

By: Schatzline

H.B. No. 1073

A BILL TO BE ENTITLED

AN ACT

relating to the academic assessment of public school students.

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

SECTION 1. Section 18.006(b), Education Code, is amended to read as follows:

(b) In addition to other factors determined to be appropriate by the commissioner, the accountability system must include consideration of:

(1) student performance on the ~~[end-of-course]~~ assessment instruments administered under ~~[required by]~~ Section 39.023(c); and

(2) dropout rates, including dropout rates and diploma program completion rates for the grade levels served by the diploma program.

SECTION 2. Section 25.005(b), Education Code, is amended to read as follows:

(b) A reciprocity agreement must:

(1) address procedures for:

(A) transferring student records;

(B) awarding credit for completed course work;

and

(C) permitting a student to satisfy the requirements of Section 39.025 through successful performance on comparable ~~[end-of-course or other exit-level]~~ assessment

1 instruments administered in another state; and

2 (2) include appropriate criteria developed by the
3 agency.

4 SECTION 3. Section 28.014(a), Education Code, is amended to
5 read as follows:

6 (a) Each school district shall partner with at least one
7 institution of higher education to develop and provide courses in
8 college preparatory mathematics and English language arts. The
9 courses must be designed:

10 (1) for students at the 12th grade level whose
11 performance on:

12 (A) an ~~[end-of-course]~~ assessment instrument
13 administered ~~[required]~~ under Section 39.023(c) does not meet
14 college readiness standards; or

15 (B) coursework, a college entrance examination,
16 or an assessment instrument designated under Section 51.334
17 indicates that the student is not ready to perform entry-level
18 college coursework; and

19 (2) to prepare students for success in entry-level
20 college courses.

21 SECTION 4. Sections 28.0211(a-1) and (o), Education Code,
22 are amended to read as follows:

23 (a-1) Each time a student fails to perform satisfactorily on
24 an assessment instrument administered under Section 39.023(a) or
25 (1) in the third, fourth, fifth, sixth, seventh, or eighth grade or
26 an ~~[end-of-course]~~ assessment instrument administered under
27 Section 39.023(c), other than an assessment instrument developed or

1 adopted based on alternative academic achievement standards, the
2 school district in which the student attends school shall provide
3 to the student accelerated instruction in the applicable subject
4 area during the subsequent summer or school year and, subject to
5 Subsections (a-7) and (a-8), either:

6 (1) allow the student to be assigned a classroom
7 teacher who is certified as a master, exemplary, or recognized
8 teacher under Section 21.3521 for the subsequent school year in the
9 applicable subject area; or

10 (2) provide the student supplemental instruction
11 under Subsection (a-4).

12 (o) This section does not require the administration of
13 a fifth ~~[or eighth]~~ grade assessment instrument in a subject under
14 Section 39.023(a) to a student enrolled in the fifth ~~[or eighth]~~
15 grade~~[, as applicable,]~~ if the student~~[+~~

16 ~~[(1)]~~ is enrolled in a course in the subject intended
17 for students above the student's grade level and will be
18 administered an assessment instrument adopted or developed under
19 Section 39.023(a) that aligns with the curriculum for the course in
20 which the student is enrolled~~[, or~~

21 ~~[(2) is enrolled in a course in the subject for which~~
22 ~~the student will receive high school academic credit and will be~~
23 ~~administered an end-of-course assessment instrument adopted under~~
24 ~~Section 39.023(c) for the course].~~

25 SECTION 5. Section 28.023(c), Education Code, is amended to
26 read as follows:

27 (c) A school district shall give a student in grade level

1 six or above credit for a subject on the basis of an examination for
2 credit in the subject approved by the board of trustees under
3 Subsection (a) if the student scores in the 80th percentile or above
4 on the examination or if the student achieves a score as provided by
5 Subsection (c-1). If a student is given credit in a subject on the
6 basis of an examination, the district shall enter the examination
7 score on the student's transcript [~~and the student is not required~~
8 ~~to take an end-of-course assessment instrument adopted under~~
9 ~~Section 39.023(c) for that subject~~].

10 SECTION 6. Sections 28.025(b-4) and (c-8), Education Code,
11 are amended to read as follows:

12 (b-4) A school district may offer the curriculum described
13 in Subsections (b-1)(1) through (4) in an applied manner. Courses
14 delivered in an applied manner must cover the essential knowledge
15 and skills[, ~~and the student shall be administered the applicable~~
16 ~~end-of-course assessment instrument as provided by Sections~~
17 ~~39.023(c) and 39.025~~].

18 (c-8) For purposes of Subsection (c-7), the admission,
19 review, and dismissal committee of a student in a special education
20 program under Subchapter A, Chapter 29, shall determine whether the
21 student is required to achieve satisfactory performance on an
22 [~~end-of-course~~] assessment instrument administered under Section
23 39.023(c) to earn an endorsement on the student's transcript.

