

SENATE AMENDMENTS

2nd Printing

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H.B. No. 4

A BILL TO BE ENTITLED

1 AN ACT
2 relating to public school accountability, including the
3 implementation of an instructionally supportive assessment program
4 and the adoption and administration of assessment instruments in
5 public schools, indicators of achievement and public school
6 performance ratings under the public school accountability system,
7 a grant program for school district local accountability plans, and
8 actions challenging Texas Education Agency decisions related to
9 public school accountability.

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

11 SECTION 1. Section 11.185(b), Education Code, is amended to
12 read as follows:

13 (b) Each plan adopted under Subsection (a) must:

14 (1) identify annual goals for students in each group
15 evaluated under the closing the gaps domain under Section
16 39.053(c)(3);

17 (2) include annual goals for aggregate student growth
18 on the third grade reading language arts or mathematics assessment
19 instrument, as applicable, administered under Section 39.023 or on
20 an alternative assessment instrument determined by the board of
21 trustees;

22 (3) provide for targeted professional development for
23 classroom teachers in kindergarten or first, second, or third grade
24 who are assigned to campuses that the board of trustees identifies

1 as not meeting the plan's goals;

2 (4) assign at least one district-level administrator
3 or employee of the regional education service center for the
4 district's region to:

5 (A) coordinate implementation of the plan; and

6 (B) submit an annual report to the board of
7 trustees on the district's progress toward the goals set under the
8 plan; and

9 (5) be reviewed annually by the board of trustees at a
10 public meeting.

11 SECTION 2. Section 21.4552(c), Education Code, is amended
12 to read as follows:

13 (c) The commissioner shall adopt criteria for selecting
14 teachers who may attend a literacy achievement academy. In
15 adopting selection criteria under this subsection, the
16 commissioner shall:

17 (1) require a teacher to attend a literacy achievement
18 academy if the teacher provides instruction in reading,
19 mathematics, science, or social studies to students at the sixth,
20 seventh, or eighth grade level at a campus that fails to satisfy any
21 standard under Section 39.054(e) on the basis of student
22 performance on the reading language arts assessment instrument
23 administered under Section 39.023(a) to students in any grade level
24 at the campus;

25 (2) grant priority to teachers employed by a school
26 district at a campus at which 50 percent or more of the students
27 enrolled are educationally disadvantaged; and

1 (3) provide a process through which a teacher not
2 employed at a campus described by Subdivision (2) may attend the
3 academy if the academy has available space and the school district
4 employing the teacher pays the costs of the teacher's attendance.

5 SECTION 3. Section 26.005, Education Code, is amended to
6 read as follows:

7 Sec. 26.005. ACCESS TO STATE ASSESSMENTS. (a) Except as
8 provided by Section 39.023(e), a parent is entitled to access to a
9 copy of each state assessment instrument administered under Section
10 39.023 to the parent's child.

11 (b) The agency shall make available to a parent the results
12 of their child's state assessment tests by no more than one click
13 from an Internet website maintained by the agency. Student
14 identifying information needed to access assessment information
15 must meet agency security protocols, be unique to the student, and
16 be in control of a parent or guardian without the need to secure
17 additional information from any third party.

18 SECTION 4. Section 28.0211(a-8), Education Code, is amended
19 to read as follows:

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

1 SECTION 5. Section 29.056(g), Education Code, is amended to
2 read as follows:

3 (g) A district may transfer an emergent bilingual student
4 out of a bilingual education or special language program for the
5 first time or a subsequent time if the student is able to
6 participate equally in a regular all-English instructional program
7 as determined by:

8 (1) agency-approved tests administered at the end of
9 each school year to determine the extent to which the student has
10 developed oral and written language proficiency and specific
11 language skills in English;

12 (2) satisfactory performance on the reading language
13 arts assessment instrument under Section 39.023(a) or [~~an English~~
14 ~~language arts assessment instrument under Section~~] 39.023(c), as
15 applicable, with the assessment instrument administered in
16 English, or, if the student is enrolled in the first or second
17 grade, an achievement score at or above the 40th percentile in the
18 reading and language arts sections of an English standardized test
19 approved by the agency; and

20 (3) agency-approved norm-referenced or
21 criterion-referenced tests and the results of a subjective teacher
22 evaluation.

23 SECTION 6. Section 29.1543, Education Code, is amended to
24 read as follows:

25 Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall
26 produce and make available to the public on the agency's Internet
27 website annual district and campus-level reports containing

1 information from the previous school year on early education in
2 school districts and open-enrollment charter schools. A report
3 under this section must contain:

4 (1) the information required by Section 29.1532(c) to
5 be reported through the Public Education Information Management
6 System (PEIMS);

7 (2) a description of the diagnostic reading
8 instruments administered in accordance with Section 28.006(c) or
9 (c-2);

10 (3) the number of students who were administered a
11 diagnostic reading instrument administered in accordance with
12 Section 28.006(c) or (c-2);

13 (4) the number of students whose scores from a
14 diagnostic reading instrument administered in accordance with
15 Section 28.006(c) or (c-2) indicate reading proficiency;

16 (5) the number of kindergarten students who were
17 enrolled in a prekindergarten program in the previous school year
18 in the same district or school as the district or school in which
19 the student attends kindergarten;

20 (6) the number and percentage of students who perform
21 satisfactorily on the third grade reading language arts or
22 mathematics assessment instrument administered under Section
23 39.023, disaggregated by whether the student was eligible for free
24 prekindergarten under Section 29.153;

25 (7) the number of students described by Subdivision
26 (6) who attended kindergarten in the district, disaggregated by:

27 (A) whether the student met the kindergarten

1 readiness standard on the reading instrument adopted under Section
2 28.006;

3 (B) whether the student attended prekindergarten
4 in the district; and

5 (C) the type of prekindergarten the student
6 attended, if applicable; and

7 (8) the information described by Subdivisions (6) and
8 (7) disaggregated by whether the student is educationally
9 disadvantaged.

10 SECTION 7. Section 39.022, Education Code, is amended to
11 read as follows:

12 Sec. 39.022. INSTRUCTIONALLY SUPPORTIVE ASSESSMENT
13 PROGRAM. (a) To ensure school accountability for student
14 achievement that achieves the goals provided under Section 4.002,
15 the [The] State Board of Education by rule shall create and
16 implement an instructionally supportive [a] statewide assessment
17 program that:

- 18 (1) provides for progress monitoring;
19 (2) is balanced, innovative, and streamlined; and
20 (3) is knowledge- and skills-based [to ensure school
21 accountability for student achievement that achieves the goals
22 provided under Section 4.002].

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

26 (c) After adopting rules under this section, the State Board
27 of Education shall consider the importance of maintaining stability

1 in the instructionally supportive [~~statewide~~] assessment program
2 when adopting any subsequent modification of the rules.

3 (d) [~~(b)~~] It is the policy of this state that the
4 instructionally supportive [~~statewide~~] assessment program be
5 designed to:

6 (1) provide information regarding student academic
7 achievement and learning progress to:

8 (A) public schools for the purpose of improving
9 student instruction [~~provide assessment instruments that are as~~
10 ~~short as practicable~~];

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

13 (C) education researchers for the purpose of
14 comparing student academic achievement and learning progress data
15 at the national and statewide levels; and

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

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

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

26 (4) identify the educational strengths and needs of
27 individual students and the readiness of those students to be

1 promoted to the next grade level or to graduate from high school;

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

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

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

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

13 SECTION 8. Section 39.023, Education Code, is amended by
14 amending Subsections (a), (a-1), (a-2), (a-3), (a-11), (a-12),
15 (a-13), (b), (b-1), (c), (c-1), (c-8), (g), (h), and (n) and adding
16 Subsections (a-5), (a-10), (o-1), (q), and (r) to read as follows:

17 (a) In creating and implementing the instructionally
18 supportive assessment program under Section 39.022, the [~~The~~
19 agency shall adopt nationally norm-referenced [~~or develop~~
20 ~~appropriate criterion-referenced~~] assessment instruments that are
21 capable of being administered at the beginning, middle, and end of
22 the school year and designed to assess essential knowledge and
23 skills in reading language arts, mathematics, [~~social studies,~~] and
24 science. Except as provided by Subsection (a-2), all students,
25 other than students assessed under Subsection (b) or (l) or
26 exempted under Section 39.027, shall be assessed in:

27 (1) mathematics, annually in grades three through

1 eight;

2 (2) reading language arts, annually in grades three
3 through eight;

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

5 [~~4~~] science, in grades five and eight; and

6 (4) [~~5~~] any other subject and grade required by
7 federal law.

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

12 (1) ensures the score a student receives provides [~~to~~
13 ~~provide~~] reliable information relating to a student's satisfactory
14 performance for each performance standard under Section 39.0241;
15 [~~and~~]

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

18 (3) focuses primarily on supporting excellent
19 instruction, while also providing essential summative information
20 that fulfills applicable federal requirements;

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

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

1 (6) for a reading language arts assessment, assesses
2 writing skills through questions integrated within the context of
3 the overall assessment;

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

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

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

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

16 (A) measures student performance in relation to
17 state curriculum standards and a student's annual through-year
18 instructional growth;

19 (B) fulfills the state's public school
20 accountability plan for purposes of satisfying federal public
21 school accountability requirements;

22 (C) provides valid, reliable, and useful
23 results; and

24 (D) complies with applicable peer review
25 requirements under federal law.

26 (a-2) Except as required by federal law, a student is not
27 required to be assessed in a subject otherwise assessed at the

1 student's grade level under Subsection (a) if the student:

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

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

11 (a-3) The agency may not adopt or develop a nationally
12 norm-referenced or criterion-referenced assessment instrument
13 under this section based on common core state standards as defined
14 by Section 28.002(b-1). This subsection does not prohibit the use
15 of college advanced placement tests or international baccalaureate
16 examinations as those terms are defined by Section 28.051.

17 (a-5) The agency shall annually review and validate the
18 readability of each item on an assessment instrument adopted under
19 Subsection (a) to confirm alignment of the item with grade-level
20 expectations and ensure that the item accurately measures student
21 mastery of essential knowledge and skills without introducing undue
22 complexity that is not related to the assessed standard.

23 (a-10) An assessment instrument adopted under Subsection
24 (a) must be administered as closely as possible to the following
25 schedule:

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

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

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

5 (a-11) Before an assessment instrument adopted [~~or~~
6 ~~developed~~] under Subsection (a) may be administered under that
7 subsection, the assessment instrument must, on the basis of
8 empirical evidence, be determined to be valid and reliable by an
9 entity that is independent of the agency and of any other entity
10 that developed the assessment instrument.

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

15 (1) for a beginning-of-year or middle-of-year
16 assessment instrument [~~if~~] administered to students in grades three
17 and four, 85 percent of students are expected [~~will be able~~] to
18 complete the assessment instrument [~~that part~~] within 60 minutes;
19 and

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

25 (3) for an end-of-year assessment instrument
26 administered to students in grades three through eight, 85 percent
27 of students are expected to complete the assessment instrument

1 within 90 minutes.

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

7 (b) The agency shall [~~develop or~~] adopt appropriate
8 nationally norm-referenced [~~critterion-referenced~~] alternative
9 assessment instruments to be administered to each student in a
10 special education program under Subchapter A, Chapter 29, for whom
11 an assessment instrument adopted under Subsection (a), even with
12 allowable accommodations, would not provide an appropriate measure
13 of student achievement, as determined by the student's admission,
14 review, and dismissal committee [~~, including assessment instruments~~
15 ~~approved by the commissioner that measure growth~~]. The assessment
16 instruments [~~developed or~~] adopted under this subsection [~~,~~
17 ~~including the assessment instruments approved by the~~
18 ~~commissioner,~~] must, to the extent allowed under federal law,
19 provide a district with options for the assessment of students
20 under this subsection. The agency may not adopt a performance
21 standard that indicates that a student's performance on the
22 alternate assessment does not meet standards if the lowest level of
23 the assessment accurately represents the student's developmental
24 level as determined by the student's admission, review, and
25 dismissal committee.

26 (b-1) The agency, in conjunction with appropriate
27 interested persons, shall redevelop assessment instruments adopted

1 ~~[or developed]~~ under Subsection (b) for administration to
2 significantly cognitively disabled students in a manner consistent
3 with federal law. An assessment instrument under this subsection
4 may not require a teacher to prepare tasks or materials for a
5 student who will be administered such an assessment instrument. A
6 classroom portfolio method used to assess writing performance may
7 require a teacher to prepare tasks and materials.

