, or a board of managers to oversee district-level support to low-performing campuses and the implementation of the targeted improvement plan.

For each subsequent year the campus maintained unacceptable status, the campus intervention team would assist the school administration to revise annually the targeted improvement plan. If the commissioner determined that the campus did not fully implement the targeted intervention plan and students failed to demonstrate substantial improvement, then the commissioner could pursue alternative management, repurpose the campus, or order the closure of the campus.

***Repurpose or closure of a campus.*** Should the campus maintain an unacceptable rating for three consecutive years, then repurposing the campus, alternative management, or closure would be required. The commissioner could waive this requirement for one year if the students demonstrated improvement. The campus decision-making committee of a charter school would serve as the technical assistance team.

If the commissioner ordered repurposing of a campus, the school district would develop a comprehensive plan— which would not be required to include a name change— and submit the plan to the board of trustees for approval and to the commissioner for approval. The plan would have to include a description of a rigorous and relevant academic program for the campus. All students in the assigned attendance zone of the campus in the school year immediately preceding the repurposing of the campus would be provided the opportunity to enroll in another campus. The bill would retain the requirement that the principal could not be retained at the campus and that at least 75 percent of the teachers employed at the



campus could not be retained at the campus, unless the commissioner granted a waiver.

The bill would no longer specify that an alternative management entity be a nonprofit organization. Any qualified entity could apply for alternative management of a public school.

## **DATA COLLECTION AND REPORTING**

CSHB 3 would require TEA to establish and maintain a secure and interoperable student assessment data portal for use by school districts, teachers, parents, students, and public institutions of higher education. This portal would:

- contain student performance data on assessments, including for the 2007-2008 school year;
- contain data indicating progress in student achievement;
- allow data to be compared at the campus, district, and state level;
- be easily accessible to a parent or guardian to view an individual student's assessment data and to track a student's progress toward graduation;
- be easily accessible to a teacher or school district employee to view the assessment data of student's within the district to develop strategies to improve student performance;
- provide general student assessment data is easily accessible to the public; and
- contain information updated before the beginning of each school year.

TEA would have to prepare an annual report for school districts and a report card for each campus within each school district. School districts would have to prepare an annual report for the parents of students at each campus within the school districts and an annual report for teachers describing student academic performance. Reports would have to include data pertaining to student performance on each achievement indicator including:

- percentage of students graduating under the recommended high school program;
- SAT and ACT student scores;

- quality and number of students participating in workforce training and postsecondary certification programs;
- students who did not perform satisfactorily on an assessment, aggregated across grade levels by subject area;
- percentage of students, aggregated across grade levels, receiving accelerated instruction;
- percentage of students, aggregated across grade levels, promoted to the next grade by a grade promotion committee and the performance of those students on achievement indicators the following year;
- percentage of limited English proficiency students exempted from assessment;
- percentage of special education students exempted from assessment;
- measure of progress toward college readiness;
- measure of progress toward dual language proficiency;
- percentage of students not economically disadvantaged; and
- percentage of graduating students that enroll at an institution of higher education in the school year immediately after graduation.

By January 1, 2010, TEA would be required to have developed a transition plan to implement the requirements of the bill. CSHB 3 would prevail over another act of the 81st Legislature to the extent of any conflict.

Unless otherwise specified within the bill, it would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

CSHB 3 would facilitate a true educational continuum for public school students from pre-school through higher education. State assessments would be aligned with grade levels and with college readiness.

In 2007, 33 percent of students who graduated with the recommended high school diploma went through remediation in one or more classes upon entering an institution of higher education. That same year, 11 percent of students who graduated under the distinguished high school diploma plan went through remediation upon entering an institution of higher education. CSHB 3 would give the parents and employers of Texas assurance that graduates are college- or workforce-ready upon graduation.

The bill would give students more flexibility in coursework to pursue their individual interests, while still ensuring a quality education. Having multiple pathways with equal rigor would be important to help each student reach his or her full potential.

**Growth measures.** The current system does not account for the diversity of the student population or student progress because it holds all schools to the same standard, despite diverse student populations. By contrast, a growth measure system would credit districts for individual student performance improvement, while also accounting for individual student and district characteristics. A growth model would acknowledge that a child who has fallen behind typically requires more than one academic year to catch up to that child's peers.

**Data collection.** The current system collects copious data but does not disseminate the information in a coherent or useful manner. CSHB 3 would implement a system that would be more diagnostic, transparent, and easier to use.

**Accountability for districts, campuses, and charter schools.** The bill would provide for both academic and financial accountability. The financial accountability system would indicate to school districts early if their financial plans required adjustment to prevent problems in future years. The bill also would give Texas a more transparent and understandable accountability system. The new system would move away from labeling schools, but would maintain an accreditation component.

CSHB 3 would allow campuses to earn distinction designations based on output indicators instead of process indicators, such as a learning environment indicator. A process indicator would not provide useful feedback because if the student has a high-quality learning environment but underperforms, there is no reason to reward the learning environment. If process indicators had high value, the result would be shown through an output indicator.

