

By: Buckley

H.B. No. 4

Substitute the following for __.B. No. ____:

By: _____

C.S.__.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability, including the implementation of an instructionally supportive assessment program and the adoption and administration of assessment instruments in public schools, indicators of achievement and public school performance ratings under the public school accountability system, a grant program for school district local accountability plans, and actions challenging Texas Education Agency decisions related to public school accountability.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.0211(a-8), Education Code, is amended to read as follows:

(a-8) A school district may not be required to provide supplemental instruction under Subsection (a-1)(2) to a student in more than two subject areas per school year. If the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, the district shall prioritize providing supplemental instruction to the student in mathematics and reading~~[, or Algebra I, English I, or English II, as applicable,]~~ for that school year.

SECTION 2. Section 39.022, Education Code, is amended to read as follows:

Sec. 39.022. INSTRUCTIONALLY SUPPORTIVE ASSESSMENT PROGRAM. (a) To ensure school accountability for student

1 achievement that achieves the goals provided under Section 4.002,
2 the [The] State Board of Education by rule shall create and
3 implement an instructionally supportive [a] statewide assessment
4 program that:

5 (1) provides for progress monitoring;
6 (2) is balanced, innovative, and streamlined; and
7 (3) is knowledge- and skills-based [to ensure school
8 accountability for student achievement that achieves the goals
9 provided under Section 4.002].

10 (b) The primary objective of an instructionally supportive
11 assessment program created and implemented under this section is to
12 benefit the students of this state.

13 (c) After adopting rules under this section, the State Board
14 of Education shall consider the importance of maintaining stability
15 in the instructionally supportive [statewide] assessment program
16 when adopting any subsequent modification of the rules.

17 (d) [The] It is the policy of this state that the
18 instructionally supportive [statewide] assessment program be
19 designed to:

20 (1) provide information regarding student academic
21 achievement and learning progress to:

22 (A) public schools for the purpose of improving
23 student instruction [provide assessment instruments that are as
24 short as practicable];

25 (B) students, parents, and teachers for the
26 purpose of guiding learning objectives;

27 (C) education researchers for the purpose of

comparing student academic achievement and learning progress data at the national and statewide levels; and

(D) the public for the purpose of allowing the public to assess the costs and benefits of using public money for the assessment program;

(2) evaluate the achievement level and learning progress of each assessed student in reading, mathematics, and science;

(3) provide information to the agency for the purpose of making decisions regarding public school accountability, campus recognition, and the improvement of public school operations and management;

(4) identify the educational strengths and needs of individual students and the readiness of those students to be promoted to the next grade level or to graduate from high school;

(5) assess whether educational goals and curricular standards are being met at the campus, district, state, and national levels;

(6) provide information to help evaluate and develop educational programs and policies; and

(7) provide instructional staff with immediate, actionable, and useful information regarding student achievement of standards and benchmarks that may be used to improve the staff's delivery of student instruction [and

~~(2) minimize the disruption to the educational program].~~

SECTION 3. Section 39.023, Education Code, is amended by

1 amending Subsections (a), (a-1), (a-2), (a-11), (a-12), (a-13),
2 (c), (c-1), (c-8), (e), and (h), and adding Subsections (a-5),
3 (a-10), (d-1), (o-1), (q), and (r) to read as follows:

4 (a) In creating and implementing the instructionally
5 supportive assessment program under Section 39.022, the ~~[The]~~
6 agency shall adopt nationally norm-referenced ~~[or—develop~~
7 ~~appropriate criterion-referenced]~~ assessment instruments that are
8 capable of being administered at the beginning, middle, and end of
9 the school year and designed to assess essential knowledge and
10 skills in reading, mathematics, ~~[social studies,]~~ and science.
11 Except as provided by Subsection (a-2), all students, other than
12 students assessed under Subsection (b) or (l) or exempted under
13 Section 39.027, shall be assessed in:

14 (1) mathematics, annually in grades three through
15 eight;

16 (2) reading, annually in grades three through eight;

17 (3) ~~[social studies, in grade eight,~~

18 ~~[(4)]~~ science, in grades five and eight; and

19 (4) [(5)] any other subject and grade required by
20 federal law.