24 SECTION 7. Section 28.0258, Education Code, is amended by
25 amending Subsections (a), (b), (f), (h), (j), and (k) and adding
26 Subsections (m) and (n) to read as follows:

27 (a) This section applies only to an 11th or 12th grade

1 student who has failed to comply with the [~~end-of-course~~]
2 assessment instrument performance requirements under Section
3 39.025 for not more than two subjects identified under Section
4 39.023(c) [~~courses~~].

5 (b) For each student to whom this section applies, the
6 school district that the student attends shall establish an
7 individual graduation committee at the end of or after the
8 student's 11th grade year to determine whether the student may
9 qualify to graduate as provided by this section. A student may not
10 qualify to graduate under this section before the student's 12th
11 grade year. The committee shall be composed of:

12 (1) the principal or principal's designee;
13 (2) for each subject identified under Section
14 39.023(c) for [~~end-of-course assessment instrument on~~] which the
15 student failed to perform satisfactorily on the appropriate
16 corresponding required assessment instrument, a [~~the~~] teacher of
17 the student in that subject, designated by the principal [~~course~~];

18 (3) the department chair or lead teacher supervising
19 the teacher described by Subdivision (2); and

20 (4) as applicable:
21 (A) the student's parent or person standing in
22 parental relation to the student;

23 (B) a designated advocate described by
24 Subsection (c) if the person described by Paragraph (A) is unable to
25 serve; or

26 (C) the student, at the student's option, if the
27 student is at least 18 years of age or is an emancipated minor.

1 (f) Notwithstanding any other law, a student's individual
2 graduation committee established under this section shall
3 recommend additional requirements by which the student may qualify
4 to graduate, including:

5 (1) additional remediation; and

6 (2) for each [~~end-of-course~~] assessment instrument
7 required under Section 39.023(c) on which the student failed to
8 perform satisfactorily:

9 (A) the completion of a project related to the
10 subject area [~~of the course~~] that demonstrates proficiency in the
11 subject area; or

12 (B) the preparation of a portfolio of work
13 samples in the subject area [~~of the course~~], including work samples
14 [~~from the course~~] that demonstrate proficiency in the subject area.

15 (h) In determining whether a student for whom an individual
16 graduation committee is established is qualified to graduate, the
17 committee shall consider:

18 (1) the recommendation of the student's teacher in
19 each course of the subject for which the student failed to perform
20 satisfactorily on an [~~end-of-course~~] assessment instrument;

21 (2) the student's grade in each course of the subject
22 for which the student failed to perform satisfactorily on an
23 [~~end-of-course~~] assessment instrument;

24 (3) the student's score on each [~~end-of-course~~]
25 assessment instrument required under Section 39.023(c) on which the
26 student failed to perform satisfactorily;

27 (4) the student's performance on any additional

1 requirements recommended by the committee under Subsection (f);

2 (5) the number of hours of remediation that the
3 student has attended, including[+]

4 [~~(A) attendance in a college preparatory course~~
5 ~~required under Section 39.025(b-2), if applicable; or~~

6 [~~(B)~~] attendance in and successful completion of
7 a transitional college course in reading or mathematics;

8 (6) the student's school attendance rate;

9 (7) the student's satisfaction of any of the Texas
10 Success Initiative (TSI) college readiness benchmarks prescribed
11 by the Texas Higher Education Coordinating Board;

12 (8) the student's successful completion of a dual
13 credit course in English, mathematics, science, or social studies;

14 (9) the student's successful completion of a high
15 school pre-advanced placement, advanced placement, or
16 international baccalaureate program course in English,
17 mathematics, science, or social studies;

18 (10) the student's rating of advanced high on the most
19 recent high school administration of the Texas English Language
20 Proficiency Assessment System;

21 (11) the student's score of 50 or greater on a
22 College-Level Examination Program examination;

23 (12) the student's score on:

24 (A) the ACT or[7] the SAT, if not otherwise
25 considered under Subdivision (3); or

26 (B) the Armed Services Vocational Aptitude
27 Battery test;

1 (13) the student's completion of a sequence of courses
2 under a career and technical education program required to attain
3 an industry-recognized credential or certificate;

4 (14) the student's overall preparedness for
5 postsecondary success; and

6 (15) any other academic information designated for
7 consideration by the board of trustees of the school district.

8 (j) Notwithstanding any action taken by an individual
9 graduation committee under this section, a school district shall
10 administer an ~~[end-of-course]~~ assessment instrument required under
11 Section 39.023(c) to any student who fails to perform
12 satisfactorily on an ~~[end-of-course]~~ assessment instrument
13 required under Section 39.023(c) as provided by Section 39.025(b).
14 For purposes of Section 39.053(c)(1), an assessment instrument
15 administered as provided by this subsection is considered an
16 assessment instrument required for graduation retaken by a student.

