Status of Implementation of House Bill 3

(81st Texas Legislature, Regular Session)

HB 3 Provisions	Status	Comments/Issues
Assessment, Grades 3-8		
Assessment: Student Success Initiative The requirement that grade 3 students pass the reading assessment to be eligible for promotion to grade 4 is removed. *TEC §28.0211 [HB 3, Sec. 29]*	SBOE rules to update SSI requirements took effect December 23, 2009. Commissioner rules to update SSI requirements took effect April 19, 2010.	None
Assessment: Spanish The requirement that grade 6 reading and mathematics assessments be available in Spanish is removed. *TEC §39.023(l) [HB 3, Sec. 50]*	SBOE rules to update requirements for assessments in Spanish took effect December 23, 2009.	None
Assessment: Grades 3-8 TEA shall develop the grade 3-8 assessment instruments in Section 39.023(a) in such a way that • a student's score provides reliable information about the student's performance on each performance standard; and • an appropriate range of performance serves as a valid indication of growth in student achievement. *TEC §39.023(a-1) [HB 3, Sec. 50]*	Item development and test design activities for the new grades 3-8 assessments began in the 2009-2010 school year. New test items will be field tested beginning in spring 2011 for use on the new assessments. Test construction guidelines are being developed such that test questions will be selected that: o Assess skills at a greater depth and level of cognitive complexity; o Assess more than one student expectation in an item; o Assess fewer student expectations multiple times and in more complex ways; and o Allow growth to be measured at all performance levels.	Performance standards on the new assessments will be determined in fall 2012 after the first operational administration with scores being reported to districts after the start of the 2012-2013 school year. With this schedule, there will be implications for SSI requirements and the use of assessment data to make retention decisions at the district level.

HB 3 Provisions	Status	Comments/Issues
Assessment: Special Education TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to students in special education programs. *TEC §39.023(b) [HB 3, Sec. 50]*	Completed. Commissioner's rules are being amended to require locally developed substitute courses to be fully aligned to the TEKS for the course it replaces.	This provision in HB 3 applies to the new grades 3-8 assessments and the high school end-of-course assessments. Many high school students with disabilities are currently enrolled in locally developed substitute high school courses that may not prepare them to take a modified version of the EOCs.
Assessment: Performance Standards TEA conducts studies during 2009-2010 and 2010-2011 school years to substantiate the correlation between passing standards across grade levels (including grades 3-8 and EOC) before September 2011. *TEC §39.0242* For the purpose of establishing performance across grade levels, the commissioner shall establish performance standards across grades 3-8 and for EOC assessments that correlate with performance on the next higher assessment in the same content area. *TEC §39.0241(a) and (a-2)(1)-(5)* Every three years, TEA conducts studies to substantiate the correlation between passing standards across grade levels (including grades 3-8 and EOC). *TEC §39.0242(d)* *[HB 3, Sec. 53]*	A schedule for conducting the required studies for grades 3-8 and EOC have been established, and the first of the studies began in fall 2009. Other studies will be conducted during the 2010-2011 and 2011-2012 school years. Plans are being developed for the process of setting performance standards on the new assessments. Performance standards for EOC are currently scheduled to be effective in May 2012. Performance standards for the grades 3-8 assessments are currently scheduled to be effective in October 2012. Commissioner rulemaking is scheduled to begin February 2012 for EOC assessments and July 2012 for grades 3-8 assessments.	HB 3 currently calls for a series of linking studies to be completed on the grades 3-8 assessments before the beginning of the 2011-2012 school year. However, the grades 3-8 assessments will not be field tested until spring 2011 and standards will be set in fall 2012. Linking studies for grades 3-8 cannot be conducted until after students have tested under the new program for two consecutive years in order to correlate performance from one year to the next. Performance standards will be set after the linking studies are conducted. No studies are currently required or planned to link within the science, social studies, and writing content areas. It may be necessary to establish an annual phase-in approach for the performance standards (as was done for the TAKS program) based on impact data provided by the linking studies.

HB 3 Provisions	Status	Comments/Issues
Assessment: Growth Measure TEA shall determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on • the grade 5 assessments; • the grade 8 assessments; and • the EOC assessments required for graduation. *TEC §39.034(d) [HB 3, Sec. 58]*	TEA received approval from USDE in January 2008 for use of a growth measure in state and federal accountability. The Texas Projection Measure (TPM) was reported for the first time in spring 2009. TPM for TAKS-M (in grades and subjects for which enough data are available) were reported for the first time in spring 2010. Additionally, a growth measure for TAKS-Alt was reported beginning in spring 2010. Studies are planned to determine how a growth measure will be implemented for the EOC assessments.	Identifying an appropriate method for determining growth across EOC assessments within some of the content areas (such as social studies and science) could be challenging because there is no specified course sequence, and all 12 assessments will be required for graduation for most students.

