

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 2824  
By: Ratliff et al. (Paxton)  
Education  
5/13/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recent legislation enacted the Texas High Performance Schools Consortium for the purpose of informing the governor, legislature, and commissioner of education (commissioner) about methods for transforming public schools in the state by improving student learning through the development of innovative, next-generation learning standards and assessment and accountability systems.

According to interested parties, the commissioner invited a number of applicant school districts to participate in the consortium, which then provided a report to policymakers containing recommendations that identified changes in law that would allow the consortium districts the ability to innovate and the flexibility to meet student needs.

H.B. 2824 amends current law relating to the Texas High Performance Schools Consortium.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 3 (Section 39.025, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 7.0561, Education Code, is amended by amending Subsections (a), (b), (d), (i), and (j) and adding Subsections (j-1), (j-2), (j-3), (j-4), (k), (l), (m), and (m-1), as follows:

- (a) Defines "participant campus," "participant district," and "readiness standards" in this section. Makes nonsubstantive changes.
- (b) Establishes the Texas High Performance Schools Consortium (consortium) to inform the governor, legislature, State Board of Education (SBOE), and commissioner of education (commissioner) concerning methods for transforming public schools in this state by improving student learning through the development of innovative, next-generation learning standards and assessment and accountability systems.
- (d) Prohibits the number of students initially enrolled in participant campuses, rather than the number of students enrolled in consortium participants, from being greater than a number equal to five percent of the total number of students enrolled in public schools in this state according to the most recent Texas Education Agency (TEA) data. Authorizes a participant district, with approval of the commissioner, to add one or more district campuses to the consortium.
- (i) Authorizes the commissioner to also charge a fee to a participating school district or open-enrollment charter school for use of state-provided assessment items or other costs associated with Subsection (l), and to collect and use that fee for purposes of administering the consortium.
- (j) Requires the school districts and open-enrollment charter schools participating in the consortium, rather than requiring the commissioner, with the assistance of the school

districts and open-enrollment charter schools participating in the consortium, to submit reports concerning the performance and progress of the consortium to the governor, the legislature, SBOE, and the commissioner not later than December 1 of 2012, rather than not later than December 1, 2012, and not later than December 1, 2014, and 2016.

(j-1) Requires that the report submitted under Subsection (j) not later than December 1, 2012, include any recommendation by the commissioner concerning legislative authorization for the commissioner to waive a prohibition, requirement, or restriction that applies to a participant campus or district, rather than to a consortium participant. Requires that that report also include a plan for an effective and efficient accountability system for participant campuses and districts, rather than for consortium participants, that balances academic excellence and local values to inspire learning and, at the state level, contingent on any necessary waiver of federal law, authorizes it to incorporate use of a stratified random sampling of students or other objective methodology to hold participant campuses and districts, rather than consortium participants, accountable while attempting to reduce the number of state assessment instruments that are required to be administered to students.

(j-2) Requires that the report submitted under Subsection (j) not later than December 1, 2014, include an update on the effectiveness with which participant campuses are closing gaps in achievement on readiness standards, an evaluation of teaching fewer high-priority learning standards in depth, and any recommendations for legislation. Requires that the report address the effectiveness of the use of methods, including focus on high-priority standards; digital learning, such as blended learning, personalized learning, flipped classrooms, adaptive learning, and virtual learning; the use of multiple assessments that provide more precise, useful, and timely information; and reliance on local control that enables greater community and parental involvement.

(j-3) Requires that the report submitted under Subsection (j) not later than December 1, 2016, include an update on the effectiveness with which participant campuses are addressing closing gaps in achievement on readiness standards, an evaluation of teaching fewer high-priority learning standards in depth, and any recommendations for legislation.

(j-4) Creates this subsection from existing text. Provides that Subsections (j), (j-1), (j-2), and (j-3) and this subsection expire January 1, 2018. Makes nonsubstantive changes.

(k) Requires the school board or governing body of each participant district or open-enrollment charter school, at least annually, to hold a public hearing to discuss the district's or school's goals and work in the consortium and to provide for parental and community input.

(l) Requires a participant campus, notwithstanding Chapter 39 (Public School System Accountability) or any other law, to be evaluated for accountability purposes and administer assessment instruments only as follows:

(1) beginning with the 2013-2014 school year:

(A) for each assessment instrument administered under this subsection, a participant campus is required to be evaluated by the independent evaluation under Subsection (m) on disaggregated data by student group, with an emphasis on closing achievement gaps, and by TEA on a report-only basis, with the scores not otherwise used for accountability purposes, including interventions and sanctions under Subchapter E (Accreditation Interventions and Sanctions), Chapter 39;

(B) for each assessment instrument administered under Chapter 39, a participant campus is required to be evaluated under Subsection (m) on readiness standards to allow teaching with depth and the evaluation of the effects of teaching with depth;

(C) students in grades three through eight who are not taking secondary-level courses are required to be administered and students in grades three through eight who are taking secondary-level courses are authorized to, at the option of the district or charter school participating in the consortium, be administered assessment instruments prescribed by Sections 39.023(a)(1), (2), and (5) (relating to requiring students to be assessed in mathematics, reading, and science respectively, under certain circumstances) only, and authorizes the students to to be administered an assessment instrument described by Section 39.0261(a)(1) (relating to requiring a school district to administer to students a certain preliminary college preparation assessment instrument) in eighth grade instead of the assessment instruments or to be administered fewer assessment instruments if allowed by federal law or a waiver of federal law; and