8 (c) The agency shall also adopt end-of-course assessment
9 instruments for secondary-level courses in reading language arts,
10 mathematics, and science, for the purpose of complying with the
11 Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.), to be
12 administered only as necessary to meet the minimum requirements of
13 that law ~~[Algebra I, biology, English I, English II, and United~~
14 ~~States history. The Algebra I end-of-course assessment instrument~~
15 ~~must be administered with the aid of technology, but may include one~~
16 ~~or more parts that prohibit the use of technology. The English I and~~
17 ~~English II end-of-course assessment instruments must each assess~~
18 ~~essential knowledge and skills in both reading and writing and must~~
19 ~~provide a single score]. A school district shall comply with State
20 Board of Education rules regarding administration of the assessment
21 instruments listed in this subsection. If a student is in a special
22 education program under Subchapter A, Chapter 29, the student's
23 admission, review, and dismissal committee shall determine whether
24 any allowable modification is necessary in administering to the
25 student an assessment instrument required under this subsection.
26 The State Board of Education shall administer the assessment
27 instruments. An end-of-course assessment instrument may be~~

1 administered in multiple parts over more than one day. The State
2 Board of Education shall adopt a schedule for the administration of
3 end-of-course assessment instruments that complies with the
4 requirements of Subsection (c-3).

5 (c-1) An [~~The agency shall develop any~~] assessment
6 instrument adopted by the agency [~~required~~] under this section must
7 allow [~~in a manner that allows~~] for the measurement of annual
8 improvement in student achievement as required by Sections
9 39.034(c) and (d).

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

15 (g) The State Board of Education may adopt one appropriate,
16 nationally recognized, norm-referenced assessment instrument in
17 reading language arts and mathematics to be administered to a
18 selected sample of students in the spring. If adopted, a
19 norm-referenced assessment instrument must be a secured test. The
20 state may pay the costs of purchasing and scoring the adopted
21 assessment instrument and of distributing the results of the
22 adopted instrument to the school districts. A district that
23 administers the norm-referenced test adopted under this subsection
24 shall report the results to the agency in a manner prescribed by the
25 commissioner.

26 (h) The agency shall notify school districts and campuses of
27 the results of end-of-year and end-of-course assessment

1 instruments administered under this section and preliminary
2 academic accountability ratings assigned to the district and campus
3 by the agency based on those results not later than the 14th [~~21st~~]
4 day after the date the applicable end-of-year or end-of-course
5 assessment instrument is administered. The school district shall
6 disclose to each district teacher the results of assessment
7 instruments administered to students taught by the teacher in the
8 subject for the school year in which the assessment instrument is
9 administered.

10 (n) This subsection applies only to a student who is
11 determined to have dyslexia or a related disorder and who is an
12 individual with a disability under 29 U.S.C. Section 705(20) and
13 its subsequent amendments. The agency shall adopt [~~or develop~~]
14 appropriate norm-referenced [~~criterion-referenced~~] assessment
15 instruments designed to assess the ability of and to be
16 administered to each student to whom this subsection applies for
17 whom the assessment instruments adopted under Subsection (a), even
18 with allowable modifications, would not provide an appropriate
19 measure of student achievement, as determined by the committee
20 established by the board of trustees of the district to determine
21 the placement of students with dyslexia or related disorders. The
22 committee shall determine whether any allowable modification is
23 necessary in administering to a student an assessment instrument
24 required under this subsection. The assessment instruments
25 required under this subsection shall be administered on the same
26 schedule as the assessment instruments administered under
27 Subsection (a).

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

4 (1) an assessment instrument in social studies for
5 students in grade eight; and

6 (2) an end-of-course assessment instrument for United
7 States history.

8 (q) If there is a conflict between this section and a
9 federal law or regulation, including the Every Student Succeeds Act
10 (20 U.S.C. Section 6301 et seq.), the agency shall seek a waiver
11 from the application of the conflicting federal law or regulation.

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

22 SECTION 9. Subchapter B, Chapter 39, Education Code, is
23 amended by adding Section 39.02301 to read as follows:

24 Sec. 39.02301. OPTIONAL USE OF WRITING PORTFOLIO
25 ASSESSMENT. (a) A school district may elect to use a writing
26 portfolio assessment to assess writing performance for students
27 enrolled in the district as an alternative to administering a

1 portion of a reading language arts assessment instrument under
2 Section 39.023(a) or reading language arts end-of-course
3 assessment instrument under Section 39.023(c) that is not presented
4 in a multiple choice format.

5 (b) A school district that elects to use a writing portfolio
6 assessment under this section shall design the assessment in
7 consultation with a public or private institution of higher
8 education and submit the assessment to the agency for approval. The
9 agency shall approve the assessment if the assessment is:

10 (1) determined by the public or private institution of
11 higher education that consulted on the design of the assessment to
12 be valid and reliable; and

13 (2) designed to assess:

14 (A) a student's mastery of the essential
15 knowledge and skills in writing through timed writing samples;

16 (B) improvement of a student's writing skills
17 from the beginning of the school year to the end of the school year;

18 (C) a student's ability to follow the writing
19 process from rough draft to final product; and

20 (D) a student's ability to produce more than one
21 type of writing style.

22 (c) A school district that elects to use a writing portfolio
23 assessment under this section may adopt a policy allowing the
24 assessment to be scored by a classroom teacher assigned to the same
25 campus as the student to whom the assessment is administered. The
26 district may coordinate with the regional education service center
27 for the district's region in grading the assessments.

1 (d) A school district that elects to use a writing portfolio
2 assessment under this section is not required to administer the
3 portion of a reading language arts assessment instrument under
4 Section 39.023(a) or reading language arts end-of-course
5 assessment instrument under Section 39.023(c) that is not presented
6 in a multiple choice format during the period the district is
7 administering the writing portfolio assessment. The agency shall,
8 to the greatest extent practicable, apply cost savings that result
9 from the exemption under this subsection to offset the costs
10 accrued under this section.

11 (e) The commissioner shall adopt rules as necessary to
12 implement this section.

13 SECTION 10. Section 39.0237, Education Code, is amended to
14 read as follows:

15 Sec. 39.0237. CONSIDERATION OF PREKINDERGARTEN THROUGH
16 SECOND GRADE ASSESSMENT INSTRUMENTS PROHIBITED. Performance on an
17 assessment instrument administered to students in prekindergarten,
18 kindergarten, first grade, or second grade may not be considered
19 for any purpose under this chapter or Chapter 39A.

20 SECTION 11. Sections 39.025(a-1) and (a-3), Education Code,
21 are amended to read as follows:

22 (a-1) A student enrolled in a college preparatory
23 mathematics or English language arts course under Section 28.014
24 who satisfies the Texas Success Initiative (TSI) college readiness
25 benchmarks prescribed by the Texas Higher Education Coordinating
26 Board under Section 51.334 on an assessment instrument designated
27 by the coordinating board under that section administered at the

1 end of the college preparatory mathematics or English language arts
2 course satisfies the requirements concerning and is exempt from the
3 administration of the applicable mathematics or reading language
4 arts [~~Algebra I or the English I and English II~~] end-of-course
5 assessment instruments [~~, as applicable,~~] as prescribed by Section
6 39.023(c), even if the student did not perform satisfactorily on a
7 previous administration of the applicable end-of-course assessment
8 instrument. A student who fails to perform satisfactorily on the
9 assessment instrument designated by the coordinating board under
10 Section 51.334 administered as provided by this subsection may
11 retake that assessment instrument for purposes of this subsection
12 or may take the appropriate end-of-course assessment instrument.

13 (a-3) A student who, after retaking an end-of-course
14 assessment instrument for mathematics or reading language arts
15 [~~Algebra I or English II~~], has failed to perform satisfactorily as
16 required by Subsection (a), but who receives a score of proficient
17 on the Texas Success Initiative (TSI) diagnostic assessment for the
18 corresponding subject for which the student failed to perform
19 satisfactorily on the end-of-course assessment instrument
20 satisfies the requirement concerning the mathematics or reading
21 language arts [~~Algebra I or English II~~] end-of-course assessment,
22 as applicable.

23 SECTION 12. Section 39.027(e), Education Code, is amended
24 to read as follows:

25 (e) The commissioner shall adopt a norm-referenced [~~develop~~
26 ~~an~~] assessment system that shall be used for evaluating the
27 academic progress, including reading proficiency in English, of all

1 emergent bilingual students, as defined by Section 29.052. A
2 student who is exempt from the administration of an assessment
3 instrument under Subsection (a)(1) or (2) who achieves reading
4 proficiency in English as determined by the assessment system
5 adopted [~~developed~~] under this subsection shall be administered the
6 assessment instruments described by Sections 39.023(a) and (c).
7 The performance under the assessment system adopted [~~developed~~]
8 under this subsection of students to whom Subsection (a)(1) or (2)
9 applies shall be included in the indicator systems under Section
10 39.301, as applicable, the performance report under Section 39.306,
11 and the comprehensive biennial report under Section 39.332. This
12 information shall be provided in a manner that is disaggregated by
13 the bilingual education or special language program, if any, in
14 which the student is enrolled.

15 SECTION 13. Section 39.028, Education Code, is amended to
16 read as follows:

17 Sec. 39.028. COMPARISON OF STATE RESULTS TO NATIONAL
18 RESULTS. The state assessment program shall obtain nationally
19 comparative results for the subject areas and grade levels for
20 which norm-referenced or criterion-referenced assessment
21 instruments are adopted under Section 39.023.

22 SECTION 14. Subchapter C, Chapter 39, Education Code, is
23 amended by adding Section 39.0511 to read as follows:

24 Sec. 39.0511. WAIVER REQUEST FOR CERTAIN FEDERAL
25 ACCOUNTABILITY-RELATED REQUIREMENTS. (a) This section applies to
26 a school district campus in which at least 90 percent of the
27 students receive special education services under Subchapter A,

1 Chapter 29.

2 (b) Not later than January 1, 2026, the commissioner shall
3 apply to the United States Department of Education for a waiver of
4 requirements under the Every Student Succeeds Act (20 U.S.C.
5 Section 6301 et seq.) related to the rate of participation in the
6 assessment program and high school graduation rates for each school
7 district campus to which this section applies.

8 (c) This section expires September 1, 2027.

9 SECTION 15. Subchapter C, Chapter 39, Education Code, is
10 amended by adding Section 39.0521 to read as follows:

11 Sec. 39.0521. ASSIGNMENT OF PERFORMANCE RATINGS FOR
12 2025-2026 SCHOOL YEAR. (a) Notwithstanding any other law, a
13 reference in this title to the overall performance rating assigned
14 to a district or campus under Section 39.054(a) or to a domain
15 performance rating assigned to a district or campus under that
16 subsection for the 2025-2026 school year means the higher of:

17 (1) the overall performance rating or the applicable
18 domain performance rating the school district or campus received
19 for the 2024-2025 school year; or

20 (2) the overall performance rating or the applicable
21 domain performance rating the school district or campus received
22 for the 2025-2026 school year.

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

24 SECTION 16. Section 39.053, Education Code, is amended by
25 amending Subsections (a), (c), and (f) and adding Subsections
26 (c-4), (c-5), and (f-1) to read as follows:

27 (a) The commissioner shall adopt rules as necessary to

1 implement this section [~~a set of indicators of the quality of~~
2 ~~learning and achievement, including the indicators under~~
3 ~~Subsection (c)~~]. The commissioner may not modify [~~periodically~~
4 ~~shall review~~] the domains or performance indicators adopted under
5 this subchapter unless the legislature provides written approval
6 for the modification [~~for the consideration of appropriate~~
7 ~~revisions~~].