17 (k) The commissioner shall adopt rules as necessary to
18 administer ~~[implement]~~ this section ~~[not later than the 2015-2016~~
19 ~~school year]~~.

20 (m) For a student subject to Section 39.025(f-3)(1):

21 (1) for purposes of Subsection (a), this section
22 applies only to an 11th or 12th grade student who has failed to
23 comply with the end-of-course assessment instrument performance
24 requirements under Section 39.025, as that section existed before
25 amendment by __.B. ____, Acts of the 89th Legislature, Regular
26 Session, 2025, for not more than two courses listed in Section
27 39.023(c), as that section existed before amendment by __.B. ____,

1 Acts of the 89th Legislature, Regular Session, 2025;

2 (2) for purposes of the composition of an individual
3 graduation committee under Subsection (b)(2), the committee shall
4 include the teacher of the course for each end-of-course assessment
5 instrument described by Subdivision (1) for which the student
6 failed to perform satisfactorily;

7 (3) for purposes of Subsection (h)(1), an individual
8 graduation committee shall consider the recommendation of the
9 teacher described by Subdivision (2); and

10 (4) for purposes of Subsection (h)(2), an individual
11 graduation committee shall consider the student's grade in each
12 course described by Subdivision (2).

13 (n) Subsection (m) and this subsection expire September 1,
14 2029.

15 SECTION 8. Sections 29.081(b) and (b-1), Education Code,
16 are amended to read as follows:

17 (b) Each district shall provide accelerated instruction to
18 a student enrolled in the district who has taken an [~~end-of-course~~]
19 assessment instrument administered under Section 39.023(c) and has
20 not performed satisfactorily on the assessment instrument or who is
21 at risk of dropping out of school.

22 (b-1) Each school district shall offer before the next
23 scheduled administration of the assessment instrument, without
24 cost to the student, additional accelerated instruction to each
25 student in any subject in which the student failed to perform
26 satisfactorily on an [~~end-of-course~~] assessment instrument
27 required for graduation.

1 SECTION 9. Section 29.087(f), Education Code, is amended to
2 read as follows:

3 (f) A student participating in a program authorized by this
4 section, other than a student ordered to participate under
5 Subsection (d)(1), must have taken any ~~[the]~~ appropriate
6 ~~[end-of-course]~~ assessment instrument ~~[instruments]~~ specified by
7 Section 39.023(c) that is administered before the student enters
8 ~~[entering]~~ the program and must take any ~~[each]~~ appropriate
9 ~~[end-of-course]~~ assessment instrument that is administered during
10 the period in which the student is enrolled in the program. Except
11 for a student ordered to participate under Subsection (d)(1), a
12 student participating in the program may not take the high school
13 equivalency examination unless the student has taken the assessment
14 instruments required by this subsection.

15 SECTION 10. Section 29.402(b), Education Code, is amended
16 to read as follows:

17 (b) A person who is under 26 years of age is eligible to
18 enroll in a dropout recovery program under this subchapter if the
19 person:

20 (1) must complete not more than three course credits
21 to complete the curriculum requirements for the foundation high
22 school program for high school graduation; or

23 (2) has failed to perform satisfactorily on, as
24 applicable:

25 (A) an ~~[end-of-course]~~ assessment instrument
26 administered under Section 39.023(c);

27 (B) an assessment instrument administered under

1 Section 39.023(c) as that section existed before amendment by ___B.
2 _____, Acts of the 89th Legislature, Regular Session, 2025; or

3 (C) an assessment instrument administered under
4 Section 39.023(c) as that section existed before amendment by
5 Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular
6 Session, 2007.

7 SECTION 11. Section 39.023, Education Code, is amended by
8 amending Subsections (a), (a-2), (b-1), (c), (c-3), (c-5), (c-8),
9 (e), (g), (h), (i), and (p) and adding Subsections (b-2), (b-3),
10 (h-1), and (q) to read as follows:

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

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

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

21 (3) [~~social studies, in grade eight,~~
22 [~~4~~] science, in grades five and eight[~~, and~~
23 [~~5~~] ~~any other subject and grade required by federal~~
24 ~~law~~].

