

BILL ANALYSIS

Senate Research Center
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S.B. 1173
By: Perry
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute requires 35 percent of elementary and middle schools' A-F grade in Domain IV to be based entirely on attendance rates, specifically chronic absenteeism. After working with the Texas Education Agency (TEA) and stakeholders, it was identified that no other options besides attendance data can be used for this domain. It was agreed that a change is needed to improve the A-F accountability for the elementary and middle school level.

Using absenteeism is problematic for several reasons:

- Very young students (Pre-K and Kindergarten) tend to have high absence rates. These grades are not mandatory attendance grades by law, and younger children typically get sick more often as immunities build. Also, parents are more likely to keep young children at home.
- Students whose parents are active duty military can have very different attendance patterns.
- Medically fragile students often miss school for extended periods of time. TEA has no way, at present, to determine which students are considered medically fragile for the purpose of attendance.
- It seems unwise that 35 percent of elementary or middle school's rating as a school should be based on this one factor.
- There is almost no differentiation between campuses based on chronic absenteeism (or attendance rates). So very small changes (i.e., one child being absent) could have a major impact on ratings.

School funding is based upon attendance, so schools already have ample incentives independent of the A-F accountability attendance percentage in Domain IV.

S.B. 1173 seeks to eliminate the 35 percent performance evaluation from Domain IV for attendance in elementary, middle, or junior high schools and reapply the 35 percent to the achievement indicators for Domains I, II, and III.

As proposed, S.B. 1173 amends current law relating to evaluation of public school performance.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 2 (Section 39.054, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 39.053(c), (g), (g-1), and (g-2), Education Code, as follows:

- (c) Requires school districts and campuses to be evaluated based on certain domains of indicators of achievement adopted under this section (Performance Indicators:

Achievement), of which the first, second, third, and fifth apply to middle and junior high school and elementary school campuses and districts that include those campuses and all of which apply to high school campuses and districts that include those campuses. Provides that in the fourth domain, for evaluating the performance of high school campuses and districts that include high school campuses, high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act, rather than No Child Left Behind Act of 2001. Redesignates existing Paragraph (4)(C) as Paragraph (4)(K) and provides that the fourth domain includes any additional indicators of secondary-level student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner of education (commissioner) in consultation with educators, parents, business and industry representatives, and employers. Deletes existing text providing that the fourth domain for evaluating the performance of middle and junior high school and elementary school campuses and districts that include certain campuses includes certain criteria. Makes conforming and nonsubstantive changes.

(g) Changes a reference to Subsections (c)(4)(A)(i) and (B)(ii)(a) to Subsection (c)(4)(A).

(g-1) Changes a reference to Subsections (c)(4)(A)(i) and (B)(ii)(a) to Subsection (c)(4)(A).

(g-2) Changes a reference to Subsection (c)(2) to Subsection (c)(4)(A).

SECTION 2. Amends Sections 39.054(a), (a-1), (c), and (e), Education Code, as effective September 1, 2017, as follows:

(a) Makes a nonsubstantive change.

(a-1) Requires the commissioner, for purposes of assigning an overall performance rating under Subsection (a), to attribute for middle and junior high school and elementary campuses and districts that include only those campuses, an additional 35 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(c)(1) through (3), rather than 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(c)(4). Changes a reference to Section 39.053(c)(4)(A)(ii) to Section 39.053(c)(4)(B).

(c) Changes a reference to Sections 39.053(c)(4)(A)(i) and (B)(ii)(a) to Section 39.053(c)(4)(A).

(e) Makes a nonsubstantive change.

SECTION 3. Amends Section 39.054(f), Education Code, as effective September 1, 2017, by transferring it to Section 39.053, Education Code, redesignating it as to Section 39.053(g-3), Education Code, and amending it to change a reference to Sections 39.053(c)(4)(A)(i) and (B)(ii)(a) to Subsection (c)(4)(A).

SECTION 4. Amends Sections 39.0548(b) and (c), Education Code, as follows:

(b) Changes references to Section 39.053(c)(4)(A)(i) to Section 39.053(c)(4)(A).

(c) Changes a reference to Section 39.053(c)(4)(A)(i) to Section 39.053(c)(4)(A).

SECTION 5. Amends Section 39.055, Education Code, to makes a conforming change.

SECTION 6. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 7. Effective date: upon passage or September 1, 2017.