HB 3 Provisions	Status	Comments/Issues
End-of-Course (EOC) Assessments		
EOC: Special Purpose Questions Special purpose questions to measure college readiness and advanced coursework readiness may not be administered in a separate section of the EOC assessment instrument. *TEC §39.0233(d) [HB 3, Sec. 51]*	The Algebra II EOC assessment was field tested in spring 2010. Items were included that are linked to the critical skills for college readiness identified during external meetings conducted by Curriculum and the Southern Regional Education Board (SREB) in summer and fall 2009. English III assessment items will be field tested in spring 2011. Commissioner rulemaking to establish performance levels on assessment instruments to indicate college readiness and advanced coursework readiness is currently scheduled to begin in February 2012, with an anticipated effective date of May 2012. Commissioner rulemaking related to reporting performance levels on assessments to indicate college readiness and advanced course readiness is currently scheduled to begin in June 2012, with an anticipated effective date of September 2012.	Incongruities in current statute need to be addressed. *TEC §39.0233(c)* states that the State Board of Education will set the performance level required on the special purpose questions that indicates college readiness, although *TEC §39.024(e)* and *TEC §39.0241(a-1)* grant authority for setting college readiness performance standards on the Algebra II and English III end-of-course assessments to the commissioner of education and the commissioner of higher education. The special purpose questions in the EOC assessments may not be administered in a separate section. However, *TEC §39.0233(c)* states that performance on the special purpose questions cannot be used to determine performance on the assessment for graduation purposes.
EOC: Test Development TEA and THECB shall ensure that the Algebra II and English III EOC assessments required under Section 39.023(c) are capable of measuring college readiness beginning with the 2011-2012 school year. *TEC §39.024(b) [HB 3, Sec. 53]*	The Algebra II EOC assessment was field tested in spring 2010. Items were included that are linked to the critical skills for college readiness identified during external meetings conducted by Curriculum and the Southern Regional Education Board (SREB) in summer and fall 2009. English III assessments will be field tested in spring 2011.	Algebra II and English III will be operational in the 2011-2012 school year and standards will be set on both assessments beginning February 2012. However, the English III standards will be set based on field test data only, and it will be necessary to review these standards after the spring 2013 administration and adjust them if necessary.

HB 3 Provisions	Status	Comments/Issues
EOC: College-Ready Standards for Algebra II and English III The commissioner of education and the commissioner of higher education shall determine the level of performance necessary to indicate college readiness. *TEC §39.0241(a-1)* Before the beginning of the 2011-2012 school year, TEA and THECB conduct studies to substantiate the correlation between student performance on Algebra II and English III EOC assessments and college readiness. Based on the results of the studies, TEA and THECB will establish student performance standards for Algebra II and English III that will indicate college readiness. TEC §*39.024(c) and (e) [HB 3, Sec. 53]*	A series of studies are planned for this purpose. Some studies involve correlating performance on an EOC assessment with other assessments of college readiness. Other studies will involve administering EOC assessments to college freshmen. Currently scheduled to begin commissioner rulemaking in February 2012, with an anticipated effective date of May 2012.	Because the Algebra II EOC assessment will be operational for the first time in spring 2011 and the English III EOC assessment will first be operational in spring 2012, it will not be possible to substantiate the link between performance on these two assessments and college readiness prior to the beginning of the 2011-2012 school year. Any studies that may be conducted will not be as meaningful if they are conducted before the assessments are operational and before Texas high school students have had an opportunity to take the assessments under high-stakes conditions. Studies conducted after the 2011-2012 administration will be used to revisit the standards initially set on the Algebra II and English II EOC assessments.

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EOC: College-Ready Standards for Science and Social Studies TEA and THECB shall study the correlation between performance on the science and social studies EOC assessments with college readiness. By December 1, 2012, TEA and THECB shall deliver a report to the legislature that includes an analysis of the feasibility of establishing college readiness standards for science and social studies EOC assessments and a summary of any implementation procedures adopted for each standard. *TEC §39.024(f) and (f-1) [HB 3, Sec. 53]*	A plan for conducting studies is being developed whereby performance on a science or social studies EOC assessment is correlated with performance on other assessments of college readiness. Scheduled to begin commissioner rulemaking in fall 2013, with an effective date of July 2013.	Published research about the relationship between science and social studies assessments and success in college is scarce. Furthermore, studies that are conducted in Texas will not be as meaningful if they are conducted before the assessments are operational and before Texas high school students have had an opportunity to take the assessments under high-stakes conditions.
EOC: College-Ready Standards Review TEA and THECB are to conduct correlation studies at least once every three years to substantiate the correlation between: • performance on Algebra II and English III EOC assessments with college readiness; and • performance on science and social studies EOC assessments and college readiness. TEA and THECB shall periodically review the college readiness performance standards and compare the performance standards to those established for comparable national and international assessment instruments. After each review, the TEA and THECB shall deliver a report to legislative leaders. If TEA and THECB determine that the college readiness standards are not sufficiently rigorous, the agencies shall recommend changes to the college readiness standards. *TEC §39.024(g) and (h) [HB 3, Sec. 53]*	Studies are planned for relating performance on the EOC assessments with college readiness. Some studies will be conducted for the initial standard setting, and data may be gathered again for the purpose of standards review. These studies include correlating performance on the EOC assessments with other assessments of college readiness and administering EOC assessments to college freshmen. Other studies, such as following students from high school into college, will take longer to complete and will only be part of the standards review process.	None