25 (a-2) Except as required by federal law, a student is not
26 required to be assessed in a subject otherwise assessed at the
27 student's grade level under Subsection (a) if the student[~~+~~

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

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

10 (b-1) The agency, in conjunction with appropriate
11 interested persons, shall redevelop assessment instruments adopted
12 or developed under Subsection (b) for administration to
13 significantly cognitively disabled students in a manner consistent
14 with federal law. An assessment instrument under this subsection
15 may not require a teacher to prepare tasks or materials for a
16 student who will be administered such an assessment instrument. ~~[A~~
17 ~~classroom portfolio method used to assess writing performance may~~
18 ~~require a teacher to prepare tasks and materials.]~~

19 (b-2) Notwithstanding Subsection (b), (b-1), or any other
20 law, and to the extent consistent with federal law, the parent of or
21 person standing in parental relation to a student with significant
22 cognitive disabilities may request that the student be exempted
23 from the administration of an alternative assessment instrument
24 adopted or developed under Subsection (b) or (b-1). If a parent or
25 person standing in parental relation makes a request for exemption
26 under this subsection, the student's admission, review, and
27 dismissal committee, in consultation with the parent or person

1 standing in parental relation, shall determine if the student
2 should be exempted from administration of the alternative
3 assessment instrument. If the student is exempted from
4 administration of the alternative assessment instrument under this
5 subsection, the student must be assessed in the applicable subject
6 using the alternative assessment method developed under Subsection
7 (b-3).

8 (b-3) The commissioner, in consultation with stakeholders,
9 including parents of and persons standing in parental relation to
10 students with significant cognitive disabilities, shall develop
11 for each applicable subject an alternative assessment method for
12 the assessment of students who receive an exemption from the
13 administration of an alternative assessment instrument under
14 Subsection (b-2). The criteria for the assessment method must
15 include progress on the goals identified in the student's
16 individualized education plan. The commissioner shall adopt rules
17 necessary to implement this subsection.

18 (c) The agency shall also provide for ~~[adopt end-of-course]~~
19 assessment instruments for each federally required secondary-level
20 subject, including English language arts, mathematics, and
21 science. The commissioner shall identify a procedure for a school
22 district to select the SAT, the ACT, or any other nationally
23 recognized, norm-referenced secondary-level assessment instrument
24 designated by the commissioner for the assessment of students under
25 this subsection. Each school district shall select one or more
26 assessment instruments for purposes of this subsection. A school
27 district that selects more than one assessment instrument must

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

24 (c-3) Except as provided by Subsection [~~(c-7) or~~] (c-10) [~~or~~
25 ~~as otherwise provided by this subsection~~], in adopting a schedule
26 for the administration of assessment instruments under this
27 section, the State Board of Education shall ensure that assessment

1 instruments administered under Subsection (a) or (c) are not
2 administered on the first instructional day of a week. On request
3 by a school district or open-enrollment charter school, the
4 commissioner may allow the district or school to administer an
5 assessment instrument required under Subsection (a) or (c) on the
6 first instructional day of a week if administering the assessment
7 instrument on another instructional day would result in a
8 significant administrative burden due to specific local
9 conditions.

10 (c-5) A student's performance on an [~~end-of-course~~]
11 assessment instrument administered [~~required~~] under Subsection (c)
12 must be included in the student's academic achievement record.

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

17 (e) Under rules adopted by the State Board of Education,
18 every third year, the agency shall release the questions and answer
19 keys to each assessment instrument administered under Subsection
20 (a), (b), [~~(c), (d)~~] or (l), excluding any assessment instrument
21 administered to a student for the purpose of retaking the
22 assessment instrument, after the last time the instrument is
23 administered for that school year. To ensure a valid bank of
24 questions for use each year, the agency is not required to release a
25 question that is being field-tested and was not used to compute the
26 student's score on the instrument. The agency shall also release,
27 under board rule, each question that is no longer being

1 field-tested and that was not used to compute a student's score.
2 ~~[During the 2014-2015 and 2015-2016 school years, the agency shall~~
3 ~~release the questions and answer keys to assessment instruments as~~
4 ~~described by this subsection each year.]~~

5 (g) An ~~[The State Board of Education may adopt one~~
6 ~~appropriate, nationally recognized, norm-referenced]~~ assessment
7 instrument administered under Subsection (c) ~~[in reading and~~
8 ~~mathematics to be administered to a selected sample of students in~~
9 ~~the spring. If adopted, a norm-referenced assessment instrument]~~
10 must be a secured test. The commissioner shall contract with a
11 vendor to administer the assessment instrument, complete the
12 scoring of the assessment instrument, and distribute within a
13 reasonable period the results to the agency and the relevant
14 results to each school district. As soon as practicable after the
15 district receives the results from the vendor under this
16 subsection, the district shall:

17 (1) distribute the relevant results to each district
18 campus; and

19 (2) provide written notice to the student and the
20 student's parent or person standing in parental relation to the
21 student that states the student's results and whether the student
22 performed satisfactorily on the assessment instrument ~~[The state~~
23 ~~may pay the costs of purchasing and scoring the adopted assessment~~
24 ~~instrument and of distributing the results of the adopted~~
25 ~~instrument to the school districts. A district that administers~~
26 ~~the norm-referenced test adopted under this subsection shall report~~
27 ~~the results to the agency in a manner prescribed by the~~

1 ~~commissioner~~].