21 (a-1) An ~~[The agency shall develop]~~ assessment instrument
22 adopted ~~[instruments required]~~ under Subsection (a) must provide
23 for the assessment of students in a manner that ~~[allows, to the~~
24 ~~extent practicable]~~:

25 (1) ensures the score a student receives provides ~~[to~~
26 ~~provide]~~ reliable information relating to a student's satisfactory
27 performance for each performance standard under Section 39.0241;

1 ~~and~~

2 (2) allows for an appropriate range of performances to
3 serve as a valid indication of growth in student achievement;

4 (3) focuses primarily on supporting excellent
5 instruction, while also providing essential summative information
6 that fulfills applicable federal requirements;

7 (4) consists only of questions written at the
8 appropriate reading level for the applicable grade level, as
9 determined by Lexile measures or another research-based
10 readability metric approved by the agency in coordination with the
11 advisory committees established under Section 39.02302;

12 (5) does not require a student to complete a separate,
13 standalone essay or extended constructed response component;

14 (6) for a reading assessment, assesses writing skills
15 through questions integrated within the context of the overall
16 assessment;

17 (7) is adaptive to each student-appropriate
18 measurement of individual student performance and growth;

19 (8) provides, not later than 24 hours after the date
20 the assessment instrument is administered, detailed diagnostic
21 reports of individual student results that include recommendations
22 based on a student's performance on the assessment instrument for
23 teachers and parents regarding practical and useful instructional
24 strategies to better meet the individual needs of the student;

25 (9) for a beginning-of-year or middle-of-year
26 assessment instrument, includes instructional growth projections
27 for individual students based on each student's results; and

1 (10) for an end-of-year assessment:

2 (A) measures student performance in relation to
3 state curriculum and performance standards, with results
4 aggregated by grade level and student population category and at
5 the campus, district, and state levels;

6 (B) measures a student's annual through-year
7 instructional growth;

8 (C) fulfills the state's public school
9 accountability plan for purposes of satisfying federal public
10 school accountability requirements;

11 (D) provides valid, reliable, and useful
12 results; and

13 (E) complies with applicable peer review
14 requirements under federal law.

15 (a-2) Except as required by federal law, a student is not
16 required to be assessed in a subject otherwise assessed at the
17 student's grade level under Subsection (a) if the student:

18 (1) is enrolled in a course in the subject intended for
19 students above the student's grade level and will be administered
20 an assessment instrument adopted [~~or developed~~] under Subsection
21 (a) that aligns with the curriculum for the course in which the
22 student is enrolled; or

23 (2) is enrolled in a course in the subject for which
24 the student will receive high school academic credit and will be
25 administered an end-of-course assessment instrument adopted under
26 Subsection (c) for the course.

27 (a-5) The agency shall annually review and validate the

1 readability of each item on an assessment instrument adopted under
2 Subsection (a) to confirm alignment of the item with grade-level
3 expectations and ensure that the item accurately measures student
4 mastery of essential knowledge and skills without introducing undue
5 complexity that is not related to the assessed standard.

6 (a-10) An assessment instrument adopted under Subsection
7 (a) must be administered as closely as possible to the following
8 schedule:

9 (1) for a beginning-of-year assessment instrument,
10 between October 1 and October 31;

11 (2) for a middle-of-year assessment instrument,
12 between January 13 and February 21; and

13 (3) for an end-of-year assessment instrument, between
14 May 15 and May 30.

15 (a-11) Before an assessment instrument adopted ~~[or~~
16 ~~developed]~~ under Subsection (a) may be administered under that
17 subsection, the assessment instrument must, on the basis of
18 empirical evidence, be determined to be valid and reliable by an
19 entity that is independent of the agency and of any other entity
20 that developed the assessment instrument.