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EOC: Performance Standards TEA will gather data and conduct research studies to substantiate any correlation between EOC performance and success in military service; or in workforce training, certification, or other credential program at an institution of higher education that primarily offers associate degrees or certificates or credentials. *TEC §39.024(i) [HB 3, Sec. 53]*	TEA is drafting a schedule for conducting these studies.	Close coordination with THECB will be essential to ensure that necessary data can be gathered from IHEs. In addition, clarification will be necessary on how success in military service should be determined and which credentialing programs are most critical for inclusion in the studies.
EOC: Retesting Each time an end-of-course assessment is administered, a student who failed to achieve a minimum score under subsection (a) shall retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under section 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment for any reason. A student is not required to retake a course as a condition of retaking an end-of-course instrument. *TEC §39.025(b)* A school district shall provide each student who fails to perform satisfactorily as determined by the commissioner under section 39.0241(a) on an end-of-course assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *TEC §39.025(b-1)* *[HB 3, Sec. 54]*	TEA is evaluating implications for implementation of this provision, including the number of retests that will be offered annually and the months in which the retests will occur.	This provision allows students to retake an EOC assessment for any reason, including retesting to raise test scores. Issues that must be addressed include: • the impact of retesting 12 EOC assessments on the overall costs of the assessment program; • the difficulty of anticipating and providing sufficient test materials to districts administering paper assessments; • the increased test administration burden for school districts for both paper and online assessments; • recalculation of cumulative scores after each retest and tracking of multiple cumulative scores for each student by content area; and • the increased challenge of meeting remediation needs of students.

HB 3 Provisions	Status	Comments/Issues
Graduation Requirements		
Graduation: Cumulative Score The commissioner shall adopt rules requiring participation in EOC assessments as a high school graduation requirement and that students achieve a cumulative score in each foundation subject (English, mathematics, science, social studies) under the advanced, recommended, and minimum graduation plans. The commissioner shall determine the minimum score a student must achieve for an EOC score to be included in the cumulative score. *TEC §39.025(a) [HB 3, Sec. 54]*	Commissioner rulemaking regarding the cumulative score requirements will begin in February 2012 after performance standards activities have begun, with an anticipated effective date of May 2012.	Given the increase in the potential number of assessments that students must perform satisfactorily on in order to graduate and the increased rigor of the new assessment program over the current TAKS requirements, graduation rates will likely initially decline. The transition from TAAS to TAKS as a graduation requirement caused graduation rates to decline for three years before increases were seen in the fourth year. Calculating a cumulative score is complicated by the current requirement that students can retake an EOC assessment at any time for any reason. Because the cumulative score requirements are dependent on the graduation plan a student selects and the specific courses a student takes, it will be more of a challenge at the local level to keep track of which students have met all assessment graduation requirements.
Graduation: Other Tests in Cumulative Score The commissioner must by rule determine a method by which a student's satisfactory performance on an advanced placement, international baccalaureate, or SAT subject test or other test equal in rigor to an EOC test may be used to meet the EOC graduation requirement. The commissioner may determine a method by which a student's satisfactory performance on a PSAT or preliminary American College Test (ACT) may be used to meet the EOC graduation requirement. *TEC §39.025(a-1) [HB 3, Sec. 54]*	Commissioner rulemaking is currently scheduled to begin in February 2012, with an anticipated effective date of May 2012.	Studies will be conducted to determine that the alternative assessment instruments are "at least as rigorous as" the companion EOC assessments and to determine score conversions for use in calculating the cumulative score.