2 (h) Except as provided by Subsection (g), the ~~[The]~~ agency
3 shall notify school districts and campuses of the results of
4 assessment instruments administered under this section not later
5 than the 21st day after the date the assessment instrument is
6 administered.

7 (h-1) A ~~[The]~~ school district shall disclose to each
8 district teacher the results of assessment instruments
9 administered to students taught by the teacher in the subject for
10 the school year in which the assessment instrument is administered.

11 (i) The provisions of this section~~[, except Subsection~~
12 ~~(d),]~~ are subject to modification by rules adopted under Section
13 39.022. Each assessment instrument adopted or designated under
14 those rules ~~[and each assessment instrument required under~~
15 ~~Subsection (d)]~~ must be reliable and valid and must meet any
16 applicable federal requirements for measurement of student
17 progress.

18 (p) On or before September 1 of each year, the commissioner
19 shall make the following information available on the agency's
20 Internet website for each assessment instrument administered under
21 Subsection (a)~~[, (c),]~~ or (l):

22 (1) the number of questions on the assessment
23 instrument;

24 (2) the number of questions that must be answered
25 correctly to achieve satisfactory performance as determined by the
26 commissioner under Section 39.0241(a);

27 (3) the number of questions that must be answered

1 correctly to achieve satisfactory performance under the college
2 readiness performance standard as provided by Section 39.0241; and
3 (4) the corresponding scale scores.

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

13 SECTION 12. The heading to Section 39.0232, Education Code,
14 is amended to read as follows:

15 Sec. 39.0232. USE OF [~~END-OF-COURSE~~] ASSESSMENT INSTRUMENT
16 AS PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED.

17 SECTION 13. Sections 39.0232(a), (b), and (c), Education
18 Code, are amended to read as follows:

19 (a) To the extent practicable, the agency shall ensure that
20 any high school [~~end-of-course~~] assessment instrument designated
21 under Section 39.023(c) [developed by the agency is developed in
22 such a manner that the assessment instrument] may be used to
23 determine the appropriate placement of a student in a course of the
24 same subject matter at an institution of higher education.

25 (b) A student's performance on an [~~end-of-course~~]
26 assessment instrument administered under Section 39.023(c) may not
27 be used:

1 (1) in determining the student's class ranking for any
2 purpose, including entitlement to automatic college admission
3 under Section 51.803 or 51.804; or

4 (2) as a sole criterion in the determination of
5 whether to admit the student to a general academic teaching
6 institution in this state.

7 (c) Subsection (b)(2) does not prohibit a general academic
8 teaching institution from implementing an admission policy that
9 takes into consideration a student's performance on an
10 ~~[end-of-course]~~ assessment instrument administered under Section
11 39.023(c) in addition to other criteria.

12 SECTION 14. Section 39.0234(a), Education Code, is amended
13 to read as follows:

14 (a) Each assessment instrument required under Section
15 39.023(a) ~~[(c)]~~ or (1) must be administered electronically,
16 unless otherwise provided by commissioner rule.

17 SECTION 15. Section 39.02342(a), Education Code, is amended
18 to read as follows:

19 (a) Subject to Subsection (c), a school district may
20 administer an assessment instrument required under Section
21 39.023(a) ~~[(c)]~~ or (1) in paper format to any student whose
22 parent, guardian, or teacher in the applicable subject area
23 requests the assessment instrument be administered to the student
24 in paper format.

25 SECTION 16. Subchapter B, Chapter 39, Education Code, is
26 amended by adding Sections 39.02343 and 39.0239 to read as follows:

27 Sec. 39.02343. ALTERNATIVE ADAPTIVE ASSESSMENT

1 INSTRUMENTS. (a) Notwithstanding any other law, the agency shall
2 adopt alternative adaptive assessment instruments in accordance
3 with this section that a school district may administer in lieu of
4 an assessment instrument adopted under Section 39.023 to satisfy
5 state or federal law requirements concerning the administration of
6 that assessment instrument.

7 (b) An alternative adaptive assessment instrument adopted
8 under this section must:

9 (1) effectively measure each student's academic
10 progress over time, without regard to the student's age, grade
11 level, or academic performance;

12 (2) evidence high content or concurrent validity;

13 (3) have been the subject of a study used to determine
14 the typical performance of a student conducted not more than 10
15 years before the adoption of the assessment instrument;

16 (4) use an adaptive difficulty level that is adjusted
17 based on a student's knowledge and ability as demonstrated by the
18 student's performance on the assessment instrument;

19 (5) take no longer than 90 minutes to administer; and

20 (6) provide immediate information and real-time
21 reporting on student progress without requiring any additional data
22 or syncing or uploading by a teacher or administrator.

