

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2051
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2051 restructures statutory campus and district performance domains by reducing the current required five domains of indicators to a minimum of three to focus on information relevant to parents, the school community, and policymakers.

The student achievement domain, which evaluates performance on assessments and for high school grades, incorporates graduation rates and other measures of postsecondary readiness.

The school performance domain measures improvement on the state assessments and compares school performance with that of comparable schools.

The school climate domain incorporates self-evaluation by schools along with measures of student completion of rigorous and relevant curricular programs. School self-evaluation must be 50 percent of this domain's rating.

S.B. 2051 focuses measures on students continuously enrolled to ensure the information reflects the efficacy of the school and defines the goals of the accountability system to drive continuous improvement and closing achievement gaps. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2051 amends current law relating to evaluating public school performance.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to commissioner of education (commissioner) in SECTION 6 (Section 39.001, Education Code) and SECTION 16 (Section 39.118, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 9 (Section 39.054 , Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 8 (Section 39.053, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.252(a), Education Code, to provide that 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 achievement indicators adopted under Section 39.053(c), rather than Sections 39.053(c)(1) through (4).

SECTION 2. Amends Section 11.253(c), Education Code, to change a reference to Sections 39.053(c)(1) through (4) to Section 39.053(c).

SECTION 3. Amends Section 12.1013(c), Education Code, to change a reference to Sections 39.053(c)(1) through (4) to Section 39.053(c).

SECTION 4. Amends Section 29.062(a), Education Code, to change a reference to Sections 39.053(c)(1) through (4) to Section 39.053(c).

SECTION 5. Amends Section 29.202(a), Education Code, as follows:

(a) Provides that a student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter (Public Education Grant Program) if the student is assigned to attend a public school campus issued an unacceptable performance rating made publicly available under Section 39.054 (Methods and Standards for Evaluating Performance). Deletes existing text providing that a student is eligible to receive a public education grant or attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (c) in any two of the preceding three years or that, at any time in the preceding three years, failed to satisfy any standard under Section 39.054(e).

SECTION 6. Amends Chapter 39, Education Code, by adding Subchapter A, as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 39.001. RULES. Authorizes the commissioner of education (commissioner) to adopt rules as necessary to administer this chapter.

Sec. 39.002. ADVISORY COMMITTEE. Provides that an advisory committee appointed under this chapter (Public School System Accountability) is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

SECTION 7. Amends Section 39.052(b), Education Code, to require the commissioner, in determining the accreditation status of a school district, to evaluate and consider performance on achievement indicators described by Section 39.053 (Performance Indicators: Achievement), rather than Section 39.053(c).

SECTION 8. Amends Section 39.053, Education Code, by amending Subsections (a), (a-1), (b), (c), (d-1), (f), (g), (g-1), (g-2), and (i) and adding Subsection (c-3), as follows:

(a) Requires the commissioner to adopt a set of indicators, including indicators under Subsection (c), of the quality of learning and achievement. Requires the commissioner to periodically, rather than biennially, review the indicators for the consideration of appropriate revisions.

(a-1) Requires the indicators adopted by the commissioner under Subsection (a) to measure and evaluate school districts and campuses with respect to informing parents and the community regarding campus and district performance. Deletes existing text requiring the indicators adopted by the commissioner under Subsection (a), including the indicators identified under Subsection (c), to measure and evaluate school districts and campuses with respect to 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) Requires that performance on the achievement indicators adopted under Subsections (c)(1), (2), (3), and (4)(B) and (C), rather than Subsections (c)(1) through (4), be compared to state-established standards. Requires that the indicators in Subsection (c)(3) be based on information that is disaggregated by race, ethnicity, and socioeconomic status.