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

11 (1) in the student achievement domain, indicators of
12 student achievement that must include:

13 (A) for evaluating the performance of districts
14 and campuses generally:

15 (i) an indicator that accounts for the
16 results of assessment instruments required under Sections
17 39.023(a), (c), and (l), as applicable for the district and campus,
18 including the results of assessment instruments required for
19 graduation retaken by a student, aggregated across grade levels by
20 subject area, including:

21 (a) for the performance standard
22 determined by the commissioner under Section 39.0241(a), the
23 percentage of students who performed satisfactorily on the
24 assessment instruments, aggregated across grade levels by subject
25 area; and

26 (b) for the college readiness
27 performance standard as determined under Section 39.0241, the

1 percentage of students who performed satisfactorily on the
2 assessment instruments, aggregated across grade levels by subject
3 area; and

4 (ii) an indicator that accounts for the
5 results of assessment instruments required under Section
6 39.023(b), as applicable for the district and campus, including the
7 percentage of students who performed satisfactorily on the
8 assessment instruments, as determined by the performance standard
9 adopted by the agency, aggregated across grade levels by subject
10 area; and

11 (B) for evaluating the performance of high school
12 campuses and districts that include high school campuses,
13 indicators that account for:

14 (i) students who satisfy the Texas Success
15 Initiative (TSI) college readiness benchmarks prescribed by the
16 Texas Higher Education Coordinating Board under Section 51.334 on
17 an assessment instrument in reading language arts or mathematics
18 designated by the coordinating board under that section;

19 (ii) students who satisfy relevant
20 performance standards on advanced placement tests or similar
21 assessments;

22 (iii) students who earn dual course credits
23 in the dual credit courses;

24 (iv) students who demonstrate military
25 readiness:

26 (a) through verified enlistment
27 [~~enlist~~] in the armed forces of the United States or the Texas

1 National Guard;

2 (b) by achieving a passing score, as
3 determined by the commissioner, on the Armed Services Vocational
4 Aptitude Battery test; or

5 (c) by successfully completing a
6 Junior Reserve Officer Training Corps program;

7 (v) students who earn industry
8 certifications;

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

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

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

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

27 (x) students who successfully completed an

1 OnRamps dual enrollment course;

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

4 (xii) students who are awarded an associate
5 degree; and

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

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

10 (A) for assessment instruments, including
11 assessment instruments under Subdivisions (1)(A)(i) and (ii), the
12 percentage of students who met the standard for annual through-year
13 instructional growth or improvement in reading language arts,
14 mathematics, and science, as determined by the commissioner; and

15 (B) for evaluating relative performance, the
16 performance of districts and campuses compared to similar districts
17 or campuses; and

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

22 [~~(A) students formerly receiving special~~
23 ~~education services,~~

24 [~~(B) students continuously enrolled, and~~

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

26 (c-4) In addition to the indicators adopted under
27 Subsection (c), not later than the July 1 immediately preceding the

1 school year for which the district requests consideration of an
2 indicator described by this subsection, a school district may
3 submit a request to the agency to consider in the student
4 achievement domain or the school progress domain, as provided by
5 Section 39.054(a-1)(2), one or more of the following student
6 engagement and workforce development indicators for use in
7 evaluating the performance of campuses that serve students in
8 prekindergarten through eighth grade:

9 (1) an indicator that accounts for the percentage of
10 students participating in school-sponsored extracurricular or
11 cocurricular student activities consistent with the findings of the
12 extracurricular and cocurricular student activity indicator study
13 required under Section 39.0533, as that section existed immediately
14 before September 1, 2023;

15 (2) for campuses that serve students in
16 prekindergarten, an indicator that accounts for student
17 participation in full-day prekindergarten programs;

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

23 (4) an indicator that accounts for students in grades
24 six, seven, and eight who successfully complete a career and
25 technology course approved for purposes of the career and
26 technology education allotment under Section 48.106; and

27 (5) an indicator that accounts for students who

1 successfully complete and receive credit for a course designated
2 for a grade higher than the grade in which the student is enrolled.

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

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

18 (1) eliminating achievement gaps based on race,
19 ethnicity, and socioeconomic status; and

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

24 (f-1) The commissioner may increase the scores needed to
25 achieve performance standards on indicators adopted under this
26 subchapter only every fifth school year. The commissioner shall
27 notify each school district of an increase in score under this

1 subsection not later than two school years before the school year in
2 which the agency intends to evaluate the performance of school
3 districts and campuses under that increased score.

4 SECTION 17. Subchapter C, Chapter 39, Education Code, is
5 amended by adding Section 39.0531 to read as follows:

6 Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) The
7 agency, Texas Higher Education Coordinating Board, and Texas
8 Workforce Commission shall jointly develop and make available a
9 list of industry certifications that are eligible for purposes of
10 Section 39.053(c)(1)(B)(v). In developing the list, the agencies
11 shall:

12 (1) adhere to the requirements for inclusion in the
13 credential library established under Section 2308A.007, Government
14 Code; and

15 (2) consider the inventory of industry-recognized
16 certifications developed under Section 312.003, Labor Code.

17 (b) The industry certifications included in the list under
18 Subsection (a) must:

19 (1) be aligned to a program of study that, according to
20 labor market data, prepares students for high-wage, high-skill,
21 in-demand occupations;

22 (2) allow students to demonstrate mastery of the
23 skills required for occupations within an approved program of
24 study; and

25 (3) be obtained through an assessment of the knowledge
26 and skills provided by or determined by an independent, third-party
27 certifying entity using predetermined standards for knowledge,

1 skills, and competencies.

2 (c) The agency, Texas Higher Education Coordinating Board,
3 and Texas Workforce Commission shall regularly review and, if
4 necessary, update the eligibility of industry certifications under
5 Subsection (a), including whether the programs of study for those
6 certifications still meet the requirements under that subsection:

7 (1) in consultation with the advisory council
8 established under Chapter 312, Labor Code; and

9 (2) to the extent practicable, concurrently with the
10 modification of performance standards under Section 39.053(f-1).

11 (d) If, after reviewing an industry certification under
12 Subsection (c), the agency, Texas Higher Education Coordinating
13 Board, and Texas Workforce Commission jointly determine the
14 certification is no longer eligible for purposes of Section
15 39.053(c)(1)(B)(v) and should be removed from the list maintained
16 under Subsection (a), the agencies shall, to the extent
17 practicable, post on the agencies' respective Internet websites
18 information regarding the removal of the certification not later
19 than two years before the date the agencies intend to remove the
20 certification from the list.

21 (e) During the three years following a determination under
22 Subsection (d) that an industry certification is no longer eligible
23 for purposes of Section 39.053(c)(1)(B)(v), a school district may
24 receive the benefit of achievement indicators based on that
25 industry certification for purposes of Section 39.053(c) only for a
26 cohort of students who:

27 (1) were participating in the program of study aligned

1 with that certification during the school year the agency
2 determines the certification is no longer eligible; and
3 (2) earn the certification within the three-year
4 period.

5 SECTION 18. Section 39.054, Education Code, is amended by
6 amending Subsections (a-1) and (b) and adding Subsections (f) and
7 (g) to read as follows:

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

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

19 (2) for campuses that serve students in
20 prekindergarten through eighth grade, attribute not less than 10
21 percent of the performance rating under the student achievement
22 domain under Section 39.053(c)(1) or the school progress domain
23 under Section 39.053(c)(2), whichever performance rating is
24 higher, to the student engagement and workforce development
25 indicators described by Section 39.053(c-4) and approved by the
26 commissioner under Section 39.053(c-5);

27 (3) attribute not more ~~[less]~~ than five ~~[30]~~ percent

1 of the performance rating to the closing the gaps domain under
2 Section 39.053(c)(3);

3 (4) for campuses that serve grades three through
4 eight:

5 (A) attribute not less than 50 percent of the
6 domain performance rating for the student achievement domain under
7 Section 39.053(c)(1) to the indicators adopted under Section
8 39.053(c)(1)(A);

9 (B) attribute 100 percent of the score for the
10 indicators adopted under Section 39.053(c)(1)(A) to student
11 performance on end-of-year assessment instruments and may not
12 consider the results of beginning-of-year and middle-of-year
13 assessment instruments when scoring those indicators; and

14 (C) attribute 100 percent of the score for the
15 indicator adopted under Section 39.053(c)(2)(A) to student
16 performance on annual through-year instructional growth in
17 assigning the domain performance rating for the school progress
18 domain under Section 39.053(c)(2); and

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

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

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

27 (C) 20 percent of the domain performance rating

1 to graduation rates.

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

5 (1) if the agency adds or removes an assessment
6 instrument on which student performance is evaluated for the
7 purpose of assigning district and campus performance ratings or
8 makes significant revisions to the state's assessment program, the
9 agency shall review, adjust, and recalculate the cut scores and
10 standards used in evaluating district and campus performance to
11 ensure fairness and consistency in the assignment of district and
12 campus performance ratings;

13 (2) the overall performance rating and each domain
14 performance rating an elementary school, middle or junior high
15 school, or high school campus receives has minimal or no
16 statistical correlation to the percentage of educationally
17 disadvantaged students enrolled at the campus in order to identify
18 effective campuses regardless of student family income;

19 (3) any changes made to the college, career, or
20 military readiness indicators adopted under Section
21 39.053(c)(1)(B) or to the methodology that relies on data from
22 those indicators for the preceding school year take effect
23 beginning with students entering ninth grade in the school year
24 immediately following the change, regardless of whether the change
25 was made statutorily or by commissioner rule;

26 (4) a campus that is in the first year of operation,
27 that is assigned a new campus identification number, or that is

1 significantly impacted by demographic shifts due to rezoning,
2 closure, or consolidation is not evaluated in the closing the gaps
3 domain under Section 39.053(c)(3) for the first year following the
4 applicable event; and

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

8 (f) If the provisions of the Every Student Succeeds Act (20
9 U.S.C. Section 6301 et seq.) regarding public school accountability
10 and assessment requirements are repealed or otherwise no longer
11 have effect, the commissioner shall reallocate any percentage of
12 the overall performance ratings attributable to the indicators
13 adopted under Section 39.053(c)(3) to the student engagement and
14 workforce development indicators described by Section 39.053(c-4),
15 if applicable.

16 (g) If the agency fails to assign a performance rating to a
17 school district or campus before the deadline established by
18 Subsection (a-3), the district or campus shall be automatically
19 reissued the performance rating assigned to the district or campus
20 for the preceding school year. A performance rating assigned under
21 this subsection remains in effect for all official purposes,
22 including any interventions or sanctions under Chapter 39A, until
23 the agency assigns the district or campus a new rating.

24 SECTION 19. Section 39.0541, Education Code, is amended to
25 read as follows:

26 Sec. 39.0541. ADOPTION OF [~~INDICATORS AND~~] STANDARDS. (a)
27 The commissioner shall [~~may~~] adopt performance [~~indicators and~~]

1 standards under Sections 39.0241 and 39.053(f) not later than the
2 July 15 immediately preceding the school year for which the
3 commissioner intends to assign school district and campus
4 performance ratings under Section 39.054 based on those standards.
5 If the commissioner does not adopt performance standards by the
6 date required under this subsection for a school year, district and
7 campus performance ratings for that school year shall be based on
8 the performance standards in effect for the preceding school year
9 [this subchapter at any time during a school year before the
10 evaluation of a school district or campus].

11 (b) The commissioner may modify the standards, methods,
12 measures, or procedures used to evaluate school districts and
13 campuses and assign performance ratings on or after the date
14 described by Subsection (a) only with the express approval of the
15 legislature.

16 SECTION 20. Section 39.0542(a), Education Code, is amended
17 to read as follows:

18 (a) Not later than July 15 of each [~~Each school~~] year, the
19 commissioner shall provide each school district a document in a
20 simple, accessible format that explains the accountability
21 performance standards adopted under Sections 39.0241 and 39.053(f)
22 for the following school year and the measures, methods, and
23 procedures that will be applied for that school year in assigning
24 each school district and campus a performance rating under Section
25 39.054.

26 SECTION 21. Section 39.0544, Education Code, is amended by
27 adding Subsections (f) and (g) to read as follows:

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

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

13 SECTION 22. Subchapter F, Chapter 39, Education Code, is
14 amended by adding Section 39.152 to read as follows:

15 Sec. 39.152. LIMITATION ON ACTIONS CHALLENGING CERTAIN
16 AGENCY DECISIONS; EXPEDITED APPEALS. (a) A school district or
17 open-enrollment charter school may bring an action challenging a
18 decision that is made by the agency under this chapter and that is
19 based on the lawful exercise of discretion granted to the agency by
20 the legislature only if the district's or school's petition alleges
21 the agency's decision is unconstitutional, arbitrary, capricious,
22 or without lawful authority.

23 (b) In an action brought by a school district or
24 open-enrollment charter school described by Subsection (a), a trial
25 court shall expedite the action and render a final order or judgment
26 not later than the 60th day after the date each defendant has filed
27 an answer or other pleading responsive to the petition. The trial

1 court may extend the time period within which the court must render
2 a final order or judgment under this subsection by not more than 30
3 additional days for good cause. The trial court may set deadlines
4 for discovery, briefing, trial, and all other proceedings necessary
5 to render a final order or judgment in accordance with this
6 subsection.

7 (c) If a final order or judgment described by Subsection (b)
8 is appealed, the appellate court shall expedite the appeal and
9 render a final order or judgment not later than the 60th day after
10 the date the appeal is filed. The appellate court may extend the
11 time period within which the court must render a final order or
12 judgment under this subsection by not more than 30 additional days
13 for good cause. The appellate court may set deadlines for briefing,
14 oral argument, and all other proceedings necessary to render a
15 final order or judgment in accordance with this subsection.

16 (d) A court may grant any appropriate relief to a prevailing
17 party in an action brought by a school district or open-enrollment
18 charter school described by Subsection (a).

19 SECTION 23. Section 39.203(c), Education Code, is amended
20 to read as follows:

21 (c) In addition to the distinction designations described
22 by Subsections (a) and (b), a campus that satisfies the criteria
23 developed under Section 39.204 shall be awarded a distinction
24 designation by the commissioner for outstanding performance in
25 academic achievement in reading [~~English~~] language arts,
26 mathematics, or science [~~, or social studies~~].

