

By: Herrero

H.B. No. 1278

A BILL TO BE ENTITLED

AN ACT

relating to eliminating certain state-required assessment instruments and certain end-of-course assessment instruments not required by federal law.

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

SECTION 1. Section 39.023, Education Code, is amended by amending Subsections (a), (c), and (c-2) and adding Subsection (q) to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, mathematics, ~~[social studies,~~ and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

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

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

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

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

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

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in reading, mathematics, and science only as necessary to comply with the Every Student

1 Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered
2 only as necessary to meet the minimum requirements of that Act
3 ~~[Algebra I, biology, English I, English II, and United States~~
4 ~~history. The Algebra I end-of-course assessment instrument must~~
5 ~~be administered with the aid of technology, but may include one or~~
6 ~~more parts that prohibit the use of technology. The English I and~~
7 ~~English II end-of-course assessment instruments must each assess~~
8 ~~essential knowledge and skills in both reading and writing and must~~
9 ~~provide a single score].~~ A school district shall comply with State
10 Board of Education rules regarding administration of the assessment
11 instruments adopted under [~~listed in~~] this subsection. If a
12 student is in a special education program under Subchapter A,
13 Chapter 29, the student's admission, review, and dismissal
14 committee shall determine whether any allowable modification is
15 necessary in administering to the student an assessment instrument
16 required under this subsection. The State Board of Education shall
17 administer the assessment instruments. An end-of-course
18 assessment instrument may be administered in multiple parts over
19 more than one day. The State Board of Education shall adopt a
20 schedule for the administration of end-of-course assessment
21 instruments that complies with the requirements of Subsection
22 (c-3).

23 (c-2) The agency may adopt end-of-course assessment
24 instruments for courses for which end-of-course assessment
25 instruments are not adopted under [~~not listed in~~] Subsection
26 (c). A student's performance on an end-of-course assessment
27 instrument adopted under this subsection is not subject to the

1 performance requirements established under Subsection (c) or
2 Section 39.025.

3 (g) Notwithstanding any provision of this section or other
4 law, if changes made to the Every Student Succeeds Act (20 U.S.C.
5 Section 6301 et seq.) reduce the number or frequency of assessment
6 instruments required to be administered to students, the State
7 Board of Education shall adopt rules reducing the number or
8 frequency of assessment instruments administered to students under
9 state law, and the commissioner shall ensure that students are not
10 assessed in subject areas or in grades that are no longer required
11 to meet the minimum requirements of that Act.

12 SECTION 2. Section 39.025(a-1), Education Code, is amended
13 to read as follows:

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

1 assessment instrument designated by the coordinating board under
2 Section 51.334 administered as provided by this subsection may
3 retake that assessment instrument for purposes of this subsection
4 or may take the appropriate end-of-course assessment instrument.

5 SECTION 3. Section 39.203(c), Education Code, is amended to
6 read as follows:

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

13 SECTION 4. Section 39.023(c-9), Education Code, is
14 repealed.

15 SECTION 5. This Act applies beginning with the 2023-2024
16 school year.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2023.