21 (a-12) An assessment instrument adopted ~~[or developed]~~
22 under Subsection (a) must be designed to minimize the impact on
23 student instructional time ~~[may not have more than three parts. A~~
24 ~~part of an assessment instrument must be designed]~~ so that:

25 (1) for a beginning-of-year or middle-of-year
26 assessment instrument ~~[if]~~ administered to students in grades three
27 and four, 85 percent of students are expected ~~[will be able]~~ to

1 complete the assessment instrument ~~[that part]~~ within 60 minutes;
2 ~~[and]~~

3 (2) for a beginning-of-year or middle-of-year
4 assessment instrument ~~[if]~~ administered to students in grades five
5 through eight, 85 percent of students are expected ~~[will be able]~~ to
6 complete the assessment instrument ~~[that part]~~ within 75 minutes;
7 and

8 (3) for an end-of-year assessment instrument
9 administered to students in grades three through eight, 85 percent
10 of students are expected to complete the assessment instrument
11 within 90 minutes.

12 (a-13) The amount of time allowed for administration of an
13 assessment instrument in reading, mathematics, or science adopted
14 ~~[or developed]~~ under Subsection (a) may not exceed six ~~[eight]~~
15 hours, and the administration may occur in multiple parts over more
16 than one day.

17 (c) The agency shall also adopt end-of-course assessment
18 instruments for secondary-level courses in reading, mathematics,
19 and science, for the purpose of complying with the Every Student
20 Succeeds Act (20 U.S.C. Section 6301 et seq.), to be administered
21 only as necessary to meet the minimum requirements of that law
22 ~~[Algebra I, biology, English I, English II, and United States~~
23 ~~history. The Algebra I end-of-course assessment instrument must be~~
24 ~~administered with the aid of technology, but may include one or more~~
25 ~~parts that prohibit the use of technology. The English I and English~~
26 ~~II end-of-course assessment instruments must each assess essential~~
27 ~~knowledge and skills in both reading and writing and must provide a~~

1 ~~single score~~]. A school district shall comply with State Board of
2 Education rules regarding administration of the assessment
3 instruments listed in this subsection. If a student is in a special
4 education program under Subchapter A, Chapter 29, the student's
5 admission, review, and dismissal committee shall determine whether
6 any allowable modification is necessary in administering to the
7 student an assessment instrument required under this subsection.
8 The State Board of Education shall administer the assessment
9 instruments. An end-of-course assessment instrument may be
10 administered in multiple parts over more than one day. The State
11 Board of Education shall adopt a schedule for the administration of
12 end-of-course assessment instruments that complies with the
13 requirements of Subsection (c-3).

14 (c-1) An ~~[The agency shall develop any]~~ assessment
15 instrument adopted by the agency ~~[required]~~ under this section must
16 allow ~~[in a manner that allows]~~ for the measurement of annual
17 improvement in student achievement as required by Sections
18 39.034(c) and (d).

19 (c-8) Not ~~[Beginning with the 2022-2023 school year, not]~~
20 more than 25 ~~[75]~~ percent of the available points on an assessment
21 instrument adopted ~~[developed]~~ under Subsection (a) or (c) may be
22 attributable to questions presented as technology-enhanced or
23 constructed-response items ~~[in a multiple choice format]~~.

24 (d-1) Under rules adopted by the State Board of Education
25 for the 2025-2026 and 2026-2027 school years and subject to
26 Subsection (e), the agency shall release the questions and answer
27 keys to each end-of-year or end-of-course assessment instrument

1 administered under Subsection (a), (b), (c), (d), or (l), excluding
2 any assessment instrument administered to a student for the purpose
3 of retaking the assessment instrument, after the last time the
4 instrument is administered for the applicable school year. This
5 subsection expires September 1, 2027.

6 (e) Under rules adopted by the State Board of Education,
7 beginning with the 2027-2028 school year and every third year
8 thereafter, the agency shall release the questions and answer keys
9 to each assessment instrument administered under Subsection (a),
10 (b), (c), (d), or (l), excluding any assessment instrument
11 administered to a student for the purpose of retaking the
12 assessment instrument, after the last time the instrument is
13 administered for that school year. To ensure a valid bank of
14 questions for use each year, the agency is not required to release a
15 question that is being field-tested and was not used to compute the
16 student's score on the instrument. The agency shall also release~~7~~
17 ~~under board rule,~~ each question that is no longer being
18 field-tested and that was not used to compute a student's score.
19 ~~[During the 2014-2015 and 2015-2016 school years, the agency shall~~
20 ~~release the questions and answer keys to assessment instruments as~~
21 ~~described by this subsection each year.]~~

22 (h) The agency shall notify school districts and campuses of
23 the results of end-of-year and end-of-course assessment
24 instruments administered under this section and preliminary
25 academic accountability ratings assigned to the district and campus
26 by the agency based on those results not later than the 14th ~~[21st]~~
27 day after the date the applicable end-of-year or end-of-course

1 assessment instrument is administered. The school district shall
2 disclose to each district teacher the results of assessment
3 instruments administered to students taught by the teacher in the
4 subject for the school year in which the assessment instrument is
5 administered.