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Graduation: Algebra II and English III Scores for RHSP and AHSP The commissioner must determine the score required on the Algebra II and English III EOC assessments for a student to graduate under the recommended high school program (RHSP) and advanced high school program (AHSP). *TEC §39.025(a-2) and (a-3) [HB 3, Sec. 54]*	The scores will be determined as part of the standard setting process for the EOC program. Commissioner rulemaking is scheduled to begin no later than February 2012, with an anticipated effective date of May 2012.	None

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Other		
Assessment: Data Portal TEA shall establish and maintain a student assessment data portal for use by school districts, teachers, parents, students, and public institutions of higher education. *TEC §32.258 [HB 3, Sec. 49]*	The data portal was included as part of the Assessment Services RFP. The data portal became available in fall 2010 with limited capabilities; full implementation is planned for fall 2011.	The capability of the data portal to meet all provisions of HB 3 is contingent on establishing a teacher-student link in PEIMS and providing this information to the assessment contractor for incorporation in the portal.
Assessment: Release of Test Information Assessments administered for retesting purposes are excluded from the three-year release schedule for assessment instruments. *TEC §39.023(e) [HB 3, Sec. 50]*	SBOE rules to update the test release schedule took effect December 23, 2009.	None
Assessment: Online Administration TEA shall ensure that assessments required under 39.023 can be administered by computer. However, the commissioner may not require a school district or open-enrollment charter to administer an assessment by computer. *TEC §39.0234(a) [HB 3, Sec. 52]*	Requirements met.	If assessments are made available in both paper and online formats, it is necessary to conduct comparability studies so that student results reported from a paper-administered and online-administered test have the same interpretations.
Assessment: Study Guides TEA *may* [no longer *shall*] develop study guides for students who fail the grade 3-8 and EOC assessments. *TEC §39.0241(c) [HB 3, Sec. 53]*	No further distribution of paper copies of the TAKS study guides is planned. Personalized study guides are no longer provided. No development activities are currently planned for study guides to accompany the EOC assessments.	Study guides could be used in the provision of required accelerated instruction for the new assessment program. However, no resources are currently available for development and/or updating of these study guides.

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Assessment: Eliminate TAAS The Texas Assessment of Academic Skills (TAAS) is eliminated and the commissioner must approve a list of alternative assessments for exit-level testers graduating under TAAS. *TEC §39.025(c-1) [HB 3, Sec. 54]*	TAAS tests are no longer being administered as of October 2009. The commissioner has established cut scores on exit level TAKS to be used with students for whom TAAS or TEAMS are the graduation requirements.	None
Assessment: LEP Exemption A student may be administered an accommodated or alternative assessment or may be granted an exemption from or postponement of the administration for • a period of one year after their initial enrollment in a U.S. school if the student is of limited English proficiency; • an additional period of up to four years if the student initially enrolled in a U.S. school as an unschooled asylee or refugee. *TEC §39.027(a)(3) [HB 3, Sec. 56]*	Commissioner rules to update LEP exemptions took effect February 22, 2010.	Current statute addresses the needs of one specific group of unschooled recent immigrants, setting up inequities for similar students who only lack the required documentation to qualify for these special provisions.
Assessment: Information on the Website On or before September 1, the following information must be made available on TEA's website • number of questions on the assessment instrument • number of questions needed to answer correctly to meet satisfactory performance (including college readiness) • the corresponding scale scores *TEC §39.023(p) [HB 3, Sec. 50]*	The number of questions on the assessment instrument and the scale scores associated with each performance standard are published on the website each year.	The number of questions that must be answered correctly to meet each performance standard is dependent on the equating process, which is not determined until after the test has been constructed and administered to students.

HB 3 Provisions	Status	Comments/Issues
Accountability - General		
Accountability: Accountability System Develop new accountability system based on new assessments and college-ready performance. *TEC §§39.053 and 39.054 [HB 3, Sec. 59]*	An accountability development calendar and process will be outlined in the December 1, 2010, transition plan.	None
Accountability: Campus Improvement Plan (CIP) If a campus receives an acceptable performance rating but does not meet performance standards to be used for the following school year, the commissioner may request a campus improvement plan relevant for the areas in which the campus would not satisfy performance standards. *TEC §39.105(a) [HB 3, Sec. 59]*	Identifying Campus Improvement Plan (CIP) campuses (formerly Technical Assistance Team campuses) will continue to be done in the 2009-2010 and 2010-2011 school years. The CIP campuses will not be identified for the 2011-2012 school year because the criteria are linked to performance ratings, which are suspended this school year. The CIP criteria for the 2012-2013 school year are yet to be determined. The transition to the new accountability system will be outlined in the December 1, 2010, transition plan.	None
Accountability: Campus Report Card TEA shall prepare and distribute to each school district a report card for each campus. *TEC §39.305 [HB 3, Sec. 59]*	School Report Cards (SRCs) will continue to be prepared and distributed to each school district in the 2009-2010 and 2010-2011 school years. The SRC requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None

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Accountability: Performance Reports [AEIS] TEA will provide: • district and campus performance on the performance and reporting indicators, and • descriptive information required in the district annual report. *TEC §39.306 [HB 3, Sec. 59]*	The Academic Excellence Indicator System (AEIS) data will continue to be reported under the current accountability system in 2009-2010 and 2010-2011. The AEIS requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None