27 SECTION 24. Section 39A.064(a), Education Code, is amended

1 to read as follows:

2 (a) Notwithstanding [~~Section 39A.0545(b) or~~] any other law,
3 the commissioner may require a school district or open-enrollment
4 charter school to comply with all requirements of the strong
5 foundations grant program under Section 29.0881 at a campus that:

6 (1) includes students at any grade level from
7 prekindergarten through fifth grade;

8 (2) is assigned an overall performance rating of D or
9 F; and

10 (3) is in the bottom five percent of campuses in the
11 state based on student performance on the grade three reading
12 language arts assessment administered under Section 39.023(a)
13 during the previous school year, as determined by the commissioner.

14 SECTION 25. Subchapter C, Chapter 39A, Education Code, is
15 amended by adding Section 39A.1111 to read as follows:

16 Sec. 39A.1111. GRACE PERIOD FOR CERTAIN CAMPUSES. (a)
17 Notwithstanding Section 39A.111, the commissioner may not take
18 action under that section against a campus ordered to prepare and
19 submit a campus turnaround plan under Section 39A.101 during the
20 2024-2025 school year until the second anniversary of the date on
21 which the campus implements a campus turnaround plan.

22 (b) This section expires September 1, 2031.

23 SECTION 26. Section 2308A.007, Government Code, is amended
24 to read as follows:

25 Sec. 2308A.007. CREDENTIAL LIBRARY. (a) The coordinating
26 board and the commission jointly shall [~~may~~] establish a publicly
27 accessible web-based library of credentials, such as diplomas,

1 certificates, certifications, digital badges, apprenticeships,
2 licenses, or degrees, that are:

3 (1) delivered, issued, funded, or governed by the
4 state;

5 (2) aligned with recognized skills and industry
6 standards;

7 (3) available to residents of the state; and

8 (4) used by employers in the state.

9 (a-1) The [A] credential library established under this
10 section must:

11 (1) include:

12 (A) the information included in the electronic
13 tools or platforms developed by the coordinating board under
14 Section 61.09022(a), Education Code; and

15 (B) the list of industry certifications
16 developed under Section 39.0531, Education Code; and

17 (2) ensure data interoperability between relevant
18 state agencies.

19 (b) The coordinating board and the commission jointly shall
20 ~~may~~ designate a host agency to contract with an experienced and
21 recognized third-party vendor ~~[or operating entity]~~ for the [a]
22 credential library established under this section.

23 (c) In establishing the [a] credential library under this
24 section, the coordinating board and the commission shall solicit
25 input from the agency and relevant stakeholders.

26 SECTION 27. Section 39.023(c-9), Education Code, is
27 repealed.

1 SECTION 28. Section 39.152, Education Code, as added by
2 this Act, applies to an action filed on or after September 1, 2025.
3 An action filed before September 1, 2025, is governed by the law in
4 effect on the date the action was filed, and the former law is
5 continued in effect for that purpose.

6 SECTION 29. Except as otherwise provided by this Act, this
7 Act applies beginning with the 2025-2026 school year.

8 SECTION 30. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2025.

ADOPTED

MAY 27 2025

Latey Jones
Secretary of the Senate

By: Bettencourt H.B. No. 4

Substitute the following for H.B. No. 4:

By: [Signature] C.S.H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

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relating to the assessment of public school students, public school accountability and actions, and proceedings challenging the operations of the public school system.

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

SECTION 1. Section 7.056(e), Education Code, is amended to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

(1) a prohibition on conduct that constitutes a criminal offense;

(2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or

(3) a requirement, restriction, or prohibition relating to:

(A) essential knowledge or skills under Section 28.002 or high school graduation requirements under Section 28.025;

(B) public school accountability as provided by Subchapters B, C, D, and J, Chapter 39, and Chapter 39A;

(C) extracurricular activities under Section 33.081 [~~or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812~~];

- 1 (D) health and safety under Chapter 38;
- 2 (E) purchasing under Subchapter B, Chapter 44;
- 3 (F) elementary school class size limits, except
4 as provided by Section 25.112;
- 5 (G) removal of a disruptive student from the
6 classroom under Subchapter A, Chapter 37;
- 7 (H) at-risk programs under Subchapter C, Chapter
8 29;
- 9 (I) prekindergarten programs under Subchapter E,
10 Chapter 29;
- 11 (J) educator rights and benefits under
12 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
13 A, Chapter 22;
- 14 (K) special education programs under Subchapter
15 A, Chapter 29;
- 16 (L) bilingual education programs under
17 Subchapter B, Chapter 29; or
- 18 (M) the requirements for the first day of
19 instruction under Section 25.0811.

20 SECTION 2. Section 7.057(d), Education Code, is amended to
21 read as follows:

22 (d) A person aggrieved by an action of the agency or
23 decision of the commissioner under this section may appeal to a
24 district court in Travis County. An appeal must be made by serving
25 the commissioner with citation issued and served in the manner
26 provided by law for civil suits. The petition must state the action
27 or decision from which the appeal is taken. At trial, the court

1 shall determine all issues of law and fact, except as provided by
2 Section 33.081(g).

3 SECTION 3. Section 11.182(b), Education Code, is amended to
4 read as follows:

5 (b) A board of trustees may determine whether to use the
6 evaluation tool, except as required by Section 39A.002 [~~39.102(a)~~].

7 SECTION 4. The heading to Section 39.001, Education Code,
8 is amended to read as follows:

9 Sec. 39.001. RULES; ACTION FOR DECLARATORY JUDGMENT.

10 SECTION 5. Section 39.001, Education Code, is amended by
11 adding Subsection (c) to read as follows:

12 (c) A school district or open-enrollment charter school
13 must bring an action for declaratory judgment under Section
14 2001.038, Government Code, challenging the validity or
15 applicability of a rule adopted under this chapter or Chapter 39A
16 not later than six months after the date the rule is adopted.

17 SECTION 6. Section 39.022, Education Code, is amended to
18 read as follows:

19 Sec. 39.022. INSTRUCTIONALLY SUPPORTIVE ASSESSMENT SYSTEM
20 [~~PROGRAM~~]. (a) The agency [~~State Board of Education by rule~~] shall
21 create and implement a balanced and streamlined statewide
22 assessment system for assessment instruments administered under
23 this subchapter [~~program that is knowledge- and skills-based~~] to
24 ensure school accountability for student achievement that:

25 (1) is aligned with the essential knowledge and skills
26 adopted by the State Board of Education under Section 28.002;

27 (2) achieves the goals provided under Section 4.002;

1 and

2 (3) prioritizes student learning.

3 (b) The agency [~~After adopting rules under this section, the~~
4 ~~State Board of Education~~] shall consider the importance of
5 maintaining stability in the statewide assessment system [~~program~~]
6 when modifying the system [~~adopting any subsequent modification of~~
7 ~~the rules~~].

8 (c) [~~(b)~~] It is the policy of this state that the statewide
9 assessment system [~~program~~] be designed to:

10 (1) provide assessment instruments that are as short
11 as practicable; and

12 (2) minimize the disruption to the educational
13 program.

14 (d) The assessment system implemented under this section
15 must include:

16 (1) assessment instruments administered under
17 Sections 39.023(a), (c), and (1);

18 (2) beginning-of-year and middle-of-year assessment
19 instruments described by Section 39.023(o-1); and

20 (3) technical assistance and guidance to school
21 districts and open-enrollment charter schools for implementing the
22 assessment system, including assistance and guidance on:

23 (A) implementing a comprehensive assessment
24 strategy that:

25 (i) improves student performance and
26 promotes mastery of the essential knowledge and skills; and

27 (ii) informs educators regarding

1 assessment requirements; and

2 (B) reducing the assessment burden on students
3 and school personnel.

4 SECTION 7. Subchapter B, Chapter 39, Education Code, is
5 amended by adding Section 39.0225 to read as follows:

6 Sec. 39.0225. TRANSITION OF ASSESSMENT SYSTEM. (a) The
7 agency shall transition the system for assessment instruments
8 administered under this subchapter to incorporate improvements
9 identified in reports submitted under Section 39.0236(d).

10 (b) For purposes of making the transition under Subsection
11 (a), the agency shall adopt or develop the following assessment
12 instruments to be administered beginning no later than the
13 2027-2028 school year:

14 (1) an end-of-year assessment instrument for each
15 subject or course for each grade level subject to assessment under
16 Section 39.023; and

17 (2) optional beginning-of-year and middle-of-year
18 progress monitoring assessment instruments for each subject and
19 grade level subject to assessment under Sections 39.023(a)(1)
20 through (4).

21 (c) To the extent practicable, the end-of-year assessment
22 instruments described by Subsection (b)(1) shall:

23 (1) be shorter than the assessment instruments
24 administered during the 2024-2025 school year under Sections
25 39.023(a), (c), and (1);

26 (2) be scheduled as close to the end of the school year
27 as practicable;

1 (3) allow for results to be provided as quickly as
2 practicable; and

3 (4) for a reading language arts assessment instrument,
4 include open-ended questions that are:

5 (A) administered separately; and

6 (B) scored using a process that:

7 (i) involves classroom teachers; and

8 (ii) allows for a school district or
9 open-enrollment charter school to submit student responses for
10 rescoring.

11 (d) To the extent practicable, the progress monitoring
12 assessment instruments described by Subsection (b)(2) shall:

13 (1) provide progress monitoring information related
14 to essential knowledge and skills for the assessed subject to
15 support instruction during the school year;

16 (2) be designed to be predictive of, without
17 intervention, a student's performance on the applicable
18 end-of-year assessment instrument; and

19 (3) serve as an optional and free benchmark assessment
20 tool for school districts and open-enrollment charter schools.

21 (e) The agency shall provide technical assistance and
22 guidance to school districts and open-enrollment charter schools as
23 described by Section 39.022(d)(3) that, to the extent practicable,
24 includes strategies for districts and schools to reduce assessment
25 burdens not later than the beginning of the 2027-2028 school year.

26 (f) Students shall continue to be assessed under the
27 preceding assessment program for assessment instruments

1 administered under this subchapter until the applicable assessment
2 instrument for a subject or course and grade level is replaced by an
3 assessment instrument adopted or developed under this section.

4 (g) The agency shall conduct a performance comparison
5 analysis between the assessment system adopted or developed under
6 this section and the preceding assessment program for assessment
7 instruments administered under this subchapter to establish
8 roughly comparable standards for the issuance of performance
9 ratings under Section 39.054 for the school year the system adopted
10 or developed under this section is implemented.

11 (h) This section expires September 1, 2028.

12 SECTION 8. Section 39.023, Education Code, is amended by
13 amending Subsections (a-11), (c), (c-3), (c-8), (e), (g), (i), (l),
14 and (o) and adding Subsection (o-1) to read as follows:

15 (a-11) Before an assessment instrument adopted or developed
16 under Subsection (a) may be administered under that subsection, the
17 assessment instrument must, on the basis of empirical evidence, be
18 determined to be valid and reliable by the advisory committees
19 established under Section 39.02302 or an entity that is, as
20 determined by the commissioner, independent of the agency and of
21 any other entity that developed the assessment instrument.

22 (c) The agency shall also adopt end-of-course assessment
23 instruments for secondary-level courses in Algebra I, biology,
24 English I, English II, and United States history. The Algebra I
25 end-of-course assessment instrument must be administered with the
26 aid of technology, but may include one or more parts that prohibit
27 the use of technology. The English I and English II end-of-course

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

16 (c-3) The agency shall adopt a schedule for the
17 administration of assessment instruments under this section for
18 each school year and, to the extent practicable, provide the
19 schedule to each school district and open-enrollment charter school
20 two years before the school year to which the schedule applies. To
21 the extent practicable and for the purpose of mitigating local
22 scheduling conflicts, including University Interscholastic League
23 athletic competitions, the schedule adopted under this section must
24 establish testing windows for the administration of each assessment
25 instrument and allow a district or school to administer an
26 assessment instrument on any date selected by the district or
27 school that falls within the testing window for the instrument

1 ~~[Except as provided by Subsection (c-7) or (c-10) or as otherwise~~
2 ~~provided by this subsection, in adopting a schedule for the~~
3 ~~administration of assessment instruments under this section, the~~
4 ~~State Board of Education shall ensure that assessment instruments~~
5 ~~administered under Subsection (a) or (c) are not administered on~~
6 ~~the first instructional day of a week. On request by a school~~
7 ~~district or open-enrollment charter school, the commissioner may~~
8 ~~allow the district or school to administer an assessment instrument~~
9 ~~required under Subsection (a) or (c) on the first instructional day~~
10 ~~of a week if administering the assessment instrument on another~~
11 ~~instructional day would result in a significant administrative~~
12 ~~burden due to specific local conditions].~~

13 (c-8) At least 25 ~~[Beginning with the 2022-2023 school year,~~
14 ~~not more than 75]~~ percent of the available points on an assessment
15 instrument developed under Subsection (a) or (c) must ~~[may]~~ be
16 attributable to questions that are not presented in a multiple
17 choice format.