(c) Requires school districts and campuses to be evaluated based on at least four, rather than based on five, domains of indicators of achievement adopted under this section that include:

(1) in the student achievement domain, rather than first domain, indicators of student achievement that may include, rather than the results of;

(A) for evaluating the performance of districts and campuses generally, an indicator that accounts for the results of certain required assessment instruments, as applicable for the district and campus, including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including for certain performance standards; and an indicator that accounts for the results of assessment instruments required under Section 39.023(b), as applicable for the district and campus, rather than aggregated across grade levels by subject area, including the certain percentage of students; and

(B) for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for certain students;

(2) in the school performance domain, rather than second domain, indicators of student performance, which may include:

(A) for certain assessment instruments, the percentage of students who met the standard for improvement as determined by the commissioner, rather than 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, for the college readiness performance standard as determined under Section 39.0241, a certain percentage of students who met the standard for improvement on the assessment instruments; and

(B) for overall student performance, the performance of districts or campuses compared to similar districts or campuses, rather than 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 closing-the-gaps domain, rather than the third domain, the student academic achievement differentials among students, including the differentials among students from different racial and ethnic groups and socioeconomic backgrounds. Deletes existing Subdivision (4) relating to setting forth the composition of the fourth domain;

(4) redesignates existing Subdivision (5) as Subdivision (4). Provides that in the school climate domain, rather than fifth domain, indicators of school climate may include:

(A) creates this paragraph from existing text and makes no further changes to this paragraph;

(B) the percentage of students who successfully complete varied, rigorous, and relevant curricular options that lead to postsecondary success, including successfully completing advanced placement courses or other similar courses; and

(C) the percentage of students who successfully complete a coherent sequence of career and technical courses that lead to industry certification or college credit, or fine arts courses.

(c-3) Requires the commissioner, for purposes of Subsection (c), to the extent feasible, to determine a method by which the performance of students who have been continuously enrolled in a school district or at a district campus, as applicable, as determined by continuous enrollment criteria established by the commissioner, to be given greater weight in determining the overall and domain performance rating of the district or

campus under Section 39.054 than the performance of students who do not meet the continuous enrollment criteria established by the commissioner.

(d-1) Provides that in aggregating results of assessment instruments across grade levels by subject in accordance with Subsections (c)(1)(A)(i) and (ii), rather Subsection (c)(1), the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.

(f) Requires the commissioner, annually, to define the state standard for the current school year for each achievement indicator adopted under this section. Requires the commissioner, in consultation with educators, parents, and business and industry representatives, as necessary, to establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure Texas is a national leader in preparing students for postsecondary success. Deletes existing text requiring the commissioner to annually define the state standard for each achievement indicator described by Subsections (c)(1) through (4) and to project the state standards for each indicator for the following two school years and to periodically raise the state standards for the described college readiness achievement indicator for accreditation as necessary to reach the goals of achieving certain student performance.

(g) Prohibits the commissioner, in computing, rather than in defining the required state standard for the, dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), rather than rate indicator described by Subsections (c)(4)(A)(i) and (B)(ii)(a), from considering as a dropout a student whose failure to attend school is the result of certain factors.

(g-1) Requires the commissioner, in computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), rather than Subsections (c)(4)(A)(i) and (B)(ii)(a), to exclude certain types of students.

(g-2) Requires the commissioner, in computing completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), rather than Subsection (c)(2), to exclude certain students.

(i) Requires each school district to submit the data required for the indicators adopted under this section to the commissioner. Deletes existing text requiring the commissioner by rule to adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner and under certain college readiness standards.

SECTION 9. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0533, as follows:

Sec. 39.0533. EXTRACURRICULAR AND COCURRICULAR STUDENT ACTIVITY INDICATOR. (a) Requires the commissioner to study the feasibility of incorporating for evaluating school district and campus performance under this subchapter an indicator that accounts for extracurricular and cocurricular student activity. Authorizes the commissioner, if the commissioner determines that an extracurricular and cocurricular student activity indicator is appropriate, to adopt the indicator.

(b) Authorizes the commissioner, to determine the feasibility of adopting an indicator under this section, to require a school district or campus to report requested information relating to extracurricular and cocurricular student activity.