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Accountability: Calendar and Transition Timeline 2011-2012: Performance ratings suspended; district and campus proficiency and college-ready performance reported 2012-2013: Performance ratings based on percent proficient and growth to proficiency; district and campus college-ready performance reported 2013-2014: Performance ratings based on percent proficient and growth to proficiency, and college-ready performance and growth to college readiness *TEC §39.116 [HB 3, Sec. 59]* June 15: Ratings for Unacceptable in prior year August 8: Ratings for all districts and campuses *TEC §39.054(a) [HB 3, Subchapter C]* August 8: Distinction designations *TEC §39.201 [HB 3, Subchapter G]*	December 1, 2010 Transition Plan submitted. August 1, 2011 2011 ratings are the last ratings issued under the current accountability system. 2011-2012 Assignment of performance ratings suspended for this school year. Development of new academic accountability system continues with the timelines established by the adopted transition plan. August 8, 2013 District and campus performance ratings are issued for the first time under the new system. Ratings will be based on percent proficient indicator. The percent college-ready indicator will be reported only. Distinction designations will be issued to districts and campuses with acceptable performances concurrent with the release of performance ratings. August 8, 2014 District and campus performance ratings are issued for the second time under the new system. Ratings will be based on both percent proficient and percent college-ready indicators.	March 2011 Advisory Committee meets to discuss 2011 accountability and future accountability under HB 3. October 2011 Initial HB 3 advisory meeting members will receive a HB 3 orientation and review guidance for framework of the new system. There will be multiple advisory meetings from 2011-2013 to plan and implement the new accountability system. February 2012 Advisory meeting topics include analysis of 2011 EOC data and review of framework and options for assessment, completion/graduation, and dropout indicators. May/June 2012 Advisory meeting topics include review of additional features, final recommendations on indicators, and further analyses of 2011 EOC results. October 2012 Advisory meeting topics include review of distinction designation indicators, analysis of various accountability standards based on modeling of 2012 EOC and grades 3-8 results (prior to standard setting). February 2013 Final meeting topics include final recommendations on 2013 accountability standards based on modeling of 2012 EOC and grades 3-8 results (with standards), recommendations on final 2013 system features and a review of the 2014 system. April 2013 Commissioner releases final decisions on the 2013 system.

HB 3 Provisions	Status	Comments/Issues
Performance and Reporting Indicators		
Indicators: Assessment Performance The commissioner shall adopt indicators of student achievement that include the results of criterion-referenced assessments; EOC assessments; assessments retaken for graduation; and assessments administered in Spanish. For the performance standards and college readiness performance standards, results must be aggregated across grade levels by subject and include the percentages of students who performed satisfactorily or, for students not performing satisfactorily, the percentage of students who met the standard for annual improvement. The commissioner shall determine the period within which a student must retake an assessment for that assessment to be considered in determining the performance rating of the district. *TEC §39.053(c)(1) and (d) [HB 3, Sec. 59]*	Assessment indicators based on the current assessment program will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The assessment indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None

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Indicators: Completion and Dropout The commissioner shall adopt indicators of • dropout rates and district completion rates, computed in accordance with National Center for Education Statistics (NCES) standards and definitions; and *TEC §39.053(c)(2)* • high school graduation rates, computed in accordance with the standards and definitions adopted for the No Child Left Behind Act of 2001. *TEC §39.053(c)(3)* In computing dropout and completion rates under *TEC §39.053(c)(2)*, the commissioner shall exclude: • *TEC §39.053(g-1)(1)* Students who are under a court order to attend a high school equivalency certificate program, but who have not yet earned the high school equivalency certificate; • *TEC §39.053(g-1)(2)* Students who were previously reported as dropouts; • *TEC §39.053(g-1)(3)* Students in attendance who are not in membership for the purpose of determining average daily attendance; • *TEC §39.053(g-1)(4)* Students who initially enrolled in a U.S. school in grades 7-12 as an unschooled refugee or asylee; • *TEC §39.053(g-1)(5)* Students who are in a district only because they are held at county detention facility in the district; and • *TEC §39.053(g-1)(6)* Students who are incarcerated in state jails and federal penitentiaries either as adults or certified to stand trial as adults. *[HB 3, Sec. 59]*	The Texas Education Agency (TEA) implemented TEC §§39.053(c)(2) – 39.0539(c)(3) beginning with the 2005-2006 school year. TEC §39.053(g-1) is effective beginning with the 2011-2012 school year for students enrolled in 2010-2011. For TEC §§39.053(g-1)(1), (4), and (6), language has been published in the July version of the *PEIMS Data Standards* to collect these data in 2010-2011 and report in 2011-2012. For TEC §§39.053(g-1)(2) and (3), the agency has the data necessary to implement as required by the effective date of 2011-1202. TEC §39.053(g-1)(5) duplicates TEC §39.053(f) and §39.055, which was implemented beginning with the 2003-2004 school year.	None

