

By: Shapiro

S.B. No. 1629

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to performance standards on assessment instruments and the  
3 release of assessment instruments to the public.

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

5 SECTION 1. Subsection (e), Section 39.023, Education Code,  
6 is amended to read as follows:

7 (e)(1) Except as provided in Subdivision (2), under ~~Under~~  
8 rules adopted by the State Board of Education, the agency shall  
9 release the questions and answer keys to each assessment instrument  
10 administered under Subsection (a), (b), (c), (d), or (l) after the  
11 last time the instrument is administered for a school year. To  
12 ensure a valid bank of questions for use each year, the agency is  
13 not required to release a question that is being field-tested and  
14 was not used to compute the student's score on the instrument. The  
15 agency shall also release, under board rule, each question that is  
16 no longer being field-tested and that was not used to compute a  
17 student's score.

18 (2) The commissioner may determine to use an  
19 assessment instrument for a second school year. The questions and  
20 answer key to an assessment instrument to be used for a second  
21 school year are not required to be released under this section.

22 SECTION 2. Subsection (a), Section 39.024, Education Code,  
23 is amended to read as follows:

24 (a) Except as otherwise provided by this subsection, the

1 State Board of Education shall determine the level of performance  
2 considered to be satisfactory on an [the] assessment instrument  
3 administered under this subchapter [instruments]. Not later than  
4 30 days before changing the level of performance considered to be  
5 satisfactory on an assessment instrument, the board shall hold a  
6 public hearing to allow interested persons to present comments  
7 related to the proposed change. The admission, review, and  
8 dismissal committee of a student being assessed under Section  
9 39.023(b) shall determine the level of performance considered to be  
10 satisfactory on the assessment instruments administered to that  
11 student in accordance with criteria established by agency rule.

12 SECTION 3. Unless otherwise determined by the State Board  
13 of Education, the level of performance considered to be  
14 satisfactory on an assessment instrument is the level of  
15 performance determined by the board at its November 2002 meeting.  
16 If, before September 1, 2003, the board adopts a change in the level  
17 of performance considered to be satisfactory on an assessment  
18 instrument, the board shall hold a public hearing either before or  
19 at the meeting at which the change is adopted.

20 SECTION 4. (a) Except as provided by Subsections (b) and  
21 (c) of this section, this Act takes effect immediately if it  
22 receives a vote of two-thirds of all the members elected to each  
23 house, as provided by Section 39, Article III, Texas Constitution.  
24 If this Act does not receive the vote necessary for immediate  
25 effect, this Act takes effect September 1, 2003.

26 (b) Sections 1 and 2 of this Act take effect September 1,  
27 2003.

1           (c) The change in law made by this Act to Section 39.023,  
2 Government Code, applies to an assessment instrument administered  
3 during the 2003-2004 school year or a subsequent school year.