23 (c) The agency may adopt an alternative adaptive assessment
24 instrument submitted to the agency by a school district if the
25 assessment instrument complies with the requirements of Subsection
26 (b) and serves as an adequate measure of grade level achievement.

27 (d) A school district shall administer an alternative

1 adaptive assessment instrument adopted under this section
2 electronically.

3 (e) The agency shall:

4 (1) determine for each assessment instrument adopted
5 by the agency under this section the level of performance
6 considered to be satisfactory; and

7 (2) develop a method to compile a student's score on
8 each alternative adaptive assessment administered to the student
9 during a school year into a single summative score for each subject
10 area assessed.

11 (f) A school district shall submit in the manner and form
12 prescribed by the agency the results of an alternative adaptive
13 assessment instrument administered under this section to the agency
14 not later than three days after the administration of the
15 assessment instrument.

16 (g) The agency shall provide reimbursement to a school
17 district for all costs associated with the administration of an
18 alternative adaptive assessment instrument under this section.

19 (h) The State Board of Education shall annually review each
20 alternative adaptive assessment instrument adopted by the agency
21 under this section to ensure that the instrument is relevant,
22 valid, and reliable.

23 (i) The agency may contract for services to develop or
24 administer alternative adaptive assessment instruments that comply
25 with the requirements of Subsection (b).

26 (j) The commissioner shall adopt rules necessary to
27 implement this section, including a rule providing the number and

1 schedule of administrations of alternative adaptive assessment
2 instruments under this section and requiring the administration of
3 one alternative adaptive assessment instrument:

- 4 (1) at the beginning of each school year;
5 (2) at the end of each school year; and
6 (3) during each school year, between the
7 administrations under Subdivisions (1) and (2).

8 (k) Unless it conflicts with this section, a reference in
9 law to an assessment instrument adopted under Section 39.023
10 includes an alternative adaptive assessment instrument adopted by
11 the agency or administered by a school district in accordance with
12 this section.

13 Sec. 39.0239. ADMINISTRATION OF ASSESSMENT INSTRUMENTS AND
14 TEMPORARY SUSPENSION OF CERTAIN ACCOUNTABILITY MEASURES DURING
15 DISASTER. (a) If, during a school year, a statewide disaster
16 declared by the president of the United States under the Robert T.
17 Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.
18 Section 5121 et seq.) or by the governor under Chapter 418,
19 Government Code, significantly disrupts school district
20 operations, including in-person attendance, in a majority of school
21 districts in this state, the commissioner shall apply to the United
22 States Department of Education for a waiver of the requirement
23 under the Every Student Succeeds Act (20 U.S.C. Section 6301 et
24 seq.) to administer assessment instruments during that school year.

25 (b) If the United States Department of Education fails to
26 grant a waiver requested under Subsection (a), the assessment
27 instruments shall be administered as required under Section 39.023

1 during the applicable school year, but, notwithstanding any other
2 law, the commissioner may not consider the results of the
3 assessment instruments for purposes of:

4 (1) evaluating school district or campus performance
5 under this chapter for the applicable school year, including in
6 determining:

7 (A) the performance rating to assign to each
8 district or campus under Section 39.054; or

9 (B) whether to impose any intervention or
10 sanction authorized by Chapter 39A after the applicable school year
11 on each district or campus; or

12 (2) determining a student's qualification for
13 promotion or graduation.

14 SECTION 17. Section 39.0241, Education Code, is amended by
15 amending Subsection (a-1) and adding Subsection (a-2) to read as
16 follows:

17 (a-1) The commissioner of education, in collaboration with
18 the commissioner of higher education, shall determine the level of
19 performance necessary to indicate college readiness[~~, as defined by~~
20 ~~Section 39.024(a)~~].

21 (a-2) In this section, "college readiness" means the level
22 of preparation a student must attain in English language arts and
23 mathematics courses to enroll and succeed, without remediation, in
24 an entry-level general education course for credit in that same
25 content area for a baccalaureate degree or associate degree program
26 at:

27 (1) a general academic teaching institution, as

1 defined by Section 61.003, other than a research institution, as
2 categorized under the Texas Higher Education Coordinating Board's
3 accountability system; or

4 (2) a postsecondary educational institution that
5 primarily offers associate degrees or certificates or credentials
6 other than baccalaureate or advanced degrees.