HB 3 Provisions	Status	Comments/Issues
Indicators: Graduates by Program The commissioner shall adopt indicators of the percentage of students who graduate under the • Minimum high school program; • Recommended high school program; and • Advanced high school program. *TEC §39.301(c)(1) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None
Indicators: Postsecondary Readiness The commissioner shall adopt indicators of the results of the SAT, ACT, articulated postsecondary degree programs and certified workforce training programs. *TEC §39.301(c)(2) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None
Indicators: Progress of Prior Year Failers The commissioner shall adopt indicators of the subsequent performance of students who failed to pass a grade 3-8 or EOC assessment. *TEC §39.301(c)(3) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None

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Indicators: Minimum High School Program The commissioner shall adopt indicators of the number of students who agree to take courses under the minimum high school program. *TEC §39.301(c)(4) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None
Indicators: Student Success Initiative The commissioner shall adopt indicators, aggregated by grade level and subject, of the • percentage of students provided accelerated instruction after failing an assessment in grades 3-8, • percentage promoted by a grade placement committee after failing a mathematics or reading test in grade 5 or 8, and • promoted students' performance on assessments during the following school year. *TEC §39.301(c)(5) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None
Indicators: LEP Exemptions The commissioner shall adopt indicators of the percentage of LEP students who were exempted from taking an assessment. *TEC §39.301(c)(6) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None

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Indicators: Alternative Assessment Participation The commissioner shall adopt indicators of the percentage of students in a special education program assessed through alternative assessments. *TEC §39.301(c)(7) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None
Indicators: College Readiness The commissioner shall adopt indicators of the percentage of students who satisfy the college readiness measure. *TEC §39.301(c)(8) [HB 3, Sec. 59]*	This indicator will continue to be reported on the AEIS reports in 2009-2010 and 2010-2011. The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None
Indicators: Dual Language Proficiency The commissioner shall adopt indicators of the measure of progress toward dual language proficiency for LEP students. *TEC §39.301(c)(9) [HB 3, Sec. 59]*	The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None
Indicators: Non-Educationally Disadvantaged The commissioner shall adopt indicators of the percentage of students who are not educationally disadvantaged. *TEC §39.301(c)(10) [HB 3, Sec. 59]*	The indicators that will be available to meet the reporting requirements for the 2011-2012 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010, transition plan.	None

HB 3 Provisions	Status	Comments/Issues
Indicators: Higher Education Enrollment The commissioner shall adopt indicators of the percentage of students who enroll and begin instruction at an institution of higher education in the year following their high school graduation. *TEC §39.301(c)(11) [HB 3, Sec. 59]*	The Texas Higher Education Coordinating Board (THECB) currently collects information about Texas students who enroll in Texas public and private institutions of higher education following graduation from public high school. THECB has published an annual report that displays the enrollment counts by Texas school district and campus since the 2001-2002 school year. These data are provided to TEA per an MOU that facilitates data sharing between the two agencies. TEA links the THECB report to the Texas P-16 Public Education Information Resource (TPEIR) website. Out-of-state college enrollment data will be provided per an agreement between TEA and the National Student Clearinghouse, funded by the State Fiscal Stabilization Fund (SFSF) grant to be submitted by TEA in January 2010. The data is expected to be loaded in the TPEIR data warehouse in 2011.	None
Indicators: Higher Education First Year Completion The commissioner shall adopt indicators of the percentage of students who successfully complete their first year at an institution of higher education without needing to take a developmental education course. *TEC §39.301(c)(12) [HB 3, Sec. 59]*	The Texas Higher Education Coordinating Board (THECB) will be collecting higher education student course data as funded by the 2009 Statewide Longitudinal Data Systems (SLDS) grant. This classroom data will be loaded in the TPEIR data warehouse in January 2012.	None

HB 3 Provisions	Status	Comments/Issues
Indicators: TELPAS Performance on the Texas English Language Proficiency Assessment System (TELPAS), including performance of refugee/asylee students, is included in the indicator systems under Sections 39.301 (Performance Indicators: Reporting), performance report [AEIS] under 39.306, and comprehensive annual report under 39.332. *TEC §39.027(e) [HB 3, Sec. 56]*	The English Language Learners (ELL) Progress Measure was added to the 2008-2009 AEIS reports and will continue to be reported in the 2009-2010 and 2010-2011 schools years. Reporting requirements for these indicators in the 2011-2012 school year are yet to be determined.	Beginning with the 2011 accountability ratings, the ELL Progress Indicator will be incorporated into the rating system as an additional indicator. At least 60% of ELL students tested must meet the performance standard or the progress criteria on their assessment in order for the campus or district to be rated *Recognized* or *Exemplary*.
Indicators: Special Language Program Performance and reporting indicators must be based on longitudinal student data that is disaggregated by any bilingual or special education program in which any limited English proficient (LEP) student is (or was) enrolled. If a LEP student was not enrolled in specialized language instruction, the number and percentage of those students shall be provided. *TEC §39.301(d) [HB 3, Sec. 59]*	These performance and reporting indicators were reported in the new Section III of the AEIS reports for the first time in 2008-2009 school year. These indicators will continue to be reported in the 2009-2010 and 2010-2011 school years. Reporting requirements for these indicators in the 2011-2012 school year are yet to be determined.	None