6 (o-1) The agency shall adopt the following optional
7 assessment instruments that a school district or open-enrollment
8 charter school may elect to administer:

9 (1) an assessment instrument in social studies for
10 students in grade eight; and

11 (2) an end-of-course assessment instrument for United
12 States history.

13 (q) If there is a conflict between this section and a
14 federal law or regulation, including the Every Student Succeeds Act
15 (20 U.S.C. Section 6301 et seq.), the agency shall seek a waiver
16 from the application of the conflicting federal law or regulation.

17 (r) Notwithstanding any provision of this section or other
18 law, if changes to federal law or regulations, including the Every
19 Student Succeeds Act (20 U.S.C. Section 6301 et seq.), reduce the
20 number or frequency of assessment instruments required to be
21 administered to students, the State Board of Education shall adopt
22 rules reducing the number or frequency of assessment instruments
23 required to be administered to students under state law, and the
24 agency shall ensure that students are not required to be assessed in
25 subject areas or in grade levels that are no longer required to meet
26 the minimum requirements of the law.

27 SECTION 4. Section 39.0237, Education Code, is amended to

1 read as follows:

2 Sec. 39.0237. CONSIDERATION OF PREKINDERGARTEN THROUGH
3 SECOND GRADE ASSESSMENT INSTRUMENTS PROHIBITED. Performance on an
4 assessment instrument administered to students in prekindergarten,
5 first grade, or second grade may not be considered for any purpose
6 under this chapter or Chapter 39A.

7 SECTION 5. Sections 39.025(a-1) and (a-3), Education Code,
8 are amended to read as follows:

9 (a-1) A student enrolled in a college preparatory
10 mathematics or English language arts course under Section 28.014
11 who satisfies the Texas Success Initiative (TSI) college readiness
12 benchmarks prescribed by the Texas Higher Education Coordinating
13 Board under Section 51.334 on an assessment instrument designated
14 by the coordinating board under that section administered at the
15 end of the college preparatory mathematics or English language arts
16 course satisfies the requirements concerning and is exempt from the
17 administration of the applicable mathematics or reading [~~Algebra I~~
18 ~~or the English I and English II~~] end-of-course assessment
19 instruments[~~, as applicable,~~] as prescribed by Section 39.023(c),
20 even if the student did not perform satisfactorily on a previous
21 administration of the applicable end-of-course assessment
22 instrument. A student who fails to perform satisfactorily on the
23 assessment instrument designated by the coordinating board under
24 Section 51.334 administered as provided by this subsection may
25 retake that assessment instrument for purposes of this subsection
26 or may take the appropriate end-of-course assessment instrument.

27 (a-3) A student who, after retaking an end-of-course

1 assessment instrument for mathematics or reading [~~Algebra I or~~
2 ~~English II~~], has failed to perform satisfactorily as required by
3 Subsection (a), but who receives a score of proficient on the Texas
4 Success Initiative (TSI) diagnostic assessment for the
5 corresponding subject for which the student failed to perform
6 satisfactorily on the end-of-course assessment instrument
7 satisfies the requirement concerning the mathematics or reading
8 [~~Algebra I or English II~~] end-of-course assessment, as applicable.

9 SECTION 6. Section 39.028, Education Code, is amended to
10 read as follows:

11 Sec. 39.028. COMPARISON OF STATE RESULTS TO NATIONAL
12 RESULTS. The state assessment program shall obtain nationally
13 comparative results for the subject areas and grade levels for
14 which norm-referenced or criterion-referenced assessment
15 instruments are adopted under Section 39.023.