7 SECTION 18. Section 39.025, Education Code, is amended by
8 amending Subsections (a), (a-4), (b), and (b-1) and adding
9 Subsection (f-3) to read as follows:

10 (a) The commissioner shall adopt rules requiring a student
11 in the foundation high school program under Section 28.025 to be
12 administered each ~~[an end-of-course]~~ assessment instrument
13 selected under ~~[listed in]~~ Section 39.023(c) by the school district
14 ~~[only for a course]~~ in which the student is enrolled ~~[and for which~~
15 ~~an end-of-course assessment instrument is administered]~~. Each
16 student's performance on an assessment instrument selected under
17 Section 39.023(c) shall be evaluated to determine whether the [A]
18 student achieved ~~[is required to achieve]~~ a scale score that
19 indicates satisfactory performance, as determined by the
20 commissioner under Section 39.0241(a) ~~[, on each end-of-course~~
21 ~~assessment instrument administered to the student]~~. Except as
22 provided by Section 28.0258, the results of the administration of
23 an assessment instrument administered under Section 39.023(c) may
24 not be used as criteria for graduation. The results may be used only
25 for the purpose of diagnosing the academic strengths and
26 deficiencies of a student and guiding specific instruction to the
27 student. ~~[For each scale score required under this subsection that~~

1 ~~is not based on a 100-point scale scoring system, the commissioner~~
2 ~~shall provide for conversion, in accordance with commissioner rule,~~
3 ~~of the scale score to an equivalent score based on a 100-point scale~~
4 ~~scoring system. A student may not receive a high school diploma~~
5 ~~until the student has performed satisfactorily on end-of-course~~
6 ~~assessment instruments in the manner provided under this~~
7 ~~subsection.]~~ This subsection does not require a student to
8 demonstrate readiness to enroll in an institution of higher
9 education.

10 (a-4) The admission, review, and dismissal committee of a
11 student in a special education program under Subchapter A, Chapter
12 29, shall determine whether, to receive a high school diploma, the
13 student is required to achieve satisfactory performance on
14 ~~[end-of-course]~~ assessment instruments administered under Section
15 39.023(c).

16 (b) Each time an ~~[end-of-course]~~ assessment instrument
17 ~~[adopted]~~ under Section 39.023(c) is administered, a student who
18 failed to achieve a score requirement under Subsection (a) may
19 retake the assessment instrument. ~~[A student is not required to~~
20 ~~retake a course as a condition of retaking an end-of-course~~
21 ~~assessment instrument.]~~

22 (b-1) A school district shall provide each student who fails
23 to perform satisfactorily as determined by the commissioner under
24 Section 39.0241(a) on an ~~[end-of-course]~~ assessment instrument
25 administered under Section 39.023(c) with accelerated instruction
26 under Section 28.0211 ~~[in the subject assessed by the assessment~~
27 ~~instrument]~~.

1 (f-3) The commissioner shall by rule adopt a transition plan
2 to implement the amendments made by .B. ____, Acts of the 89th
3 Legislature, Regular Session, 2025, replacing end-of-course
4 assessment instruments with one or more assessment instruments
5 selected by a school district under Section 39.023(c). The rules
6 must provide for each assessment instrument selected by a school
7 district under Section 39.023(c) to be administered beginning with
8 students enrolled in the ninth grade for the first time during the
9 2025-2026 school year. During the period under which the
10 transition from end-of-course assessment instruments is made:

11 (1) for students entering a grade above the ninth
12 grade during the 2025-2026 school year or students repeating ninth
13 grade during the 2025-2026 school year, the commissioner shall
14 retain, administer, and use for purposes of accreditation and other
15 campus and district accountability measures under this chapter the
16 end-of-course assessment instruments required by Section
17 39.023(c), as that section existed before amendment by .B. ____,
18 Acts of the 89th Legislature, Regular Session, 2025; and

19 (2) a student subject to Subdivision (1) may not
20 receive a high school diploma unless the student has performed
21 satisfactorily on:

22 (A) each required end-of-course assessment
23 instrument administered under Section 39.023(c), as that section
24 existed before amendment by .B. ____, Acts of the 89th Legislature,
25 Regular Session, 2025; or

26 (B) each assessment instrument selected under
27 Section 39.023(c) by the district in which the student is enrolled.

1 SECTION 19. Section 39.034(d), Education Code, is amended
2 to read as follows:

3 (d) The agency shall determine the necessary annual
4 improvement required each year for a student to be prepared to
5 perform satisfactorily on, as applicable:

- 6 (1) the grade five assessment instruments;
- 7 (2) the grade eight assessment instruments; and
- 8 (3) the ~~[end-of-course]~~ assessment instruments
9 required under this subchapter for graduation.

10 SECTION 20. Section 39.035(a), Education Code, is amended
11 to read as follows:

12 (a) Subject to Subsection (b), the agency may conduct field
13 testing of questions for any assessment instrument administered
14 under Section 39.023(a), (b), ~~[(c), (d)],~~ or (l) that is separate
15 from the administration of the assessment instrument not more
16 frequently than every other school year.