HB 3 Provisions	Status	Comments/Issues
Distinction Designations		
Distinction Designations: Recognized and Exemplary Districts and Campuses The commissioner shall award a Recognized or Exemplary distinction designation for academic excellence to a district or campus for the number of students who met the standard for college readiness, annual improvement, or postsecondary readiness. *TEC §39.202 [HB 3, Sec. 59]*	The Academic Excellence Distinction Designation will have two rating levels—Recognized and Exemplary. These distinctions will be based on the percentage of students achieving college-ready standards or demonstrating improvement toward those standards that will be reported for the first time in 2012-2013 and fully implemented in the 2013-2014 school year. Plans for defining, collecting, evaluating, and integrating new indicators will be outlined in the 2010 transition plan.	None
Distinction Designations: Top 25% Campuses The commissioner shall award a distinction designation to a campus if the campus is ranked in the top 25% of campuses in the state in annual improvement in student achievement. *TEC §39.202(a) [HB 3, Sec. 59]*	Plans for defining, collecting, evaluating, and integrating new indicators will be outlined in the 2010 transition plan.	None
Distinction Designations: Campus Performance Gaps The commissioner shall award a distinction designation to a campus if it is able to significantly decrease or eliminate performance differences between student groups and is ranked in the top 25% of campuses in the state. *TEC §39.202(b) [HB 3, Sec. 59]*	Plans for defining, collecting, evaluating, and integrating new indicators will be outlined in the 2010 transition plan.	None

HB 3 Provisions	Status	Comments/Issues
Distinction Designations: Campus Academic Achievement The commissioner shall award a distinction designation to a campus for academic achievement in English language arts, mathematics, science, or social studies. The commissioner will establish a committee to develop criteria for these distinction designations. *TEC §39.202(c)(1) [HB 3, Sec. 59]*	Plans for defining, collecting, evaluating, and integrating new indicators will be determined by the committees that will be convened, as outlined in the 2010 transition plan.	None

HB 3 Provisions	Status		Comments/Issues
Distinction Designations: Committees In adopting rules under this section, the commissioner shall establish a separate committee to develop criteria for each distinction designation. Each committee established under this section must include: (1) individuals who practice as professionals in the content area relevant to the distinction designation, as applicable; (2) individuals with subject matter expertise in the content area relevant to the distinction designation; (3) educators with subject matter expertise in the content area relevant to the distinction designation; and (4) community leaders, including leaders from the business community. For each committee, the governor, lieutenant governor, and speaker of the house of representatives may each appoint a person described by each subdivision of Subsection (c). In developing criteria for distinction designations under this section, each committee shall: (1) identify a variety of indicators for measuring excellence; and (2) consider categories for distinction designations, with criteria relevant to each category, based on: (A) the level of a program, whether elementary school, middle or junior high school, or high school; and (B) the student enrollment of a campus. *TEC §39.204(b)-(e). [HB 3]*	Fall 2010	Committee selection begins. Separate committees will be formed for the five additional distinction designations. ▪ Academic achievement in ELA, mathematics, science, or social studies ▪ Fine arts ▪ Physical education ▪ 21st Century Workforce Development program ▪ Second language acquisition program	The Division of Performance Reporting will oversee the committee selection, guidelines, criteria development, data collection, data standards, and distinction recommendations for the Academic Achievement Distinction Designation Committee. The Division of Curriculum will oversee the committee selection, guidelines, criteria development, data collection, data standards, and distinction recommendations for the Fine Arts, Physical Education, 21st Century Workforce Development, and Second Language Acquisition Distinction Designation Committees.
	Winter 2010	Selection of distinction committee members finalized	
	2011-2012	Four separate meetings of each distinction committee will occur. Internal and external reviews of distinction designation committee recommendations will also occur.	
	May 2012	Release of Commissioner's Final Decisions on Distinction Designations	
	2012-2013	Collection of data	
	August 2013	Release of distinction designations	

HB 3 Provisions	Status	Comments/Issues
Interventions and Sanctions		
On-site investigations and special accreditation investigations *[HB 3, Sec. 59]*	Amendments to 19 TAC Chapter 97, Subchapter EE, took effect July 28, 2010.	None
Intervention and Sanctions *[HB 3, Sec. 59]*	Amendments to 19 TAC Chapter 97, Subchapter EE, took effect July 28, 2010, and implemented the HB 3 intervention and sanction structure.	None
Campus improvement plans and campus intervention teams *[HB 3, Sec. 59]*	Amendments to 19 TAC Chapter 97, Subchapter EE, took effect July 28, 2010, and implemented the HB 3 intervention and sanction structure. Identifying Campus Improvement Plan (CIP) campuses (formerly Technical Assistance Team campuses) will continue to be done in the 2009-2010 and 2010-2011 school years. The CIP campuses will not be identified for the 2011-2012 school year because the criteria are linked to performance ratings, which are suspended in 2012. The CIP criteria for the 2012-2013 school year are yet to be determined.	None
Reconstitution, repurposing, alternative management and closure *[HB 3, Sec. 59]*	Amendments to 19 TAC Chapter 97, Subchapter EE, took effect July 28, 2010.	None

