



Summary of HB 4 Accountability Bill Updated 3/1/25

House Public Education Committee Chairman Brad Buckley filed HB 4 as part of his priority legislation. The bill makes changes to the public school assessment and accountability systems, including actions and proceedings challenging those state systems.

Instructionally Supportive Assessment Program

Conforming language throughout the bill strips the SBOE of authority to create and implement a statewide assessment system by rule and gives that authority to TEA. It says that the system must be balanced, streamlined, aligned with the TEKS, and supportive of classroom instruction. HB 4 adds new requirements for the assessment program such as an optional interim assessment and technical assistance and guidance to districts.

Assessment Redesign

HB 4 mandates that TEA redesign the state assessments and, to the extent practicable, (1) reduce the length of the tests; (2) begin administration of the redesigned tests during the spring 2026 semester; and (3) begin the provision of technical assistance in the 2026-27 school year.

Assessment Validation

Language is added that broadens options for the commissioner of education in selecting an entity to determine the validity and reliability of the grades 3-8 assessments to include:

1. The technical and educator assessment advisory committees appointed by the commissioner (authorized in TEC §39.02302); or
2. An entity that is, as determined by the commissioner, independent of TEA and the test developer.

Assessment Administration Schedule

TEA is authorized to adopt a schedule, and to the extent practicable, provide the schedule to districts two years ahead of time. The schedule is required to have testing windows. The prohibition of scheduling a state test on the first instructional day of a week is removed from statute.

Assessment Scoring

To the extent practicable, TEA must include classroom teachers in the process of scoring questions not presented in a multiple-choice format.

Performance Indicators

HB 4 makes several changes to the performance indicators of achievement, including the following:

- Allows the commissioner to exclude an indicator from an adopted set if the commissioner determines it is not valid or reliable
- Adds an indicator under the student achievement domain to allow military readiness to be demonstrated by passing an Armed Service Vocational Aptitude Battery Test (ASVAB) *and* successful completion of a Junior Reserve Officer Training Corps (JROTC) program
- Requires TEA to study the CCMR indicators to determine their correlation with postsecondary success, including the correlation of industry certifications with wages and available jobs
- Permits the commissioner to modify standards for each indicator annually
- Requires the commissioner to annually increase the rigor used to determine overall performance ratings to ensure that by the 15th year after modification Texas ranks in the top five states nationally on the NAEP
- Requires the commissioner to increase the scores needed for achievement every five years, unless an adjustment is needed sooner
- Requires the commissioner to issue “what if” reports for each of the two years preceding a score increase

Industry Certification List

HB 4 adds a new section specific to an industry-based certification (IBC) that requires the commissioner to maintain a list of IBCs that are eligible for use in evaluating high school performance with the IBC indicator. The bill mandates that TEA consider Labor Code and other criteria when developing the list. TEA would be required to post on its website any planned removal of an IBC two years prior to removal. Three years after determination that an IBC is no longer eligible, a district may still receive the benefit of achievement of that performance indicator only for a cohort of students who: (1) were participating in a program aligned with that IBC during the school year TEA determines it is no longer eligible; and (2) earn the certification with the three-year period.

Performance Ratings

Language is added that states the commissioner must issue A-F ratings each school year. HB 4 allows the commissioner to issue performance ratings later than August 15 in years in which the performance standards change but must make the ratings available as soon as reasonably possible. Failure to assign performance ratings before the deadline does not invalidate the assigned rating or resulting interventions or sanctions.

The commissioner is prohibited from assigning an overall rating of “Not Rated” to all districts or all campuses on a statewide basis. A new provision mandates that any interventions or sanctions assigned to a district or campus must continue during a period that a “Not Rated” performance rating is issued. The bill removes the requirement that the commissioner ensure a performance evaluation allows all districts and campuses the mathematical possibility to receive an A rating, and instead, the commissioner is required to do so only to the extent practicable.

Adoption of Indicators and Standards

The bill removes the requirement that the commissioner adopt indicators and standards during a school year before the evaluation of a district or campus and allows the commissioner to change standards at any time. The provision is removed that currently requires the commissioner to provide a document outlining accountability performance

measures, methods and procedures to be used in evaluation performance for each school year; and there is no longer a timeline for the commissioner to provide that information. In addition, HB 4 establishes that the commissioner's failure to provide the document *does not* prevent the assignment of performance ratings and may not be the basis of a challenge to a performance rating assignment.

Local Accountability Grant Program

HB 4 requires TEA to establish a grant program from money appropriated that has the capacity to assist at least one school district per education service center region in developing a local accountability system in compliance with TEC §39.0544.

Grounds for Commissioner Action

A new provision is added that allows the commissioner to take any authorized action to the extent necessary if a school district initiates or maintains an action or proceeding against the state or an agency or officer of the state.

Intervention Related to School District or Open-Enrollment Charter School Action or Proceeding Against the State

The bill adds several new sections to TEC, Chapter 39A, including a requirement that the commissioner appoint a conservator for a district if the district initiates or maintains an action against the state, a state agency, or an officer of the state.

The conservator is authorized to set a deadline by which the district or school must demonstrate compliance with state authorized expenditures statute. If the conservator determines the district or school is not in compliance, an order may be issued to withdraw from the action or proceeding or take necessary actions to come into compliance. If a district or school fails to comply with the conservator's order, the commissioner may: (1) appoint a board of managers for a district; or (2) order reconstitution of an open-enrollment charter school's governing board. An action or decision made by the conservator or commissioner is final and not subject to appeal.

Interventions and Sanctions While Assignment or Performance Ratings Enjoined

Another new section to TEC, Chapter 39A requires interventions and sanctions to proceed regardless of whether TEA is enjoined (prohibited) from assigning performance ratings. The language establishes that as soon as practicable after the dissolution of an injunction, TEA must assign performance ratings from which they were previously enjoined from doing so.

The section provides that if TEA is permanently enjoined from issuing ratings for an entire school year, the agency will consider the district, school, or campus to have received a "Not Rated" rating for that year in: (1) calculating consecutive years of performance; and (2) determining whether to impose interventions or sanctions. To ensure the "expeditious implementation" of interventions or sanctions, TEA is allowed to modify or waive a deadline or time frame required in law or rule. The commissioner is authorized to impose an intervention that would have been issued during the year of enjoinderment regardless of performance in the following school year. The commissioner must revoke a charter holder's charter for an open-enrollment school if the charter would not have been renewed based on performance during the year of enjoinderment.

Prohibition of State Funding

HB 4 prohibits school districts from using state funds to initiate or maintain actions against the state or an agency or officer of the state, including an action or proceeding that includes a claim of ultra virus (acting or done beyond one's legal power or authority) conduct.

Limitation on Attorney Payments

The bill requires a district or open-enrollment charter school that brings action against the TEA, SBOE, or SBEC or an officer or agent of those entities that alleges ultra vires conduct to deposit all payments into an escrow account until a final judgment is rendered, all appeals are fully resolved, and the district or school prevails in the action. (Ultra vires conduct is an action that exceeds the legal authority of a company or government body.)

Attorney General

HB 4 amends Government Code to allow the attorney general to petition the chief justice of the Texas Supreme Court to convene a special three-judge district court in any suit filed in a district court in this state in which the state, or a state officer or agency, is a defendant in a claim that challenges the finances or operations of this state's public school system, including challenges to the implementation of the public school accountability system.

Retroactive Provisions

HB 4 specifies that the new accountability provisions would apply retroactively beginning with the 2022-23 school year regardless of whether the action or determination occurred before, on, or after the effective date of this Act.

Implementation Date

The bill states the provisions in this statute would begin with the 2027-28 school year.