*Interventions and sanctions.* The bill would make interventions and sanctions more effective and would allow adequate time to implement changes and demonstrate improvement. For example, a principal new to a campus who was not responsible for the rating of the previous academic year should not be required to attend training solely based upon that rating. Under the bill, that new principal no longer would have to attend

leadership training that removed the principal from campus for extended periods of time, preventing the principal from adequately performing job duties.

**Electives.** Claims that this bill would reduce the number of fine arts courses offered in Texas are unfounded. The bill would not release districts from their obligation to offer fine arts classes, but it would provide student and parent choice.

**Lower high-stakes testing.** Claims that the bill would maintain high-stakes testing are unfounded because it would lower significantly the number of tests students are required take. Students no longer would be required to pass a test to move to the next grade level, which would lessen the pressure students currently feel. The bill would reduce the number of exit level exams a high school student must pass in order to receive a diploma. A student would be required to pass two, Algebra II and English III, whereas now a student must pass each subject area of the TAKS to graduate high school.

OPPONENTS  
SAY:

This bill represents a missed opportunity to address mistakes made in the past. It would not ensure that students acquired the knowledge and skills in each core subject area to succeed in college, career training, or the workforce, which in turn would ensure that students had the basic knowledge and skills to become “trainable” in a variety of fields. While Algebra II and English III can be a proxy for college and career readiness in their respective subject areas, meeting college readiness on those two end-of-course exams alone would not demonstrate the knowledge to succeed in all areas after high school.

**High-stakes testing.** While the bill would remove the passing requirements for grade promotion, student performance on tests still would drive the accountability system. This bill would retain the emphasis on one test throughout elementary and middle school, as well as required performance standards on end-of-course exams. The system under CSHB 3 still would be high-stakes testing, which results in teaching to the test at the expense of other necessary curriculum, such as critical thinking, analytical skills, and reading comprehension.

**Grade promotion.** This bill would not hold school districts accountable for students who failed state assessments repeatedly and still were promoted to the next level. Seventy-seven percent of students who do not

pass the state assessment fail the assessment in the grade level to which they were promoted. Requiring an investigation is not enough. The bill should mandate consequences, such as requiring school districts and schools to post the percentage of such students who subsequently failed state assessments or dropped out after being promoted to the next grade level, despite failing the state assessment.

**Accreditation ratings and performance standards.** The agency needs guidance on accreditation and performance standards, with explicit language, so that all stakeholders know the criteria. The financial system should not contain rankings. A school district is either financially responsible or not.

**Distinction designation.** This bill does not include guidelines or limits for distinctions so that, conceivably, every school in the state could receive a distinction of some kind. The system should include a learning environment indicator, which would consider the number of teachers teaching out of their fields of certification, the number of class size waivers granted to a school or district, and the teacher turnover rate to assess the quality of a student's learning environment. An indicator should be added for dual-credit courses.

**Alternative management standards.** The state experienced significant problems the last time for-profit entities were allowed to participate in the competitive bidding process to run public schools. As a result of this experience, the state revoked its permission. Reinstating for-profit bidders would not benefit public schools as for-profit entities still have the same problems as before, as evidenced nationwide. Precedent and research have shown that for-profits do not improve public schools in Texas.

**Dropouts.** This bill should be amended to ensure that students who earn their GED are not counted as dropouts. The state should return to its previous definition of a dropout, but continue to use the federal definition for No Child Left Behind purposes. Most people care more about the state accountability ratings than those of the federal government. Districts should be required to report the number of students that drop out while under the minimum degree program.

**Career and technical.** The bill should provide explicit standards for the career and technical courses that would qualify to meet the four years of math and science graduation requirement. Career and technical teachers

are not certified in the same area as are math and science teachers and thus are not qualified to teach a course that substitutes for advanced math and science requirements. The bill should stipulate that teachers would have to be highly qualified in the same way a math and science teacher would be. Students earning credit for an advanced math course through a career and technology course should be required to pass the corresponding end-of-course exams.

**Charter schools.** Certain indicators the bill would allow the commissioner to consider in determining an accreditation status for an open-enrollment charter school would not be applicable to a charter school, such as elementary school class-size limits, certain extracurricular activities, and certain programs for at-risk students. The bill should make it clear that a charter school's status would not be lowered because of these indicators.

**Fine arts electives.** Fine arts electives still should be required to guarantee each student received a well rounded education. Fine arts curriculum teaches skills that cannot be acquired elsewhere.

NOTES:

The committee substitute differs from the bill as filed by retaining the current high school graduation program titles; not amending current law to allow college readiness or post-secondary readiness endorsements on a student diplomas; changing the number of foundation and enrichment course credits needed to graduate under each of the programs; reducing the number of courses specified as required for graduation; removing the requirement that students in grades 3, 5, and 8 pass a state assessment instrument to be promoted and instead allowing districts to establish grade-promotion requirements; reducing and amending the interventions and sanctions encountered by schools and districts that do not meet performance standards; removing the uniform GPA, the 65-percent rule, computerized state assessments, and the requirement that all state assessments be updated every three years; and no longer requiring that principals not employed during the time a campus earned an unacceptable rating attend a leadership program.

The companion bill, SB 3 by Shapiro, which was reported favorably, as substituted, by the Senate Education on April 24 and has been placed on the Senate Intent Calendar for April 28, differs significantly from CSHB 3.