(D) students taking secondary-level courses are required to be assessed on end-of-course assessment instruments administered under Section 39.023(c) (relating to requiring TEA to adopt end-of-course assessment instruments for certain secondary-level courses) only for the 10th grade level courses in English, mathematics, and science in which they are currently enrolled or are required to be administered an assessment instrument described by Section 39.0261(a)(2) (relating to requiring a school district to administer to students a certain college preparation assessment instrument) for 10th grade in the same subjects if allowed by federal law or a waiver of federal law, at the option of the district or open-enrollment charter school participating in the consortium;

(2) beginning with the 2014-2015 school year or as soon as possible following receipt of a waiver from federal law or a change in the federal law that requires annual testing of every student:

(A) students are required to be administered assessment instruments under Section 39.023(a) (relating to requiring TEA to adopt or develop appropriate criterion-referenced assessment instruments to assess essential knowledge and skills in certain courses) for reading in grade three, mathematics in grade four, science in grade five, reading in grade six, and mathematics in grade seven; in prekindergarten through 12th grade, locally approved or developed assessment instruments that are aligned to readiness standards or high-priority learning standards under Subsection (f) (relating to requiring the commissioner to adopt rules applicable to the consortium, according to certain principals for a next generation of higher performing public schools), that are authorized to include limited numbers of state-provided assessment items, and that are authorized to have results that can be accessed by TEA for monitoring and reporting purposes, or other satisfactory secondary-level performance demonstrated under Section 39.025(h); and assessment instruments described by Section 39.0261(a) (relating to requiring a school district to administer to students certain college preparation assessment instruments under certain circumstances); and

(B) a participant campus is required to be evaluated on community-established measures that include academic achievement and college and career readiness;

(3) beginning with the 2013-2014 school year, students in a special education program are required to be administered appropriate assessments, including assessments developed or adopted under Section 39.023(b) (relating to requiring TEA to develop or adopt certain assessment instruments to be administered to each student in certain special education programs) and, if authorized by an Act of the 83rd Legislature, Regular Session, 2013, that becomes law, other assessments developed or adopted for significantly cognitively disabled students; and

(4) beginning with the 2013-2014 school year, students of limited English proficiency, as defined by Section 29.052 (Definitions):

(A) are required to be administered appropriate assessments including assessments approved by the commissioner that measure linguistic and academic growth as determined by the student's language proficiency assessment committee established by Section 29.063 (Language Proficiency Assessment Committees); and

(B) if a waiver from federal law is obtained, are required to participate in appropriate assessments the first five years the students are enrolled in schools in the United States as participation-only unless the student attains an English proficiency rating equivalent to advanced high performance during this period, in which case the student's data will be aggregated into campus and district performance reports.

(m) Requires the consortium to receive independent evaluation from one or more external evaluation teams, including an institution of higher education in this state.

(m-1) Requires that an evaluation conducted under Subsection (m) be included in the reports required under Subsection (j). Provides that this subsection expires January 1, 2018.

SECTION 2. Amends Section 29.0822(a), Education Code, to authorize a school district, notwithstanding Section 25.081 (Operation of Schools) or 25.082 (School Day; Pledges of Allegiance; Minute of Silence), to apply to the commissioner to provide a flexible school day program for certain students, including students who attend a campus that is implementing an innovative redesign of the campus, including a campus in the high performance schools consortium under Section 7.0561 (Texas High Performance Schools Consortium), or an early college high school under a plan approved by the commissioner.

SECTION 3. Amends Section 39.025, Education Code, by amending Subsection (d) and adding Subsection (h), as follows:

(d) Requires the commissioner by rule, notwithstanding Subsection (a) (relating to requiring the commissioner to adopt rules requiring certain students to be administered certain assessment instruments and providing the minimum score a student is required to achieve on those assessment instruments), to adopt one or more alternative nationally recognized norm referenced assessment instruments under this section to administer to a student to qualify for a high school diploma if the student enrolls after January 1 of the school year in which the student is otherwise eligible to graduate under certain circumstances, including in a public school in this state that does not participate in the high performance schools consortium under Section 7.0561 after the student has been enrolled in a public school participating in the consortium during high school.

(h) Provides that this subsection applies only if legislation is not enacted by the 83rd Legislature, Regular Session, 2013, that allows substitute demonstrations of satisfactory secondary-level performance for students or if such legislation is enacted but does not become law. Authorizes a school district or open-enrollment charter school participating in the high performance schools consortium established under Section 7.0561 by policy to allow a student who is enrolled in a participant campus who demonstrates satisfactory secondary-level performance in a subject under this subsection to be exempt from the requirement that the student take an end-of-course assessment instrument in that subject and authorizes the district or open-enrollment charter school to allow a student who is enrolled in a participant campus to demonstrate satisfactory secondary-level performance in the manner described by this subsection in lieu of retaking an end-of-course assessment instrument. Authorizes the district to allow the demonstration to substitute for a score required by this section or by any other law. Requires the commissioner to allow the demonstration to substitute as an indicator of student achievement under

Section 39.053. Authorizes a student's satisfactory secondary-level performance and student achievement level to be demonstrated by satisfactory performance, at levels determined by the commissioner, on certain examinations or assessments; or successful completion of certain courses.

SECTION 4. Effective date: upon passage or September 1, 2013.