16 SECTION 7. Subchapter C, Chapter 39, Education Code, is
17 amended by adding Section 39.0521 to read as follows:

18 Sec. 39.0521. ASSIGNMENT OF PERFORMANCE RATINGS FOR
19 2025-2026 SCHOOL YEAR. (a) Notwithstanding any other law, a
20 reference in this title to the overall performance rating assigned
21 to a district or campus under Section 39.054(a) or to a domain
22 performance rating assigned to a district or campus under that
23 subsection for the 2025-2026 school year means the higher of:

24 (1) the overall performance rating or the applicable
25 domain performance rating the school district or campus received
26 for the 2024-2025 school year; or

27 (2) the overall performance rating or the applicable

1 domain performance rating the school district or campus received
2 for the 2025-2026 school year.

3 (b) This section expires August 31, 2026.

4 SECTION 8. Section 39.053, Education Code, is amended by
5 amending Subsection (a), (c), and (f) and adding Subsections (c-4),
6 (c-5), and (f-1) to read as follows:

7 (a) The commissioner shall adopt rules as necessary to
8 implement this section [~~a set of indicators of the quality of~~
9 ~~learning and achievement, including the indicators under~~
10 ~~Subsection (c)]]. The commissioner may modify [~~periodically shall~~
11 ~~review~~] the domains or performance indicators adopted under this
12 subchapter only with the express approval of the legislature [~~for~~
13 ~~the consideration of appropriate revisions~~].~~

14 (c) School districts and campuses must be evaluated based on
15 three domains of indicators of achievement adopted under this
16 section that include:

17 (1) in the student achievement domain, indicators of
18 student achievement that must include:

19 (A) for evaluating the performance of districts
20 and campuses generally:

21 (i) an indicator that accounts for the
22 results of assessment instruments required under Sections
23 39.023(a), (c), and (l), as applicable for the district and campus,
24 including the results of assessment instruments required for
25 graduation retaken by a student, aggregated across grade levels by
26 subject area, including:

27 (a) for the performance standard

1 determined by the commissioner under Section 39.0241(a), the
2 percentage of students who performed satisfactorily on the
3 assessment instruments, aggregated across grade levels by subject
4 area; and

5 (b) for the college readiness
6 performance standard as determined under Section 39.0241, the
7 percentage of students who performed satisfactorily on the
8 assessment instruments, aggregated across grade levels by subject
9 area; and

10 (ii) an indicator that accounts for the
11 results of assessment instruments required under Section
12 39.023(b), as applicable for the district and campus, including the
13 percentage of students who performed satisfactorily on the
14 assessment instruments, as determined by the performance standard
15 adopted by the agency, aggregated across grade levels by subject
16 area; and

17 (B) for evaluating the performance of high school
18 campuses and districts that include high school campuses,
19 indicators that account for:

20 (i) students who satisfy the Texas Success
21 Initiative (TSI) college readiness benchmarks prescribed by the
22 Texas Higher Education Coordinating Board under Section 51.334 on
23 an assessment instrument in reading or mathematics designated by
24 the coordinating board under that section;

25 (ii) students who satisfy relevant
26 performance standards on advanced placement tests or similar
27 assessments;

1 (iii) students who earn dual course credits
2 in the dual credit courses;

3 (iv) students who demonstrate military
4 readiness:

5 (a) through verified enlistment
6 [enlist] in the armed forces of the United States or the Texas
7 National Guard;

8 (b) by achieving a passing score, as
9 determined by the commissioner, on the Armed Services Vocational
10 Aptitude Battery test; or

11 (c) by successfully completing a
12 Junior Reserve Officer Training Corps program;

13 (v) students who earn industry
14 certifications;

15 (vi) students admitted into postsecondary
16 industry certification programs that require as a prerequisite for
17 entrance successful performance at the secondary level;

18 (vii) students whose successful completion
19 of a course or courses under Section 28.014 indicates the student's
20 preparation to enroll and succeed, without remediation, in an
21 entry-level general education course for a baccalaureate degree or
22 associate degree;

23 (viii) students who successfully met
24 standards on a composite of indicators that through research
25 indicates the student's preparation to enroll and succeed, without
26 remediation, in an entry-level general education course for a
27 baccalaureate degree or associate degree;