18 (e) Under rules adopted by the agency ~~[State Board of~~
19 ~~Education]~~, every third year, the agency shall release the
20 questions and answer keys to each assessment instrument
21 administered under Subsection (a), (b), (c), (d), or (l), excluding
22 any assessment instrument administered to a student for the purpose
23 of retaking the assessment instrument, after the last time the
24 instrument is administered for that school year. To ensure a valid
25 bank of questions for use each year, the agency is not required to
26 release a question that is being field-tested and was not used to
27 compute the student's score on the instrument. The agency shall

1 also release[~~, under board rule,~~] each question that is no longer
2 being field-tested and that was not used to compute a student's
3 score. During the 2014-2015 and 2015-2016 school years, the agency
4 shall release the questions and answer keys to assessment
5 instruments as described by this subsection each year.

6 (g) The agency [~~State Board of Education~~] may adopt one
7 appropriate, nationally recognized, norm-referenced assessment
8 instrument in reading and mathematics to be administered to a
9 selected sample of students in the spring. If adopted, a
10 norm-referenced assessment instrument must be a secured test. The
11 state may pay the costs of purchasing and scoring the adopted
12 assessment instrument and of distributing the results of the
13 adopted instrument to the school districts. A district that
14 administers the norm-referenced test adopted under this subsection
15 shall report the results to the agency in a manner prescribed by the
16 commissioner.

17 (i) The provisions of this section, except Subsection (d),
18 are subject to modification by rules adopted under Section 39.001
19 [~~39.022~~]. Each assessment instrument adopted under those rules and
20 each assessment instrument required under Subsection (d) must be
21 reliable and valid and must meet any applicable federal
22 requirements for measurement of student progress.

23 (l) The agency [~~State Board of Education~~] shall adopt rules
24 for the administration of the assessment instruments adopted under
25 Subsection (a) in Spanish to emergent bilingual students in grades
26 three through five, as defined by Section 29.052, whose primary
27 language is Spanish, and who are not otherwise exempt from the

1 administration of an assessment instrument under Section
2 39.027(a)(1) or (2). Each emergent bilingual student whose primary
3 language is Spanish, other than a student to whom Subsection (b)
4 applies, may be assessed using assessment instruments in Spanish
5 under this subsection for up to three years or assessment
6 instruments in English under Subsection (a). The language
7 proficiency assessment committee established under Section 29.063
8 shall determine which students are administered assessment
9 instruments in Spanish under this subsection.

10 (o) The agency shall adopt or develop optional interim
11 assessment instruments for each [~~subject or~~] course [~~for each grade~~
12 ~~level~~] subject to an end-of-course assessment under this section.
13 A school district or open-enrollment charter school may [~~not be~~
14 ~~required to~~] administer to students enrolled at the district or
15 school interim assessment instruments adopted or developed under
16 this subsection. An interim assessment instrument:

17 (1) must be:

18 (A) when possible, predictive of the
19 end-of-course assessment instrument for the applicable [~~subject~~
20 ~~or~~] course [~~for that grade level~~] required under this section; and

21 (B) administered electronically; and

22 (2) may not be used for accountability purposes.

23 (o-1) The agency shall adopt or develop optional
24 beginning-of-year and middle-of-year progress monitoring
25 assessment instruments for each subject and grade level subject to
26 assessment under Sections 39.023(a)(1) through (4). A school
27 district or open-enrollment charter school may administer to

1 students enrolled at the district or school progress monitoring
2 assessment instruments adopted or developed under this subsection.
3 A progress monitoring assessment instrument must:

4 (1) provide to the district or school administering
5 the assessment instrument information regarding student
6 proficiency in the essential knowledge and skills for the assessed
7 subject to support instruction during the school year; and

8 (2) be designed to be predictive of, without
9 intervention, a student's performance on the applicable
10 end-of-year assessment instrument.

11 SECTION 9. Section 39.0238(b), Education Code, is amended
12 to read as follows:

13 (b) The board of trustees of a school district or the
14 governing body of an open-enrollment charter school may consider
15 the dates of religious holy days or periods of observance likely to
16 be observed by the students enrolled in the district or school
17 during the period set by the agency [~~State Board of Education~~] for
18 the administration of assessment instruments required under
19 Section 39.023 in establishing:

20 (1) the district's or school's calendar for that
21 school year; and

22 (2) the instructional days within that period on which
23 district or school students are administered the required
24 assessment instruments, provided that the board of trustees or
25 governing body may not exclude more than two instructional days
26 from that period based solely on the occurrence of a single
27 religious holy day or period of observance.

1 SECTION 10. Section 39.026, Education Code, is amended to
2 read as follows:

3 Sec. 39.026. LOCAL OPTION. In addition to the assessment
4 instruments adopted and administered by the agency [~~and~~
5 ~~administered by the State Board of Education~~], a school district
6 may, subject to Section 39.0263, adopt and administer
7 criterion-referenced or norm-referenced assessment instruments, or
8 both, at any grade level. A norm-referenced assessment instrument
9 adopted under this section must be economical, nationally
10 recognized, and state-approved.

11 SECTION 11. The heading to Section 39.0263, Education Code,
12 is amended to read as follows:

13 Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED OR
14 CAMPUS-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS [~~TO PREPARE~~
15 ~~STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS~~].

16 SECTION 12. Section 39.0263, Education Code, is amended by
17 amending Subsections (a), (b), and (c) and adding Subsection (e) to
18 read as follows:

19 (a) In this section, "benchmark assessment instrument"
20 means a district-required or campus-required assessment instrument
21 that is administered to all or most students for a subject or course
22 in a particular grade level and that is not curriculum-embedded,
23 including an assessment instrument, such as a practice test or a
24 nationally norm-referenced assessment instrument, designed to
25 prepare students for a corresponding state-administered assessment
26 instrument.

27 (b) Except as provided by Subsection (c), a school district

1 or campus may not administer to any student more than two benchmark
2 assessment instruments during a school year before the
3 administration of an end-of-year [~~to prepare the student for a~~
4 ~~corresponding state-administered~~] assessment instrument.

5 (c) The prohibition prescribed by this section does not
6 apply to:

7 (1) the administration of a college preparation
8 assessment instrument, including the PSAT, the ACT-Plan, the SAT,
9 or the ACT, an advanced placement test, or an international
10 baccalaureate examination;

11 (2) [~~or~~] an independent classroom examination
12 designed or adopted and administered by a classroom teacher;

13 (3) a diagnostic assessment included in a screening or
14 testing for dyslexia or a related disorder; or

15 (4) an assessment instrument required under state law,
16 including under Chapter 28 or 29.

17 (e) If the agency determines that a school district or
18 campus is in violation of this section, in addition to any
19 enforcement actions or remedies available to the agency under other
20 law, the agency may require the district or campus to receive
21 technical assistance described by Section 39.022(d)(3).

22 SECTION 13. Section 39.027(b), Education Code, is amended
23 to read as follows:

24 (b) The agency [~~State Board of Education~~] shall adopt rules
25 under which a dyslexic student who is not exempt under Subsection
26 (a) may use procedures including oral examinations if appropriate
27 or may be allowed additional time or the materials or technology

1 necessary for the student to demonstrate the student's mastery of
2 the competencies the assessment instruments are designed to
3 measure.

4 SECTION 14. Section 39.028, Education Code, is amended to
5 read as follows:

6 Sec. 39.028. COMPARISON OF STATE RESULTS TO NATIONAL
7 RESULTS. The state assessment system [~~program~~] shall obtain
8 nationally comparative results for the subject areas and grade
9 levels for which criterion-referenced assessment instruments are
10 adopted under Section 39.023.

11 SECTION 15. Section 39.029, Education Code, is amended to
12 read as follows:

13 Sec. 39.029. MIGRATORY CHILDREN. The agency [~~State Board~~
14 ~~of Education~~] by rule may provide alternate dates for the
15 administration of the assessment instruments to a student who is a
16 migratory child as defined by 20 U.S.C. Section 6399. The alternate
17 dates may be chosen following a consideration of migrant work
18 patterns, and the dates selected may afford maximum opportunity for
19 the students to be present when the assessment instruments are
20 administered.

21 SECTION 16. Section 39.030(a), Education Code, is amended
22 to read as follows:

23 (a) In adopting academic skills assessment instruments
24 under this subchapter, the agency [~~State Board of Education~~] or a
25 school district shall ensure the security of the instruments and
26 tests in their preparation, administration, and grading. Meetings
27 or portions of meetings held by the agency [~~State Board of~~

1 ~~Education~~] or a school district at which individual assessment
2 instruments or assessment instrument items are discussed or adopted
3 are not open to the public under Chapter 551, Government Code, and
4 the assessment instruments or assessment instrument items are
5 confidential.

6 SECTION 17. Sections 39.032(c-1) and (e), Education Code,
7 are amended to read as follows:

8 (c-1) The standardization norms computed under Subsection
9 (c) shall be:

10 (1) based on a national probability sample that meets
11 accepted standards for educational and psychological testing; and

12 (2) updated at least every eight years using proven
13 psychometric procedures approved by the agency [~~State Board of~~
14 ~~Education~~].

15 (e) The agency [~~State Board of Education~~] shall adopt rules
16 for the implementation of this section and for the maintenance of
17 the security of the contents of all assessment instruments.

18 SECTION 18. Section 39.054(b-1), Education Code, is
19 transferred to Section 39.052, Education Code, redesignated as
20 Section 39.052(b-1), Education Code, and amended to read as
21 follows:

22 (b-1) Consideration of the effectiveness of district
23 programs under Subsection (b)(2)(B) [~~Section 39.052(b)(2)(B)~~] or
24 (C):

25 (1) must:

26 (A) be based on data collected through the Public
27 Education Information Management System (PEIMS) for purposes of

1 accountability under this chapter; and

2 (B) include the results of assessments required
3 under Section 39.023; and

4 (2) may be based on the results of a special
5 investigation conducted under Section 39.003.

6 SECTION 19. Section 39.053, Education Code, is amended by
7 amending Subsections (a), (c), and (f) and adding Subsections
8 (c-4), (f-1), (f-2), (f-3), and (f-4) to read as follows:

9 (a) The commissioner shall adopt a set of indicators of the
10 quality of learning and achievement, including the indicators under
11 Subsection (c). The commissioner periodically shall review the
12 indicators for the consideration of appropriate revisions and may,
13 if the commissioner determines an indicator otherwise required
14 under this subchapter is not valid or reliable, exclude the
15 indicator from the set of indicators adopted under this section.

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

19 (1) in the student achievement domain, indicators of
20 student achievement that must include:

21 (A) for evaluating the performance of districts
22 and campuses generally:

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

1 subject area, including:

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

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

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

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

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

27 (ii) students who satisfy relevant

1 performance standards on advanced placement tests or similar
2 assessments;

3 (iii) students who earn dual course credits
4 in the dual credit courses;

5 (iv) students who demonstrate military
6 readiness:

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

10 (b) by achieving a passing score set
11 by the commissioner on the Armed Services Vocational Aptitude
12 Battery Test and successfully completing a Junior Reserve Officer
13 Training Corps program;

14 (v) students who earn industry
15 certifications;

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

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

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

1 baccalaureate degree or associate degree;

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

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

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

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

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

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

17 (A) for assessment instruments, including
18 assessment instruments under Subdivisions (1)(A)(i) and (ii), the
19 percentage of students who met the standard for improvement, as
20 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, socioeconomic
27 backgrounds, 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) The agency shall study the college, career, and
6 military readiness indicators adopted under Subsection (c) to
7 determine the correlation of each indicator with postsecondary
8 success, including the correlation of industry certifications with
9 wages and available jobs. The value assigned to each indicator must
10 be:

11 (1) based on the strength of the indicator's
12 correlation with successful outcomes; and

13 (2) updated in accordance with Subsection (f-1).

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

25 (1) eliminating achievement gaps based on race,
26 ethnicity, and socioeconomic status; and

27 (2) ensuring [~~to ensure~~] this state ranks nationally

1 ~~[is a national leader]~~ in the top five states in preparing students
2 for postsecondary success and on the National Assessment of
3 Educational Progress or its successor assessment.

4 (f-1) Beginning with the indicators adopted for the
5 2027-2028 school year and as required to meet the goals under
6 Subsection (f), the commissioner shall increase the scores needed
7 to achieve performance standards on indicators adopted under this
8 subchapter only every fifth school year unless an indicator adopted
9 under Subsection (c) requires adjustment before that school year to
10 ensure consistency of performance standards.

11 (f-2) To the extent practicable, for each of the two school
12 years preceding a school year the commissioner increases a score
13 under Subsection (f-1), the commissioner shall report, in a manner
14 that can be reviewed by school administrators, the overall
15 performance of school districts and campuses under that increased
16 score.