HB 3 Provisions	Status	Comments/Issues
Section 39.108 Annual Review of district and campus performance and district accreditation status *[HB 3, Sec. 59]*	Amendments to 19 TAC Chapter 97, Subchapter EE, took effect July 28, 2010.	None
Accreditation Transition Timeline *[HB 3, Sec. 59]*	Amendments to 19 TAC Chapter 97, Subchapter EE, took effect July 28, 2010. Additionally, the December 1, 2010, transition plan addresses accreditation status assignment during the period in which academic accountability ratings are not issued.	None

HB 3 Provisions	Status	Comments/Issues
Financial Accountability		
Financial Accountability for Charters *[HB 3, Sec. 16]*	Commissioner's rules regarding School FIRST for Charters took effect on May 31, 2010. Proposed rules to expand charter FIRST indicators were posted to the Texas Register in October 2010 for the 2010-2011 fiscal year.	Creates a new program for financial accountability for charters.
Financial Accountability Ratings *[HB 3, Sec. 59]*	Commissioner's rules regarding School FIRST took effect May 31, 2010. Proposed financial solvency rules were posted to the Texas Register in October 2010 with an anticipated effective date of December 2010.	None

HB 3 Provisions	Status	Comments/Issues
Other		
Best Practices Clearinghouse (BPC) *[HB 3, Sec. 1]*	During 2009-2010, a new BPC website was launched, two issues of the new BPC newsletter were published, and a BPC dropout prevention webinar series was conducted.	None
Revise CTE curriculum to correspond to SECM Courses *[HB 3, Sec. 25]*	TEA has begun coordination with the Workforce Education Course Manual (WECM) Leadership Committee to implement the first review and revision of high school CTE courses aligned with the THECB official statewide inventory of workforce education courses. Review of these courses was funded for FY 2011. For the 2010-2011 school year, the list of revised WECM courses was updated by August 16, 2010. THECB will send the updated list to TEA for generation of a list of CTE courses to be reviewed. TEA will provide the SBOE with a list of courses that are not aligned and in need of revision.	None
Graduation Requirements *[HB 3, Sec. 30]*	The SBOE adopted amendments to all three graduation programs in January 2010 to be effective August 23, 2010.	None
Fine Arts Credit Pilot Program *[HB 3, Sec. 30]*	Program will be established in fall 2010.	Agency must establish a new pilot program.
Calculation of Students' GPA *[HB 3, Sec. 31]*	No agency action required.	None

HB 3 Provisions	Status	Comments/Issues
Pilot Program on College Readiness *[HB 3, Sec. 32]*	No agency action required.	None
Intensive Reading or Language Intervention Pilot Program *[HB 3, Sec. 34]*	Commissioner's rules were adopted to be effective August 18, 2010.	None
Perkins State Plan to define Career and Technical Education (CTE) … *[HB 3, Sec. 41]*	Amendments to commissioner's rules to define CTE were adopted to be effective June 7, 2010.	None
High School Allotment *[HB 3]*	Statute governing High School Allotment changed from Section 39.114 to Section 39.234. Section 39.234(b) modifies the language regarding exceptions to how districts may use their allotment funds. New statutory requirements authorize exemptions from allotment spending restrictions based on whether a district's measure of progress toward college readiness is determined exceptional by a standard set by the commissioner and whether a district's completion rates for grades 9 through 12 exceed completion rate standards required by the commissioner to achieve a status of accredited under the state accreditation standards. Since changes relating to districts' accredited status had not been finalized at the beginning of the school year, the agency identified seven districts eligible for exemption for the current school year in accordance with previous provisions outlined in Section 39.114. A letter from the commissioner was sent to the seven districts eligible for exemptions in September 2009.	None

HB 3 Provisions	Status	Comments/Issues
Standards for Gifted and Talented *[HB 3, Sec. 59]*	The Commissioner's Advisory Council has made recommendations, and commissioner's rules regarding standards for gifted/talented will be filed as proposed in spring 2011.	None
Grant to develop advanced math and science courses *[HB 3, Sec. 63]*	No agency action required.	Grant is permissive.
Jobs and Education for Texans (JET) Grant Program *[HB 3, Sec. 64]*	No agency action required.	Comptroller must establish and administer this fund.