1 (ix) high school graduation rates, computed
2 in accordance with standards and definitions adopted in compliance
3 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)
4 subject to the exclusions provided by Subsections (g), (g-1),
5 (g-2), (g-3), and (g-4);

6 (x) students who successfully completed an
7 OnRamps dual enrollment course;

8 (xi) students who successfully completed a
9 practicum or internship approved by the State Board of Education;

10 (xii) students who are awarded an associate
11 degree; and

12 (xiii) students who successfully completed
13 a program of study in career and technical education;

14 (2) in the school progress domain, indicators for
15 effectiveness in promoting student learning, which must include:

16 (A) for assessment instruments, including
17 assessment instruments under Subdivisions (1)(A)(i) and (ii), the
18 percentage of students who met the standard for annual through-year
19 instructional growth or improvement in reading, mathematics, and
20 science, as determined by the commissioner; and

21 (B) for evaluating relative performance, the
22 performance of districts and campuses compared to similar districts
23 or campuses; and

24 (3) in the closing the gaps domain, the use of
25 disaggregated data to demonstrate the differentials among students
26 from different racial and ethnic groups and [7] socioeconomic
27 backgrounds [~~7 and other factors, including:~~

1 ~~[(A) students formerly receiving special~~
2 ~~education services;~~

3 ~~[(B) students continuously enrolled; and~~

4 ~~[(C) students who are mobile].~~

5 (c-4) In addition to the indicators adopted under
6 Subsection (c), not later than the July 1 immediately preceding the
7 school year for which the district requests consideration of an
8 indicator described by this subsection, a school district may
9 submit a request to the agency to consider in the student
10 achievement domain or the school progress domain, as provided by
11 Section 39.054(a-1)(2), one or more of the following student
12 engagement and workforce development indicators for use in
13 evaluating the performance of campuses that serve students in
14 prekindergarten through eighth grade:

15 (1) an indicator that accounts for the percentage of
16 students participating in school-sponsored extracurricular or
17 cocurricular student activities;

18 (2) for campuses that serve students in
19 prekindergarten, an indicator that accounts for student
20 participation in full-day prekindergarten programs;

21 (3) for campuses that serve students in kindergarten
22 through fifth grade, an indicator that accounts for teacher
23 completion rates of the literacy achievement academies and
24 mathematics achievement academies established under Sections
25 21.4552 and 21.4553;

26 (4) an indicator that accounts for students in grades
27 six, seven, and eight who successfully complete a career and

1 technology course approved for purposes of the career and
2 technology education allotment under Section 48.106; and

3 (5) an indicator that accounts for students who
4 successfully complete and receive credit for a course designated
5 for a grade higher than the grade in which the student is enrolled.

6 (c-5) Not later than September 1 following the date a school
7 district submits a request under Subsection (c-4), the commissioner
8 shall notify the district regarding the commissioner's decision to
9 approve or deny the request.

10 (f) Not later than July 15 of each year [Annually], the
11 commissioner shall define and adopt the state standards [standard]
12 for the current school year for each achievement indicator adopted
13 under this subchapter in [section. In] consultation with educators,
14 parents, and business and industry representatives, as necessary.
15 The[~~the~~] commissioner shall increase the rigor by which the
16 commissioner determines the overall performance ratings under
17 Section 39.054(a) [~~establish and modify standards~~] to continuously
18 improve student performance to achieve, not later than the 15th
19 anniversary after the date the commissioner modifies the
20 performance standards under Subsection (f-1), the goals of:

21 (1) eliminating achievement gaps based on race,
22 ethnicity, and socioeconomic status; and

23 (2) ensuring [~~to ensure~~] this state ranks nationally
24 [~~is a national leader~~] in the top five states in preparing students
25 for postsecondary success in comparison to states with similar
26 student demographics and public education enrollment rates.

27 (f-1) The commissioner may increase the scores needed to

1 achieve performance standards on indicators adopted under this
2 subchapter only every fifth school year. The commissioner shall
3 notify each school district of an increase in score under this
4 subsection not later than two school years before the school year in
5 which the agency intends to evaluate the performance of school
6 districts and campuses under that increased score.