17 (f-3) In reporting the performance of school districts and
18 campuses on indicators adopted under this subchapter for a school
19 year in which the score needed to achieve performance standards on
20 one or more of those indicators was increased under Subsection
21 (f-1), the commissioner shall include in the report an
22 informational report on the performance of districts and campuses
23 during the preceding school year under the increased score.

24 (f-4) Notwithstanding Subsection (f), the commissioner may
25 define state standards for an indicator adopted under this
26 subchapter for multiple school years provided that the commissioner
27 annually affirms that those standards are applicable to the current

1 school year. The commissioner is not required to adopt the
2 affirmation described by this subsection by rule.

3 SECTION 20. Subchapter C, Chapter 39, Education Code, is
4 amended by adding Section 39.0531 to read as follows:

5 Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) The agency
6 shall maintain a list of industry certifications that are eligible
7 for purposes of Section 39.053(c)(1)(B)(v). In developing the
8 list, the agency shall consider the inventory of
9 industry-recognized certifications developed under Section
10 312.003, Labor Code. The certifications must:

11 (1) be aligned to a program of study that, according to
12 labor market data, prepares students for high-wage, high-skill,
13 in-demand occupations;

14 (2) allow students to demonstrate mastery of the
15 skills required for occupations within an approved program of
16 study; and

17 (3) be obtained through an assessment of the knowledge
18 and skills provided by or determined by an independent, third-party
19 certifying entity using predetermined standards for knowledge,
20 skills, and competencies.

21 (b) The agency shall review the eligibility of industry
22 certifications under Subsection (a), including whether the
23 programs of study for those certifications still meet the
24 requirements under that subsection:

25 (1) in consultation with the advisory council
26 established under Chapter 312, Labor Code; and

27 (2) to the extent practicable, concurrently with the

1 modification of performance standards under Section 39.053(f-1).

2 (c) If, after reviewing an industry certification under
3 Subsection (b), the agency determines the certification is no
4 longer eligible for purposes of Section 39.053(c)(1)(B)(v) and
5 should be removed from the list maintained under Subsection (a),
6 the agency shall, to the extent practicable, post on the agency's
7 Internet website information regarding the removal of the
8 certification not later than two years before the date the agency
9 intends to remove the certification from the list.

10 (d) During the three years following an agency's
11 determination under Subsection (c) that an industry certification
12 is no longer eligible for purposes of Section 39.053(c)(1)(B)(v), a
13 school district may receive the benefit of achievement indicators
14 based on that industry certification for purposes of Section
15 39.053(c) only for a cohort of students who:

16 (1) were participating in the program of study aligned
17 with that certification during the school year the agency
18 determines the certification is no longer eligible; and

19 (2) earn the certification within the three-year
20 period.

21 SECTION 21. Section 39.054, Education Code, is amended by
22 amending Subsections (a), (a-3), (a-4), (a-5), and (b) and adding
23 Subsections (a-6), (a-7), (c), and (d) to read as follows:

24 (a) Except as provided by Subsection (a-4), the
25 commissioner shall adopt rules to evaluate school district and
26 campus performance and, each school year, assign each district and
27 campus an overall performance rating of A, B, C, D, or F. In

1 addition to the overall performance rating, each school year, the
2 commissioner shall assign each district and campus a separate
3 domain performance rating of A, B, C, D, or F for each domain under
4 Section 39.053(c). An overall or domain performance rating of A
5 reflects exemplary performance. An overall or domain performance
6 rating of B reflects recognized performance. An overall or domain
7 performance rating of C reflects acceptable performance. An
8 overall or domain performance rating of D reflects performance that
9 needs improvement. An overall or domain performance rating of F
10 reflects unacceptable performance. A district may not receive an
11 overall or domain performance rating of A if the district includes
12 any campus with a corresponding overall or domain performance
13 rating of D or F. If a school district has been approved under
14 Section 39.0544 to assign campus performance ratings and the
15 commissioner has not assigned a campus an overall performance
16 rating of D or F, the commissioner shall assign the campus an
17 overall performance rating based on the school district assigned
18 performance rating under Section 39.0544.

19 (a-3) Except as provided by Subsection (c), not ~~[Not]~~ later
20 than August 15 of each year, the following information shall be made
21 publicly available as provided by rules adopted under this
22 section:

23 (1) the performance ratings for each school district
24 and campus; and

25 (2) if applicable, the number of consecutive school
26 years of unacceptable performance ratings for each district and
27 campus.

1 (a-4) Notwithstanding any other law and except as provided
2 by Subsection (a-6), the commissioner may assign a school district
3 or campus an overall performance rating of "Not Rated" if the
4 commissioner determines that the assignment of a performance rating
5 of A, B, C, D, or F would be inappropriate because:

6 (1) the district or campus is located in an area that
7 is subject to a declaration of a state of disaster under Chapter
8 418, Government Code, and due to the disaster, performance
9 indicators for the district or campus are difficult to measure or
10 evaluate and would not accurately reflect quality of learning and
11 achievement for the district or campus;

12 (2) the district or campus has experienced breaches or
13 other failures in data integrity to the extent that accurate
14 analysis of data regarding performance indicators is not possible;

15 (3) the number of students enrolled in the district or
16 campus is insufficient to accurately evaluate the performance of
17 the district or campus; or

18 (4) for other reasons outside the control of the
19 district or campus, the performance indicators would not accurately
20 reflect quality of learning and achievement for the district or
21 campus.

22 (a-5) Notwithstanding any other law, an overall performance
23 rating of "Not Rated" is not included in calculating consecutive
24 school years of unacceptable performance ratings and is not
25 considered a break in consecutive school years of unacceptable
26 performance ratings for purposes of any provision of this code. Any
27 interventions or sanctions to which a school district or campus is

1 subject under Chapter 39A shall continue during a period in which
2 the district or campus is assigned an overall performance rating of
3 "Not Rated."

4 (a-6) The commissioner may not assign an overall
5 performance rating of "Not Rated" to all school districts or all
6 campuses on a statewide basis.

7 (a-7) If the agency makes changes to the assessment system
8 under Section 39.022 for assessment instruments administered under
9 this subchapter that require new standards for issuing performance
10 ratings under this section, the agency must conduct a performance
11 comparison analysis between the system as changed and the preceding
12 system to establish roughly comparable standards for issuing
13 performance ratings. Failure to conduct a performance comparison
14 analysis as required under this subsection does not prevent the
15 assignment of performance ratings under this section and may not be
16 the basis of a challenge to a performance rating assigned under this
17 section.

18 (b) For purposes of assigning school districts and campuses
19 an overall and a domain performance rating under Subsection (a),
20 the commissioner shall, to the extent practicable, ensure that the
21 method used to evaluate performance is implemented in a manner that
22 provides the mathematical possibility that all districts and
23 campuses receive an A rating.

24 (c) The commissioner shall make the information under
25 Subsection (a-3) available as soon as reasonably possible in years
26 in which the standards are modified or recalibrated or in which a
27 new assessment instrument is offered.

1 (d) Failure to assign a performance rating to a school
2 district or campus before the deadline provided by Subsection (a-3)
3 does not invalidate the performance rating assigned to the district
4 or campus or any resulting intervention or sanction imposed on the
5 district or campus.

6 SECTION 22. Section 39.0541, Education Code, is amended to
7 read as follows:

8 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The
9 commissioner may adopt indicators and standards under this
10 subchapter at any time [~~during a school year~~] before issuing the
11 evaluation of a school district or campus.

12 SECTION 23. Section 39.0542, Education Code, is amended by
13 amending Subsection (a) and adding Subsection (d) to read as
14 follows:

15 (a) The [~~Each school year, the~~] commissioner shall provide
16 each school district a document in a simple, accessible format that
17 explains the accountability performance measures, methods, and
18 procedures that will be applied [~~for that school year~~] in assigning
19 each school district and campus a performance rating under Section
20 39.054.

21 (d) Failure to provide the document described by Subsection
22 (a) does not prevent the assignment of performance ratings under
23 Section 39.054 and may not be the basis of a challenge to a
24 performance rating assigned under that section.

25 SECTION 24. Section 39.151(e), Education Code, is amended
26 to read as follows:

27 (e) A school district or open-enrollment charter school may

1 not challenge on any basis, including a lack of commissioner or
2 agency authority, an agency decision relating to an academic or
3 financial accountability rating under this chapter, including a
4 decision relating to a determination of consecutive school years of
5 unacceptable performance ratings, in another proceeding unless
6 ~~[if]~~ the district or school has exhausted the district's or school's
7 remedies ~~[had an opportunity to challenge the decision]~~ under this
8 section.

9 SECTION 25. Section 39.201(a), Education Code, is amended
10 to read as follows:

11 (a) The ~~[Not later than August 8 of each year, the]~~
12 commissioner shall award distinction designations for outstanding
13 performance as provided by this subchapter concurrently with the
14 assignment of performance ratings under Section 39.054. A
15 distinction designation awarded to a district or campus under this
16 subchapter shall be referenced directly in connection with the
17 performance rating assigned to the district or campus and made
18 publicly available together with the performance ratings as
19 provided by rules adopted under Section 39.054 ~~[39.054(a)]~~.

20 SECTION 26. Subchapter H, Chapter 39, Education Code, is
21 amended by adding Section 39.231 to read as follows:

22 Sec. 39.231. LOCAL ACCOUNTABILITY GRANT PROGRAM. (a) From
23 money appropriated or otherwise available for the purpose, the
24 agency shall establish a grant program with capacity to assist at
25 least one school district per education service center region in
26 developing a local accountability system that complies with the
27 requirements of Section 39.0544.

1 (b) The commissioner shall adopt rules to implement this
2 section.

3 SECTION 27. Section 39A.001, Education Code, is amended to
4 read as follows:

5 Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. The
6 commissioner shall take any of the actions authorized by this
7 subchapter to the extent the commissioner determines necessary if:

8 (1) a school district does not satisfy:

9 (A) the accreditation criteria under Section
10 39.052;

11 (B) the academic performance standards under
12 Section 39.053 or 39.054; or

13 (C) any financial accountability standard as
14 determined by commissioner rule; [~~or~~]

15 (2) the commissioner considers the action to be
16 appropriate on the basis of a special investigation under Section
17 39.003; or

18 (3) a school district initiates or maintains an action
19 or proceeding against the state or an agency or officer of the
20 state.

21 SECTION 28. Subchapter A, Chapter 39A, Education Code, is
22 amended by adding Section 39A.008 to read as follows:

23 Sec. 39A.008. INTERVENTION RELATED TO SCHOOL DISTRICT OR
24 OPEN-ENROLLMENT CHARTER SCHOOL ACTION OR PROCEEDING AGAINST STATE.

25 (a) This section applies to a school district or open-enrollment
26 charter school subject to commissioner action under Section
27 39A.001(3).

1 (b) The commissioner may appoint a conservator to a school
2 district or open-enrollment charter school to which this section
3 applies.

4 (c) A conservator appointed under Subsection (b) shall
5 require the school district or open-enrollment charter school to
6 demonstrate, by a deadline established by the conservator, that the
7 district or school is in compliance with Section 45.105(c-1). If
8 the conservator determines that the district or school is not in
9 compliance with that section, the conservator shall order the
10 district or school to withdraw from the action or proceeding.

11 (d) If a school district or open-enrollment charter school
12 fails to comply with an order by a conservator appointed under
13 Subsection (b) by the deadline established by the conservator, the
14 commissioner may:

15 (1) for a school district, appoint a board of managers
16 to oversee the operations of the district; or

17 (2) for an open-enrollment charter school, order
18 reconstitution of the school's governing board.

19 (e) An action taken or decision made by the commissioner or
20 a conservator under this section is final and not subject to appeal
21 under Section 7.057, Chapter 39, or this chapter.

22 SECTION 29. Section 39A.107(c), Education Code, is amended
23 to read as follows:

24 (c) If the commissioner does not approve a campus turnaround
25 plan, the commissioner shall order:

26 (1) appointment of a board of managers to govern the
27 school district as provided by Section 39A.202;

- 1 (2) alternative management of the campus;
2 (3) operation of the campus by an entity with which the
3 school district contracts under Section 11.174; or
4 (4) ~~(3)~~ closure of the campus.

5 SECTION 30. Section 39A.108, Education Code, is amended to
6 read as follows:

7 Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN.
8 Subject to Section 39A.110(a), following ~~Following~~ approval of a
9 campus turnaround plan by the commissioner, the school district, in
10 consultation with the campus intervention team, shall ~~may~~ take
11 any actions needed to implement ~~prepare for the implementation of~~
12 the plan.

