

By: Hochberg

H.B. No. 2494

A BILL TO BE ENTITLED

AN ACT

1
2 relating to curriculum requirements and assessment instruments in
3 public schools.

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

5 SECTION 1. Section 28.002(c), Education Code, is amended to
6 read as follows:

7 (c) The State Board of Education, with the direct
8 participation of educators, parents, business and industry
9 representatives, and employers shall by rule identify:

10 (1) the essential knowledge and skills of each subject
11 of the required curriculum that all students should be able to
12 demonstrate; and

13 (2) the enriched knowledge and skills of each subject
14 in the foundation curriculum that a student should know in order to
15 have a full understanding of the subject appropriate for the
16 student's grade level.

17 ~~[that]~~ The knowledge and skills identified will be used in
18 evaluating textbooks under Chapter 31 and addressed on the
19 assessment instruments required under Subchapter B, Chapter 39. As
20 a condition of accreditation, the board shall require each district
21 to provide instruction in the essential knowledge and skills at
22 appropriate grade levels.

23 SECTION 2. Sections 28.0211(a), Education Code, is amended
24 to read as follows:

1 (a) Except as provided by Subsection (b) or (e), a student
2 may not be promoted to:

3 (1) ~~[the fourth grade program to which the student~~
4 ~~would otherwise be assigned if the student does not perform~~
5 ~~satisfactorily on the third grade reading assessment instrument~~
6 ~~under Section 39.023,~~

7 ~~(2)]~~ the sixth grade program to which the student
8 would otherwise be assigned if the student does not perform
9 satisfactorily on the fifth grade mathematics and reading
10 assessment instruments under Section 39.023; or

11 (2) ~~[(3)]~~ the ninth grade program to which the student
12 would otherwise be assigned if the student does not perform
13 satisfactorily on the eighth grade mathematics and reading
14 assessment instruments under Section 39.023.

15 SECTION 3. Sections 39.023, Education Code, is amended by
16 amending Subsections (a), (b), (c), (e), (i), and (n) and by adding
17 Subsection (o) to read as follows:

18 (a) The agency shall adopt or develop appropriate
19 ~~[criterion-referenced]~~ assessment instruments designed to assess
20 essential knowledge and skills and enriched knowledge and skills in
21 reading, writing, mathematics, social studies, and science. All
22 students, except students assessed under Subsection (b) or (l) or
23 exempted under Section 39.027, shall be assessed in:

24 (1) mathematics, annually in grades three through
25 seven without the aid of technology and in grades eight through 11
26 with the aid of technology on any assessment instruments that
27 include algebra;

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

9 (b) The agency shall develop or adopt appropriate
10 [~~critierion-referenced~~] assessment instruments to be administered
11 to each student in a special education program under Subchapter A,
12 Chapter 29, who receives modified instruction in the essential
13 knowledge and skills and enriched knowledge and skills identified
14 under Section 28.002 for the assessed subject but for whom an
15 assessment instrument adopted under Subsection (a), even with
16 allowable modifications, would not provide an appropriate measure
17 of student achievement, as determined by the student's admission,
18 review, and dismissal committee. The assessment instruments
19 required under this subsection must assess essential knowledge and
20 skills and growth in the subjects of reading, mathematics, and
21 writing. A student's admission, review, and dismissal committee
22 shall determine whether any allowable modification is necessary in
23 administering to the student an assessment instrument required
24 under this subsection. The assessment instruments required under
25 this subsection shall be administered on the same schedule as the
26 assessment instruments administered under Subsection (a).

27 (c) The agency shall also adopt secondary exit-level

1 assessment instruments designed to be administered to students in
2 grade 11 to assess essential knowledge and skills and enriched
3 knowledge and skills in mathematics, English language arts, social
4 studies, and science. The mathematics section must include at
5 least Algebra I and geometry with the aid of technology. The
6 English language arts section must include at least English III and
7 must include the assessment of essential knowledge and skills and
8 enriched knowledge and skills in writing. The social studies
9 section must include early American and United States history. The
10 science section must include at least biology and integrated
11 chemistry and physics. The assessment instruments must be designed
12 to assess a student's mastery of minimum skills necessary for high
13 school graduation and readiness to enroll in an institution of
14 higher education. If a student is in a special education program
15 under Subchapter A, Chapter 29, the student's admission, review,
16 and dismissal committee shall determine whether any allowable
17 modification is necessary in administering to the student an
18 assessment instrument required under this subsection or whether the
19 student should be exempted under Section 39.027(a)(2). The State
20 Board of Education shall administer the assessment instruments.
21 The State Board of Education shall adopt a schedule for the
22 administration of secondary exit-level assessment instruments.
23 Each student who did not perform satisfactorily on any secondary
24 exit-level assessment instrument when initially tested shall be
25 given multiple opportunities to retake that assessment instrument.
26 A student who performs at or above a level established by the Texas
27 Higher Education Coordinating Board on the secondary exit-level

1 assessment instruments is exempt from the requirements of Section
2 51.306.

