

By: Hochberg

H.B. No. 2811

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the inclusion of more difficult questions in the
3 assessment of knowledge and skills used in the public school
4 accountability system.

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

6 SECTION 1. Sections 39.023(a) and (c), Education Code, is
7 amended to read as follows:

8 (a) The agency shall adopt or develop appropriate
9 criterion-referenced assessment instruments designed to assess
10 essential knowledge and skills in reading, writing, mathematics,
11 social studies, and science. The agency may include questions that
12 test a broader range of knowledge and skills or that are at a higher
13 difficulty level for the purpose of differentiating student
14 achievement. Students shall not be required to answer such
15 questions correctly in order to pass the test or be advanced to the
16 next grade level, and such questions may be treated as field test
17 items for purposes of releasing test questions under Section
18 39.023(g). All students, except students assessed under Subsection
19 (b) or (1) or exempted under Section 39.027, shall be assessed in:

20 (1) mathematics, annually in grades three through
21 seven without the aid of technology and in grades eight through 11
22 with the aid of technology on any assessment instruments that
23 include algebra;

24 (2) reading, annually in grades three through nine;

- 1 (3) writing, including spelling and grammar, in grades
2 four and seven;
- 3 (4) English language arts, in grade 10;
- 4 (5) social studies, in grades eight and 10;
- 5 (6) science, in grades five, eight, and 10; and
- 6 (7) any other subject and grade required by federal
7 law.

8 (c) The agency shall also adopt secondary exit-level
9 assessment instruments designed to be administered to students in
10 grade 11 to assess essential knowledge and skills in mathematics,
11 English language arts, social studies, and science. The agency may
12 include questions that test a broader range of knowledge and skills
13 or that are at a higher difficulty level for the purpose of
14 differentiating student achievement. Students shall not be
15 required to answer such questions correctly in order to pass the
16 test or be advanced to the next grade level, and such questions may
17 be treated as field test items for purposes of releasing test
18 questions under Section 39.023(g). The mathematics section must
19 include at least Algebra I and geometry with the aid of technology.
20 The English language arts section must include at least English III
21 and must include the assessment of essential knowledge and skills
22 in writing. The social studies section must include early American
23 and United States history. The science section must include at
24 least biology and integrated chemistry and physics. The assessment
25 instruments must be designed to assess a student's mastery of
26 minimum skills necessary for high school graduation and readiness
27 to enroll in an institution of higher education. If a student is in

1 a special education program under Subchapter A, Chapter 29, the
2 student's admission, review, and dismissal committee shall
3 determine whether any allowable modification is necessary in
4 administering to the student an assessment instrument required
5 under this subsection or whether the student should be exempted
6 under Section 39.027(a)(2). The State Board of Education shall
7 administer the assessment instruments. The State Board of
8 Education shall adopt a schedule for the administration of
9 secondary exit-level assessment instruments. Each student who did
10 not perform satisfactorily on any secondary exit-level assessment
11 instrument when initially tested shall be given multiple
12 opportunities to retake that assessment instrument. A student who
13 performs at or above a level established by the Texas Higher
14 Education Coordinating Board on the secondary exit-level
15 assessment instruments is exempt from the requirements of Section
16 51.306.

17 SECTION 2. 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, 2005.