13 SECTION 31. Section 39A.110(a), Education Code, is amended
14 to read as follows:

15 (a) If a campus for which a campus turnaround plan has been
16 ordered under Section 39A.101 receives an acceptable performance
17 rating subsequent to ~~for the school year following~~ the order, the
18 ~~board of trustees of the~~ school district is no longer required to
19 ~~may~~

20 ~~(1)~~ implement the campus turnaround plan~~+~~
21 ~~(2) implement a modified version of the campus~~
22 ~~turnaround plan, or~~
23 ~~(3) withdraw the campus turnaround plan~~.

24 SECTION 32. Subchapter Z, Chapter 39A, Education Code, is
25 amended by adding Sections 39A.908 and 39A.909 to read as follows:

26 Sec. 39A.908. INTERVENTIONS AND SANCTIONS WHILE ASSIGNMENT
27 OF PERFORMANCE RATINGS ENJOINED. (a) Notwithstanding any other

1 law, during a period in which the agency is enjoined from assigning
2 performance ratings to a school district, open-enrollment charter
3 school, or district or school campus, any previously imposed
4 interventions or sanctions to which the district, school, or campus
5 is subject shall continue throughout that period.

6 (b) As soon as practicable after the dissolution of an
7 injunction described by Subsection (a), the agency shall:

8 (1) assign performance ratings for each school year
9 and to each school district, open-enrollment charter school, and
10 district or school campus for which the agency was enjoined from
11 assigning performance ratings; and

12 (2) as applicable, impose any appropriate
13 interventions or sanctions authorized under this chapter based on
14 the ratings assigned under Subdivision (1).

15 (c) Notwithstanding any other law, if the agency is
16 permanently enjoined from assigning performance ratings to a school
17 district, open-enrollment charter school, or district or school
18 campus for a school year, the agency shall consider the district,
19 school, or campus to have received a "Not Rated" rating for that
20 school year for purposes of:

21 (1) calculating consecutive years of performance; and

22 (2) determining whether to impose an intervention or
23 sanction authorized under this chapter.

24 (d) To ensure the expeditious implementation of
25 interventions or sanctions under this chapter, the agency may
26 modify or waive a deadline or time frame required by law or agency
27 rule applicable to the assignment of performance ratings for a

1 school year for which the agency was enjoined from assigning
2 performance ratings.

3 (e) Except as provided by Subsection (f) and Section
4 39A.909, the agency shall impose an intervention or sanction
5 described by Subsection (b)(2) or (c)(2) as required by law unless
6 the intervention or sanction, as determined by the commissioner:

7 (1) has been superseded by a subsequent intervention
8 or sanction; or

9 (2) may be removed based on the subsequent performance
10 of a school district, open-enrollment charter school, or district
11 or school campus.

12 (f) The commissioner shall impose an intervention described
13 by Section 12.115(c), 39A.004, or 39A.111, as applicable, on a
14 school district, open-enrollment charter school, or district or
15 school campus if the district, school, or campus would have been
16 subject to commissioner action under the applicable section based
17 on the performance rating of the district, school, or campus for a
18 school year for which the agency was enjoined from assigning
19 performance ratings, regardless of the performance of the district,
20 school, or campus in a subsequent school year.

21 (g) Except as provided by Subsection (h), the commissioner
22 shall revoke a charter holder's charter for an open-enrollment
23 charter school for which the charter holder received a charter
24 renewal based on the absence of a performance rating for a school
25 year for which the agency was enjoined from assigning a performance
26 rating if, after the assignment of performance ratings for that
27 year, the charter would not have been renewed under Section

1 12.1141(d), regardless of the performance of the school in a
2 subsequent school year.

3 (h) Subsection (g) does not apply to a charter holder for
4 which the agency has renewed the charter based on the charter holder
5 entering into and meeting the requirements of a performance
6 agreement with the agency.

7 Sec. 39A.909. INTERVENTIONS OR SANCTIONS RELATED TO
8 2022-2023 OR 2023-2024 SCHOOL YEAR PERFORMANCE RATINGS. (a) The
9 commissioner shall impose an intervention described by Section
10 12.115(c), 39A.004, or 39A.111, as applicable, on a school
11 district, open-enrollment charter school, or district or school
12 campus if the district, school, or campus would have been subject to
13 commissioner action under the applicable section based on the
14 performance rating of the district, school, or campus for the
15 2022-2023 or 2023-2024 school year, regardless of the performance
16 of the district, school, or campus in a subsequent school year.

17 (b) The commissioner shall revoke a charter holder's
18 charter for an open-enrollment charter school for which the charter
19 holder received a charter renewal based on the absence of a
20 performance rating for the 2022-2023 or 2023-2024 school year if,
21 after the assignment of performance ratings for those years, the
22 charter would not have been renewed under Section 12.1141(d),
23 regardless of the performance of the school in a subsequent school
24 year.

25 SECTION 33. Section 45.105(c-1), Education Code, is amended
26 to read as follows:

27 (c-1) Notwithstanding any other law, federal, state, or

1 local funding, including funding under Chapters 46, 48, and 49,
2 ~~[Funds described by Subsection (c)]~~ may not be used to initiate or
3 maintain any action or proceeding against the state or an agency or
4 officer of the state, including an action or proceeding that
5 includes a claim of ultra vires conduct ~~[arising out of a decision,~~
6 ~~order, or determination that is final and unappealable under a~~
7 ~~provision of this code]~~, except that funds may be used for an action
8 or proceeding that is specifically authorized by a provision of
9 this code or by Section 2001.038, Government Code ~~[a rule adopted~~
10 ~~under this code and that results in a final and unappealable~~
11 ~~decision, order, or determination)].~~

12 SECTION 34. Section 22A.001(a), Government Code, is amended
13 to read as follows:

14 (a) The attorney general may petition the chief justice of
15 the supreme court to convene a special three-judge district court
16 in any suit filed in a district court in this state in which this
17 state or a state officer or agency is a defendant in a claim that:

18 (1) challenges the finances or operations of this
19 state's public school system, including challenges to the
20 implementation of the public school accountability system under
21 Chapter 39, Education Code; or

22 (2) involves the apportionment of districts for the
23 house of representatives, the senate, the State Board of Education,
24 or the United States Congress, or state judicial districts.

25 SECTION 35. The heading to Section 312.003, Labor Code, is
26 amended to read as follows:

27 Sec. 312.003. INVENTORY OF CERTIFICATIONS ~~[CREDENTIALS AND~~

1 ~~CERTIFICATES~~].

2 SECTION 36. Sections 312.003(a), (b), (c), and (d), Labor
3 Code, are amended to read as follows:

4 (a) The advisory council shall develop an inventory of
5 industry-recognized certifications [~~credentials and certificates~~]
6 that may be earned by a public high school student through a career
7 and technology education program and that:

8 (1) are aligned to state and regional workforce needs;

9 [~~and~~]

10 (2) serve as an entry point to middle- and high-wage
11 jobs; and

12 (3) meet the requirements of Section 39.0531(a),
13 Education Code.

14 (b) The inventory must include for each certification
15 [~~credential or certificate~~]:

16 (1) the associated career cluster;

17 (2) the awarding entity;

18 (3) the level of education required and any additional
19 requirements for the certification [~~credential or certificate~~];

20 (4) any fees for obtaining the certification
21 [~~credential or certificate~~]; and

22 (5) the average wage or salary for jobs that require or
23 prefer the certification [~~credential or certificate~~].

24 (c) In developing the inventory, the advisory council may
25 consult with local workforce boards, the Texas Workforce Investment
26 Council, the Texas Economic Development and Tourism Office, the
27 Texas Education Agency, and the Texas Higher Education Coordinating

1 Board.

2 (d) The advisory council shall establish a process for
3 developing the inventory, including the criteria for the inclusion
4 of a certification [~~credential or certificate~~] in the inventory.

5 SECTION 37. (a) Section 15, Chapter 925 (S.B. 1566), Acts
6 of the 85th Legislature, Regular Session, 2017, which amended
7 Section 39.102(a), Education Code, is repealed.

8 (b) The following provisions of the Education Code are
9 repealed:

- 10 (1) Section 33.0812;
- 11 (2) Sections 39.023(a-4), (c-7), and (c-10);
- 12 (3) Section 39A.106; and
- 13 (4) Section 39A.110(b).

14 SECTION 38. A rule of the State Board of Education under
15 Sections 39.022, 39.029, and 39.032(e), Education Code, that is in
16 effect on the effective date of this Act remains in effect until
17 changed by the commissioner of education in accordance with those
18 sections as amended by this Act.

19 SECTION 39. The changes in law made by Sections
20 39.023(a-11), 39.053(a), 39.054, 39.0541, and 39.0542, Education
21 Code, as amended by this Act, apply to an action or determination
22 related to public school accountability and accountability ratings
23 beginning with the 2022-2023 school year, regardless of whether the
24 action or determination occurred before, on, or after the effective
25 date of this Act.

26 SECTION 40. Section 39.023(o-1), Education Code, as added
27 by this Act, applies beginning with the 2027-2028 school year.

1 SECTION 41. The changes in law made by Section 39.053,
2 Education Code, as amended by this Act, and Section 39.0531,
3 Education Code, as added by this Act, apply to accountability
4 ratings beginning with the 2027-2028 school year.

5 SECTION 42. The changes in law made by Sections 39A.108 and
6 39A.110(a), Education Code, as amended by this Act, apply to a
7 campus for which a campus turnaround plan has been ordered before,
8 on, or after the effective date of this Act.

9 SECTION 43. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2025.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 28, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4 by Buckley (Relating to the assessment of public school students, public school accountability and actions, and proceedings challenging the operations of the public school system.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, As Passed 2nd House: a negative impact of (\$36,226,200) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2026	(\$16,250,376)
2027	(\$19,975,824)
2028	(\$20,209,756)
2029	(\$19,255,326)
2030	(\$18,916,600)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2025
2026	(\$16,250,376)	16.0
2027	(\$19,975,824)	16.0
2028	(\$20,209,756)	16.0
2029	(\$19,255,326)	16.0
2030	(\$18,916,600)	16.0

Fiscal Analysis

The bill would reassign assessment program responsibilities from the State Board of Education (SBOE) to the Texas Education Agency (TEA). The bill would require the agency to implement the assessment program according to certain provisions and to provide related technical assistance and guidance to public schools.

The bill would require the agency to conduct a performance comparison analysis between the assessment system adopted or developed and the preceding assessment system.

The bill would direct the agency to include teachers in the scoring process for certain assessment items.

The bill would amend the commissioner's duties related to College, Career, and Military Readiness (CCMR) indicators. The bill would require the commissioner to modify indicators, collect certain data on military-related testing and actions, and to study and report on the results.

The bill would require TEA to establish a grant program with the capacity to assist at least one school district per education service center region in developing a local accountability system with certain requirements.

The bill would allow the commissioner to take authorized actions against a school district that initiates or maintains an action or proceeding against the state or an agency or officer of the state. The bill would also require certain sanctions and interventions for these school districts.

The bill would clarify that certain appeals of TEA or commissioner actions could be made to a Travis County district court. The bill would also amend eligibility of certain proceedings eligible for a special three-judge district court panel to include challenges to the implementation of a public school accountability system.

Methodology

TEA estimates the cost to support the development and administration of enhanced interim assessments would be \$4.9 million in fiscal year 2026 and \$4.4 million in subsequent fiscal years. The cost to provide technical assistance for course development and provider certification would be \$5.8 million in fiscal year 2026, \$1.1 million in fiscal year 2027, decreasing to \$0.1 million in fiscal year 2030. TEA also estimates annual technical assistance grants of \$5.4 million annually beginning in fiscal year 2027 to assist schools in implementation of assessment strategies. These costs would be partially offset by an estimated annual savings for streamlined summative assessments of \$1.3 million annually.

TEA estimates the cost to conduct a performance comparison analysis would be \$0.3 million in fiscal year 2028.

TEA estimates the cost of paying stipends to teachers for scoring assessments would be \$3.6 million annually, beginning in fiscal year 2027.

TEA assumes an annual cost of \$5.0 million in grants to schools for the local accountability grant program.

The analysis assumes that TEA would require an additional 16.0 FTEs to implement provisions of the bill at a cost of \$1.9 million in fiscal year 2026 and \$1.8 million in subsequent fiscal years.

The costs to the state judicial system could not be determined as the volume and complexity of the potential legal proceedings that could result from provisions of the bill are unknown.

Technology

TEA assumes IT costs to implement the provisions of the bill would total \$0.1 million.