17 SECTION 21. Subchapter C, Chapter 39, Education Code, is
18 amended by adding Section 39.0547 to read as follows:

19 Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a)
20 In this section, "specialized support campus" means a school
21 district campus that:

- 22 (1) has a campus identification number;
- 23 (2) serves students enrolled in any grade level at
24 which state assessment instruments are administered; and

- 25 (3) has a student enrollment in which:
 - 26 (A) at least 90 percent of students receive
27 special education services under Subchapter A, Chapter 29; and

1 (B) a significant percentage of the students
2 required to take an assessment instrument under Section 39.023:

3 (i) take an alternative assessment
4 instrument under Section 39.023(b) or (b-1); and

5 (ii) are unable to provide an authentic
6 academic response on that assessment instrument.

7 (b) The commissioner, in consultation with administrators
8 of specialized support campuses, teachers at specialized support
9 campuses, parents and guardians of students enrolled at specialized
10 support campuses, and other stakeholders, by rule shall establish
11 appropriate accountability guidelines under this chapter for use by
12 a specialized support campus in developing an alternative
13 accountability plan under Subsection (c) based on the specific
14 student population served by the campus. The commissioner shall
15 provide for public notice and comment in adopting rules under this
16 subsection.

17 (c) A specialized support campus may develop and submit to
18 the commissioner for approval an alternative accountability plan
19 tailored to the student population served by the campus, based on
20 the guidelines established under Subsection (b). The commissioner
21 may approve the alternative accountability plan only if the plan:

22 (1) follows the guidelines established under
23 Subsection (b); and

24 (2) complies with applicable federal law.

25 (d) Notwithstanding any other provision of this code, if the
26 commissioner approves an alternative accountability plan developed
27 by a specialized support campus under Subsection (c), the

1 commissioner shall determine, report, and consider the performance
2 of students enrolled at the campus using that plan.

3 (e) Not later than December 1, 2028, the commissioner shall
4 submit to the governor, the lieutenant governor, the speaker of the
5 house of representatives, and the standing legislative committees
6 with primary jurisdiction over public education a report on the
7 effectiveness of this section in evaluating specialized support
8 campuses and any recommendations for legislative or other action.

9 (f) This section expires September 1, 2029.

10 SECTION 22. Section 39.203(c), Education Code, is amended
11 to read as follows:

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

18 SECTION 23. Section 51.338(c), Education Code, is amended
19 to read as follows:

20 (c) A student who has achieved scores set by the board on the
21 questions developed for end-of-course assessment instruments under
22 Section 39.0233(a), as that section existed before repeal by
23 .B. ____, Acts of the 89th Legislature, Regular Session, 2025, is
24 exempt from the requirements of this subchapter. The exemption is
25 effective for the three-year period following the date a student
26 takes the last assessment instrument for purposes of this
27 subchapter and achieves the standard set by the board. This

1 subsection does not apply during any period for which the board
2 designates the questions developed for end-of-course assessment
3 instruments under Section 39.0233(a), as that section existed
4 before repeal by .B. _____, Acts of the 89th Legislature, Regular
5 Session, 2025, as the primary assessment instrument under this
6 subchapter, except that the three-year period described by this
7 subsection remains in effect for students who qualify for an
8 exemption under this subsection before that period.

9 SECTION 24. The following provisions of the Education Code
10 are repealed:

- 11 (1) Sections 39.023(a-15), (c-2), (c-4), (c-6),
12 (c-7), (c-9), and (d);
- 13 (2) Section 39.0233;
- 14 (3) Section 39.024;
- 15 (4) Sections 39.025(a-1), (a-2), (a-3), (a-5), and
16 (e-1);
- 17 (5) Section 39.053(d-1); and
- 18 (6) Section 39.203(d).

19 SECTION 25. As soon as practicable after the effective date
20 of this Act, the Texas Education Agency shall adopt alternative
21 adaptive assessment instruments as required by Section 39.02343,
22 Education Code, as added by this Act.

23 SECTION 26. As soon as practicable after the effective date
24 of this Act, each school district shall provide notice to an eighth
25 grade student under Section 39.025(g), Education Code, informing
26 the student of the specific requirements applicable to the student
27 under Sections 39.023(c) and 39.025(a), Education Code, as amended

1 by this Act.

2 SECTION 27. (a) Except as provided by Subsection (b), this
3 Act applies beginning with the 2025-2026 school year.

4 (b) Section 39.02343, Education Code, as added by this Act,
5 applies beginning with the 2026-2027 school year.

6 SECTION 28. Not later than January 1, 2026, the Texas
7 Education Agency shall apply to the United States Department of
8 Education for a waiver of the annual alternate assessment of
9 students with significant cognitive disabilities required under
10 the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and
11 the Individuals with Disabilities Education Act (20 U.S.C. Section
12 1400 et seq.).

13 SECTION 29. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2025.