

By: Bucy

H.B. No. 58

A BILL TO BE ENTITLED

AN ACT

1
2 relating to eliminating certain state-required end-of-course
3 assessment instruments not required by federal law and eliminating
4 graduation requirements based on satisfactory performance on
5 certain end-of-course assessment instruments.

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

7 SECTION 1. Section 39.023, Education Code, is amended by
8 amending Subsection (c) and adding Subsection (q) to read as
9 follows:

10 (c) The agency shall also adopt end-of-course assessment
11 instruments for secondary-level courses in Algebra I, biology, and
12 English I [~~, English II, and United States history~~]. The Algebra I
13 end-of-course assessment instrument must be administered with the
14 aid of technology, but may include one or more parts that prohibit
15 the use of technology. The English I [~~and English II~~] end-of-course
16 assessment instrument [~~instruments~~] must [~~each~~] assess essential
17 knowledge and skills in both reading and writing and must provide a
18 single score. A school district shall comply with State Board of
19 Education rules regarding administration of the assessment
20 instruments listed in this subsection. If a student is in a special
21 education program under Subchapter A, Chapter 29, the student's
22 admission, review, and dismissal committee shall determine whether
23 any allowable modification is necessary in administering to the
24 student an assessment instrument required under this subsection.

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

7 (g) This subsection applies to end-of-course assessment
8 instruments adopted under Subsection (c) for secondary-level
9 courses in English II and United States history, as that subsection
10 existed before amendment by __.B. No. ____, Acts of the 88th
11 Legislature, Regular Session, 2023. The agency may retain
12 assessment instruments described by this subsection, but may not
13 require a school district to administer those assessment
14 instruments. A school district may choose to administer an
15 assessment instrument described by this subsection. An assessment
16 instrument described by this subsection administered by a school
17 district may not be used for accountability purposes to measure the
18 performance of the district or a district campus.

19 SECTION 2. Section 39.025, Education Code, is amended by
20 amending Subsections (a-1) and (a-3) and adding Subsections (h),
21 (i), and (j) 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 Algebra I or the English I [~~and English II~~]
 4 end-of-course assessment instrument [~~instruments~~], as applicable,
 5 as prescribed by Section 39.023(c), even if the student did not
 6 perform satisfactorily on a previous administration of the
 7 applicable end-of-course assessment instrument. A student who
 8 fails to perform satisfactorily on the assessment instrument
 9 designated by the coordinating board under Section 51.334
 10 administered as provided by this subsection may retake that
 11 assessment instrument for purposes of this subsection or may take
 12 the appropriate end-of-course assessment instrument.

13 (a-3) A student who, after retaking an end-of-course
 14 assessment instrument for Algebra I [~~or English II~~], has failed to
 15 perform satisfactorily as required by Subsection (a)[~~7~~] but who
 16 receives a score of proficient on the Texas Success Initiative
 17 (TSI) diagnostic assessment for mathematics [~~the corresponding~~
 18 ~~subject for which the student failed to perform satisfactorily on~~
 19 ~~the end-of-course assessment instrument~~] satisfies the requirement
 20 concerning the Algebra I [~~or English II~~] end-of-course assessment[~~7~~
 21 ~~as applicable~~].

22 (h) Notwithstanding Subsection (a), in order to receive a
 23 high school diploma, a student is not required to achieve a scale
 24 score that indicates satisfactory performance on an end-of-course
 25 assessment for secondary-level courses in English II or United
 26 States history after the effective date of __.B. No. __, Acts of the
 27 88th Legislature, Regular Session, 2023, regardless of the date the

1 student enters high school.

2 (i) Subject to Subsection (j), a school district or
3 open-enrollment charter school policy that requires a student to
4 demonstrate satisfactory performance on an end-of-course
5 assessment for secondary-level courses in English II or United
6 States history does not apply to a student of the district or school
7 as of the effective date of __.B. No. ____, Acts of the 88th
8 Legislature, Regular Session, 2023, regardless of the date that
9 student enters high school or whether the student is currently
10 enrolled in high school.

11 (j) The board of trustees of a school district or the
12 governing body of an open-enrollment charter school with a policy
13 described by Subsection (i) may readopt the policy after the
14 effective date of __.B. No. ____, Acts of the 88th Legislature,
15 Regular Session, 2023, to apply to district or charter school
16 students enrolled in high school on or after the date the policy is
17 readopted.

18 SECTION 3. This Act applies beginning with the 2023-2024
19 school year.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect on the 91st day after the last day of the
25 legislative session.