7 SECTION 9. Section 39.054, Education Code, is amended by
8 amending Subsections (a-1) and (b) and adding Subsections (f) and
9 (g) to read as follows:

10 (a-1) For purposes of assigning an overall performance
11 rating for a district or campus under Subsection (a), the
12 commissioner shall:

13 (1) consider either the district's or campus's
14 performance rating under the student achievement domain under
15 Section 39.053(c)(1) or the school progress domain under Section
16 39.053(c)(2), whichever performance rating is higher, unless the
17 district or campus received a performance rating of F in either
18 domain, in which case the district or campus may not be assigned a
19 performance rating higher than a B for the composite for the two
20 domains; ~~and~~

21 (2) for campuses that serve students in
22 prekindergarten through eighth grade, attribute not less than 10
23 percent of the performance rating under the student achievement
24 domain under Section 39.053(c)(1) or the school progress domain
25 under Section 39.053(c)(2), whichever performance rating is
26 higher, to the student engagement and workforce development
27 indicators described by Section 39.053(c-4) and approved by the

1 commissioner under Section 39.053(c-5);

2 (3) attribute not more [less] than five [30] percent
3 of the performance rating to the closing the gaps domain under
4 Section 39.053(c)(3);

5 (4) for campuses that serve grades three through
6 eight, attribute not less than 50 percent of the domain performance
7 rating for the student achievement domain under Section
8 39.053(c)(1) to the indicators adopted under Section
9 39.053(c)(1)(A); and

10 (5) for campuses that serve grades 9 through 12, for
11 the student achievement domain under Section 39.053(c)(1),
12 attribute not more than:

13 (A) 40 percent of the domain performance rating
14 to the indicators adopted under Section 39.053(c)(1)(A);

15 (B) 40 percent of the domain performance rating
16 to the college, career, and military readiness indicators adopted
17 under Section 39.053(c)(1)(B); and

18 (C) 20 percent of the domain performance rating
19 to graduation rates.

20 (b) For purposes of assigning school districts and campuses
21 an overall and a domain performance rating under Subsection (a),
22 the commissioner shall ensure that:

23 (1) if the agency adds or removes an assessment
24 instrument on which student performance is evaluated for the
25 purpose of assigning district and campus performance ratings or
26 makes significant revisions to the state's assessment program, the
27 agency reviews, adjusts, and recalculates the cut scores and

standards used in evaluating district and campus performance to ensure fairness and consistency in the assignment of district and campus performance ratings;

(2) each campus domain performance rating has minimal or no statistical correlation to the percentage of educationally disadvantaged students enrolled at the campus in order to identify effective campuses regardless of student family income;

(3) any changes made to the college, career, or military readiness indicators adopted under Section 39.053(c)(1)(B) or to the methodology that relies on data from those indicators for the preceding school year take effect beginning with students entering ninth grade in the school year immediately following the change, regardless of whether the change was made statutorily or by commissioner rule;

(4) a campus that is in the first year of operation, that is assigned a new campus identification number, or that is significantly impacted by demographic shifts due to rezoning, closure, or consolidation is not evaluated in the closing the gaps domain under Section 39.053(c)(3) for the first year following the applicable event; and

(5) the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

(f) If the provisions of the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) regarding public school accountability and assessment requirements are repealed or otherwise no longer have effect, the commissioner shall reallocate any percentage of

1 the overall performance ratings attributable to the indicators
2 adopted under Section 39.053(c)(3) to the student engagement and
3 workforce development indicators described by Section 39.053(c-4),
4 if applicable.

5 (g) If the agency fails to assign a performance rating to a
6 school district or campus before the deadline established by
7 Subsection (a-3), the district or campus shall be automatically
8 reissued the performance rating assigned to the district or campus
9 for the preceding school year. A performance rating assigned under
10 this subsection remains in effect for all official purposes,
11 including any interventions or sanctions under Chapter 39A, until
12 the agency assigns the district or campus a new rating.