(c) Authorizes the commissioner to establish an advisory committee to assist in determining the feasibility of incorporating an extracurricular and cocurricular student activity indicator for evaluating school district and campus performance.

(d) Requires the commissioner, not later than December 1, 2022, to report to the legislature on the feasibility of incorporating an extracurricular and cocurricular

student activity indicator, unless the commissioner adopts an indicator under this section before that date.

(e) Provides that this section expires September 1, 2023.

SECTION 10. Amends Sections 39.054(a), (a-1), (a-2), (a-3), and (e), Education Code, as effective September 1, 2017, as follows:

(a) Changes a reference to Sections 39.053(c)(1) through (4) to Section 39.053(c).

(a-1) Requires the commissioner, for purposes of assigning a domain performance rating, rather than an overall performance rating, under Subsection (a) for the school climate domain, to attribute 50 percent of the domain performance rating to the achievement indicator under Section 39.053(c)(4)(A). Deletes existing text requiring the commissioner to attribute 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(c)(1) through (3). Deletes existing designation of Subdivision (1) and existing Subdivisions (2) through (4).

(a-2) Authorizes, rather than requires, the commissioner by rule to adopt certain procedures.

(a-3) Deletes existing text requiring the commissioner, if a district or campus received an overall or domain performance rating of D or F for the preceding school year, to notify the district of a subsequent such designation on or before June 15.

(e) Requires each annual performance review under this section to include an analysis of the achievement indicators adopted under Section 39.053, including Subsection (c) of that section, rather than Sections 39.053(c)(1) through (4), to determine school district and campus performance in relation to standards established for each indicator.

SECTION 11. Transfers Section 39.054(f), Education Code, as effective September 1, 2017, to Section 39.053, Education Code, redesignates it as Section 39.053(g-3), Education Code, and amends it, as follows:

(g-3) Prohibits a certain student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility or a certain student who leaves a residential treatment center, in the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), rather than in the computation of dropout rates under Sections 39.053(c)(4)(A)(i) and (B)(ii)(a), from being 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.

SECTION 12. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0541, as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. Authorizes the commissioner to adopt indicators and standards under this subchapter at any time during a school year before the evaluation of a school district or campus.

SECTION 13. Amends Section 39.0546(a), Education Code, to change a reference to Section 39.053(c)(5) to Section 39.053(c)(4)(A) and delete existing text designating Section 39.0545(b)(1) as added by Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 14. Amends Sections 39.0548(b), (c), and (d), Education Code, to change references to Section 39.053(c)(4)(A)(i) to Section 39.053(c)(1)(B)(ix) and a reference to dropout rate to graduation rate and delete existing text authorizing only a student enrolled continuously for at least 90 days during the school year evaluated to be considered under accountability procedures adopted by the commissioner to determine the school's performance rating.

SECTION 15. Amends Section 39.055, Education Code, to change a reference to Section 39.054(f) to Section 39.053(g-3).

SECTION 16. Amends Subchapter E, Chapter 39, Education Code, by adding Section 39.118, as follows:

Sec. 39.118. INTERVENTIONS AND SANCTIONS OF INCREASED SEVERITY FOR CERTAIN DISTRICTS AND CAMPUSES. (a) Requires the commissioner to adopt rules to impose interventions and sanctions of increased severity applicable only to a school district or campus that is assigned a performance rating of F under Section 39.054.

(b) Prohibits the commissioner from adopting a rule under this section that conflicts with the imposition of a specific intervention or sanction required by law.

SECTION 17. Amends Section 39.301(b), Education Code, to change a reference to Sections 39.053(c)(1) through (4) to Sections 39.053(c)(1), (2), (3), and (4)(B) and (C).

SECTION 18. Repealer: effective September 1, 2017, Section 39.054(c) (relating to the commissioner's requirement to define acceptable performance when evaluating school and campus performance on certain student achievement indicators), Education Code, as effective September 1, 2017.

SECTION 19. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 20. Effective date, except as otherwise provided by this Act: upon passage or September 1, 2017.