Local Government Impact

Based on information provided by TEA, this analysis assumes certain school districts may incur costs for imposed interventions or sanctions, with estimated monthly conservator costs between \$2,500 and \$8,000.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SD, NC, ASA, ENA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 25, 2025

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education K-16

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4 by Buckley (relating to the assessment of public school students, public school accountability and actions, and proceedings challenging the operations of the public school system.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, Committee Report 2nd House, Substituted: a negative impact of (\$36,226,200) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2026	(\$16,250,376)
2027	(\$19,975,824)
2028	(\$20,209,756)
2029	(\$19,255,326)
2030	(\$18,916,600)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2025
2026	(\$16,250,376)	16.0
2027	(\$19,975,824)	16.0
2028	(\$20,209,756)	16.0
2029	(\$19,255,326)	16.0
2030	(\$18,916,600)	16.0

Fiscal Analysis

The bill would reassign assessment program responsibilities from the State Board of Education (SBOE) to the Texas Education Agency (TEA). The bill would require the agency to implement the assessment program according to certain provisions and to provide related technical assistance and guidance to public schools.

The bill would require the agency to conduct a performance comparison analysis between the assessment system adopted or developed and the preceding assessment system.

The bill would direct the agency to include teachers in the scoring process for certain assessment items.

The bill would amend the commissioner's duties related to College, Career, and Military Readiness (CCMR) indicators. The bill would require the commissioner to modify indicators, collect certain data on military-related testing and actions, and to study and report on the results.

The bill would require TEA to establish a grant program with the capacity to assist at least one school district per education service center region in developing a local accountability system with certain requirements.

The bill would allow the commissioner to take authorized actions against a school district that initiates or maintains an action or proceeding against the state or an agency or officer of the state. The bill would also require certain sanctions and interventions for these school districts.

The bill would clarify that certain appeals of TEA or commissioner actions could be made to a Travis County district court. The bill would also amend eligibility of certain proceedings eligible for a special three-judge district court panel to include challenges to the implementation of a public school accountability system.

Methodology

TEA estimates the cost to support the development and administration of enhanced interim assessments would be \$4.9 million in fiscal year 2026 and \$4.4 million in subsequent fiscal years. The cost to provide technical assistance for course development and provider certification would be \$5.8 million in fiscal year 2026, \$1.1 million in fiscal year 2027, decreasing to \$0.1 million in fiscal year 2030. TEA also estimates annual technical assistance grants of \$5.4 million annually beginning in fiscal year 2027 to assist schools in implementation of assessment strategies. These costs would be partially offset by an estimated annual savings for streamlined summative assessments of \$1.3 million annually.

TEA estimates the cost to conduct a performance comparison analysis would be \$0.3 million in fiscal year 2028.

TEA estimates the cost of paying stipends to teachers for scoring assessments would be \$3.6 million annually, beginning in fiscal year 2027.

TEA assumes an annual cost of \$5.0 million in grants to schools for the local accountability grant program.

The analysis assumes that TEA would require an additional 16.0 FTEs to implement provisions of the bill at a cost of \$1.9 million in fiscal year 2026 and \$1.8 million in subsequent fiscal years.

The costs to the state judicial system could not be determined as the volume and complexity of the potential legal proceedings that could result from provisions of the bill are unknown.

Technology

TEA assumes IT costs to implement the provisions of the bill would total \$0.1 million.

Local Government Impact

Based on information provided by TEA, this analysis assumes certain school districts may incur costs for imposed interventions or sanctions, with estimated monthly conservator costs between \$2,500 and \$8,000.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, NC, ASA, ENA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 21, 2025

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education K-16

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4 by Buckley (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.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, As Engrossed: a negative impact of (\$197,735,128) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The potential impact to federal funding eligibility could not be determined; however, the Texas Education Agency indicates that if the state falls out of compliance with federal assessment requirements, federal funds may be withheld.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2026	(\$98,834,372)
2027	(\$98,900,756)
2028	(\$98,764,017)
2029	(\$98,764,017)
2030	(\$98,764,017)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2025
2026	(\$98,834,372)	5.0
2027	(\$98,900,756)	5.0
2028	(\$98,764,017)	5.0
2029	(\$98,764,017)	5.0
2030	(\$98,764,017)	5.0

Fiscal Analysis

The bill would require the adoption of a nationally norm-referenced assessment instrument with certain requirements to be administered three times a year.

The bill would amend the requirement for administration of certain assessment instruments for social studies in grade 8.

The bill would require the Texas Education Agency (TEA) to review annually the readability and alignment of test questions on the adopted assessment instrument.

The bill would allow a school district to elect to use a writing portfolio assessment as an alternative to a portion of certain reading language arts assessments. The bill would require districts to design the assessment in consultation with a public or private institution of higher education.

The bill would require the commissioner to adopt a norm-referenced assessment system to evaluate academic progress of all emergent bilingual students.

The bill would modify the accountability system by adjusting the military readiness indicators and providing districts with the option to request the inclusion of additional indicators in their accountability calculations.

The bill would require TEA to establish a grant program with capacity to assist at least one school district per education service center region in developing a local accountability system with certain requirements.

The bill would limit actions challenging certain agency decisions and require a trial court to expedite the action and render a final order or judgment according to certain timelines.

Methodology

TEA estimates that the cost to adopt a nationally norm-reference assessment with certain requirements would be \$156.1 million each fiscal year.

TEA estimates an annual savings of \$81.4 million for the discontinuation of the State of Texas Assessments of Academic Readiness (STAAR).

TEA estimates the cost of item standards alignment and readability studies for the adopted assessment instrument would be \$18.5 million annually.

This analysis assumes costs of implementing optional writing portfolios in consultation with institutions of higher education could be absorbed with existing resources.

TEA indicates that if writing portfolios were to be adopted by districts for use in place of required assessments, TEA anticipates it would incur costs to ensure compliance with federal requirements to prevent the loss of federal funds. The agency estimates these costs to be \$2.3 million annually for providing training modules and resources for writing portfolio assessments; \$5.8 million annually for special research studies for comparability; and \$7.6 million annually to host training and calibration committees. The agency estimates an additional cost for website hosting of writing portfolios of \$0.1 million for the biennium. However, these activities are not explicitly required by the bill, therefore the costs are excluded from estimates above.

TEA indicates that the cost of a norm-referenced assessment system for emergent bilingual students could not be determined. If an appropriate assessment system is not available, the agency indicates it would be a multi-year process to solicit a vendor and to design, test, and implement the system statewide. TEA indicates that during this development period, the state risks being out of compliance with federal assessment requirements.

TEA assumes an annual cost of \$5.0 million in grants to schools for the local accountability grant program.

This analysis assumes TEA could implement provisions of the bill with 5.0 FTEs at a cost of \$0.6 million annually.

The costs to the state judicial system could not be determined as the volume and complexity of the potential legal proceedings that could result from provisions of the bill are unknown.

TEA indicates that the bill's provisions create a risk that the state will no longer be compliant with federal assessment requirements and that any sustained failure to administer a test consistent with federal statutes would likely result in the withholding of approximately \$2.5 billion a year in federal funding.

Technology

TEA estimates total IT development costs to be approximately \$0.2 million for the 2026-27 biennium.

Local Government Impact

Public schools may incur costs related to modifying their assessments and instructional materials to match the new national assessments. This analysis assumes the cost may be significant; however, the fiscal implication cannot be determined at this time.

Source Agencies: 320 Texas Workforce Commission, 701 Texas Education Agency, 781 Higher Education Coordinating Board

LBB Staff: JMc, NC, ASA, ENA, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 8, 2025

TO: Honorable Brad Buckley, Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4 by Buckley (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.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, Committee Report 1st House, Substituted: a negative impact of (\$197,710,009) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The potential impact to federal funding eligibility could not be determined; however, the Texas Education Agency indicates that if the state falls out of compliance with federal assessment requirements, federal funds may be withheld.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2026	(\$98,828,024)
2027	(\$98,881,985)
2028	(\$98,764,017)
2029	(\$98,764,017)
2030	(\$98,764,017)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$98,828,024)	5.0
2027	(\$98,881,985)	5.0
2028	(\$98,764,017)	5.0
2029	(\$98,764,017)	5.0
2030	(\$98,764,017)	5.0

Fiscal Analysis

The bill would require the adoption of a nationally norm-referenced assessment instrument with certain requirements to be administered three times a year.

The bill would amend the requirement for administration of certain assessment instruments for social studies in grade 8.

The bill would require the Texas Education Agency (TEA) to review annually the readability and alignment of test questions on the adopted assessment instrument.

The bill would modify the accountability system by adjusting the military readiness indicators and providing districts with the option to request the inclusion of additional indicators in their accountability calculations.

The bill would require TEA to establish a grant program with capacity to assist at least one school district per education service center region in developing a local accountability system with certain requirements.

The bill would limit actions challenging certain agency decisions and require a trial court to expedite the action and render a final order or judgment according to certain timelines.

Methodology

TEA estimates that the cost to adopt a nationally norm-reference assessment with certain requirements would be \$156.1 million each fiscal year.

TEA estimates an annual savings of \$81.4 million for the discontinuation of the State Assessments of Academic Readiness (STAAR).

TEA estimates the cost of item standards alignment and readability studies for the adopted assessment instrument would be \$18.5 million annually.

TEA assumes an annual cost of \$5.0 million in grants to schools for the local accountability grant program.

TEA indicates that the bill's provisions create a risk that the state will no longer be compliant with federal assessment requirements and that any sustained failure to administer a test consistent with federal statutes would likely result in the withholding of approximately \$2.5 billion a year in federal funding.

The costs to the state judicial system could not be determined as the volume and complexity of the potential legal proceedings that could result from provisions of the bill are unknown.

This analysis assumes TEA could implement provisions of the bill with 5.0 FTEs at an annual cost of \$0.6 million.

Technology

TEA estimates total IT development costs to be approximately \$0.2 million for the 2026-27 biennium.

Local Government Impact

Public schools may incur costs related to modifying their assessments and instructional materials to match the new national assessments and to obtain and report certain student results. This analysis assumes the cost may be significant; however, the fiscal implication cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Texas Education Agency

LBB Staff: JMc, NC, ASA, ENA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 25, 2025

TO: Honorable Brad Buckley, Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4 by Buckley (Relating to the assessment of public school students, public school accountability and actions, and proceedings challenging the operations of the public school system.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, As Introduced: a negative impact of (\$36,262,002) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2026	(\$16,290,501)
2027	(\$19,971,501)
2028	(\$19,960,420)
2029	(\$19,255,990)
2030	(\$18,917,264)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2025
2026	(\$16,290,501)	16.0
2027	(\$19,971,501)	16.0
2028	(\$19,960,420)	16.0
2029	(\$19,255,990)	16.0
2030	(\$18,917,264)	16.0

Fiscal Analysis

The bill would reassign assessment program responsibilities from the State Board of Education to the Texas Education Agency (TEA). The bill would require the agency to implement the assessment program according to certain provisions and to provide related technical assistance and guidance to public schools.

The bill would direct the agency to include teachers in the scoring process for certain assessment items.

The bill would amend the commissioner's duties related to College, Career, and Military Readiness (CCMR) indicators. The bill would require the commissioner to modify indicators, collect certain data on military-

related testing and actions, and to study and report on the results.

The bill would require TEA to establish a grant program with capacity to assist at least one school district per education service center region in developing a local accountability system with certain requirements.

The bill would allow the commissioner to take authorized action against a school district that initiates or maintains an action or proceeding against the state or an agency or officer of the state. The bill would also require certain sanctions and interventions for these school districts.

The bill would clarify that certain appeals of TEA or commissioner actions could be made to a Travis County district court. The bill would also amend the eligibility of certain proceedings eligible for a special three-judge district court panel to include challenges to the implementation of a public school accountability system.

Methodology

TEA estimates the cost to support the development and administration of enhanced interim assessments would be \$4.9 million in fiscal year 2026 and \$4.4 million in subsequent fiscal years. The cost to provide technical assistance for course development and provider certification would be \$5.8 million in fiscal year 2026, \$1.1 million in fiscal year 2027, decreasing to \$0.1 million in fiscal year 2030. TEA also estimates annual technical assistance grants of \$5.4 million annually beginning in fiscal year 2027 to assist schools in implementation of assessment strategies. These costs would be partially offset by an estimated annual savings for streamlined summative assessments of \$1.3 million annually.

TEA estimates the cost of paying stipends to teachers for scoring assessments would be \$3.6 million annually, beginning in fiscal year 2027.

TEA assumes an annual cost of \$5.0 million in grants to schools for the local accountability grant program.

The costs to the state judicial system could not be determined as the volume and complexity of the potential legal proceedings that could result from provisions of the bill are unknown.

This analysis assumes TEA could implement provisions of the bill with 16.0 additional FTEs at a cost of \$1.9 million in fiscal year 2026 and \$1.8 million in subsequent fiscal years.

Technology

TEA estimates total IT development costs to be approximately \$0.1 million for the 2026-27 biennium.

Local Government Impact

Based on information provided by TEA, this analysis assumes certain school districts may incur costs for imposed interventions or sanctions, with estimated monthly conservator costs between \$2,500 and \$8,000.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 320 Texas Workforce Commission, 701 Texas Education Agency

LBB Staff: JMc, NC, ASA, ENA