13 SECTION 10. Section 39.0541, Education Code, is amended to
14 read as follows:

15 Sec. 39.0541. ADOPTION OF ~~[INDICATORS AND]~~ STANDARDS. (a)
16 The commissioner shall ~~[may]~~ adopt performance ~~[indicators and]~~
17 standards under Sections 39.0241 and 39.053(f) not later than the
18 July 15 immediately preceding the school year for which the
19 commissioner intends to assign school district and campus
20 performance ratings under Section 39.054 based on those standards
21 ~~[this subchapter at any time during a school year before the~~
22 ~~evaluation of a school district or campus]~~.

23 (b) The commissioner may modify the standards, methods,
24 measures, or procedures used to evaluate school districts and
25 campuses and assign performance ratings on or after the date
26 described by Subsection (a) only with the express approval of the
27 legislature.

SECTION 11. Section 39.0542(a), Education Code, is amended to read as follows:

(a) Not later than July 15 of each ~~[Each school]~~ year, the commissioner shall provide each school district a document in a simple, accessible format that explains the accountability performance standards adopted under Sections 39.0241 and 39.053(f) for the following school year and the measures, methods, and procedures that will be applied for that school year in assigning each school district and campus a performance rating under Section 39.054.

SECTION 12. Section 39.0544, Education Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) From money appropriated or otherwise available for the purpose, the agency shall establish a grant program to assist at least one school district in each education service center region in developing a local accountability plan that complies with the requirements of this section.

(g) The commissioner may adopt rules as necessary to implement this section, including rules applying to a school district applying for a grant under Subsection (f). If the commissioner awards a grant to a district and has not adopted rules applying to the district, the district may select and collaborate with a third-party organization with expertise in assessment and accountability to develop a local accountability plan.

SECTION 13. Subchapter F, Chapter 39, Education Code, is amended by adding Section 39.152 to read as follows:

Sec. 39.152. LIMITATION ON ACTIONS CHALLENGING CERTAIN

1 AGENCY DECISIONS; EXPEDITED APPEALS. (a) A school district or
2 open-enrollment charter school may bring an action challenging a
3 decision that is made by the agency under this chapter and that is
4 based on the lawful exercise of discretion granted to the agency by
5 the legislature only if the district's or school's petition alleges
6 the agency's decision is unconstitutional, arbitrary, capricious,
7 or without lawful authority.

8 (b) In an action brought by a school district or
9 open-enrollment charter school described by Subsection (a), a trial
10 court shall expedite the action and render a final order or judgment
11 not later than the 60th day after the date each defendant has filed
12 an answer or other pleading responsive to the petition. The trial
13 court may extend the time period within which the court must render
14 a final order or judgment under this subsection by not more than 30
15 additional days for good cause. The trial court may set deadlines
16 for discovery, briefing, trial, and all other proceedings necessary
17 to render a final order or judgment in accordance with this
18 subsection.

19 (c) If a final order or judgment described by Subsection (b)
20 is appealed, the appellate court shall expedite the appeal and
21 render a final order or judgment not later than the 60th day after
22 the date the appeal is filed. The appellate court may extend the
23 time period within which the court must render a final order or
24 judgment under this subsection by not more than 30 additional days
25 for good cause. The appellate court may set deadlines for briefing,
26 oral argument, and all other proceedings necessary to render a
27 final order or judgment in accordance with this subsection.

1 SECTION 14. Section 39.203(c), Education Code, is amended
2 to read as follows:

3 (c) In addition to the distinction designations described
4 by Subsections (a) and (b), a campus that satisfies the criteria
5 developed under Section 39.204 shall be awarded a distinction
6 designation by the commissioner for outstanding performance in
7 academic achievement in reading [~~English—language—arts~~],
8 mathematics, or science[, ~~or social studies~~].

9 SECTION 15. Section 39.023(c-9), Education Code, is
10 repealed.

11 SECTION 16. Section 39.152, Education Code, as added by
12 this Act, applies to an action filed on or after September 1, 2025.
13 An action filed before September 1, 2025, is governed by the law in
14 effect on the date the action was filed, and the former law is
15 continued in effect for that purpose.

16 SECTION 17. Except as otherwise provided by this Act, this
17 Act applies beginning with the 2025-2026 school year.

18 SECTION 18. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2025.