3 (e) Under rules adopted by the State Board of Education,
4 every ~~[other]~~ year, the agency shall release the questions and
5 answer keys to each assessment instrument administered under
6 Subsection (a), (b), (c), (d), or (l) after the last time the
7 instrument is administered for that school year. To ensure a valid
8 bank of questions for use each year, the agency is not required to
9 release a question that is being field-tested and was not used to
10 compute the student's score on the instrument. The agency shall
11 also release, under board rule, each question that is no longer
12 being field-tested and that was not used to compute a student's
13 score. The agency shall limit field testing to the minimum
14 necessary to ensure validity of test items. The schedule for
15 administering field tests, other than field-test items that are
16 embedded in required assessments, should minimize the frequency
17 with which any particular campus is required to administer such
18 tests. Any separate field tests should be administered later in the
19 school year than the spring administration of required assessments.

20 (i) ~~[The provisions of this section, except Subsection (d),~~
21 ~~are subject to modification by rules adopted under Section 39.022.]~~
22 Each assessment instrument adopted under Section 39.022 ~~[those~~
23 ~~rules]~~ and each assessment instrument required under Subsection (d)
24 must be reliable and valid and must meet any applicable federal
25 requirements for measurement of student progress.

26 (n) This subsection applies only to a student who is
27 determined to have dyslexia or a related disorder and who is an

1 individual with a disability under 29 U.S.C. Section 705(20) and
2 its subsequent amendments. The agency shall adopt or develop
3 appropriate [~~critierion-referenced~~] assessment instruments
4 designed to assess the ability of and to be administered to each
5 student to whom this subsection applies for whom the assessment
6 instruments adopted under Subsection (a), even with allowable
7 modifications, would not provide an appropriate measure of student
8 achievement, as determined by the committee established by the
9 board of trustees of the district to determine the placement of
10 students with dyslexia or related disorders. The committee shall
11 determine whether any allowable modification is necessary in
12 administering to a student an assessment instrument required under
13 this subsection. The assessment instruments required under this
14 subsection shall be administered on the same schedule as the
15 assessment instruments administered under Subsection (a).

16 (o) In the design of the assessment instruments under this
17 section, the agency shall attempt to minimize the benefits of
18 teaching test-taking skills and gimmicks as a means to increase
19 scores. The agency shall report the steps it takes to achieve this
20 goal to the appropriate committees of the Legislature as the tests
21 are being designed.

22 SECTION 4. Section 39.024(a), Education Code, is amended to
23 read as follows:

24 (a) Except as otherwise provided by this subsection, the
25 State Board of Education shall determine the level of performance
26 considered to be satisfactory on the portions of the assessment
27 instruments measuring mastery of the essential knowledge and

1 skills. The admission, review, and dismissal committee of a
2 student being assessed under Section 39.023(b) shall determine the
3 level of performance considered to be satisfactory on the
4 assessment instruments administered to that student in accordance
5 with criteria established by agency rule.

6 SECTION 5. Section 39.028, Education Code, is amended to
7 read as follows:

8 (a) The [~~state assessment program~~] Commissioner shall
9 obtain nationally comparative results for the subject areas and
10 grade levels for which [~~criterion-referenced~~] assessment
11 instruments are adopted under Section 39.023. The Commissioner
12 shall also obtain objective measures of workplace readiness and
13 college readiness of Texas high school graduates. The Commissioner
14 shall annually report the results of these comparisons and
15 highlight any subjects, curriculum objectives, or grade levels
16 where the Texas assessment program shows greater progress than is
17 substantiated through the comparisons.

18 SECTION 6. Except for Section 2 of this Act, this Act shall
19 be phased in by subject and grade level according to the schedule
20 adopted by the State Board of Education for review and revision of
21 the essential knowledge and skills, beginning with the first
22 subjects and grade levels scheduled to be reviewed after the
23 effective date of this Act. Section 2 of this Act takes effect for
24 the 2007-2008 school year.

25 SECTION 7. This Act takes effect on September 1, 2007.