

Suspending limitations on conference committee  
jurisdiction, S.B. No. 1031 (Shapiro/Eissler)

By: Eissler

H.R. No. 2868

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 80th Legislature, Regular Session, 2007, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on Senate Bill 1031 (public school  
6 accountability and the administration of certain assessment  
7 instruments in public schools; providing a criminal penalty) to  
8 consider and take action on the following matters:

9 (1) House Rule 13, Section 9(a)(3), is suspended to permit  
10 the committee to change the text of amended Section 39.023(c),  
11 Education Code, to add the following language:

12 If a student retakes an end-of-course assessment instrument  
13 for a course listed in this subsection, as provided by Section  
14 39.025, a school district is not required to use the student's  
15 performance on the subsequent administration or administrations of  
16 the assessment instrument to determine the student's final grade  
17 for the course.

18 Explanation: The change is necessary to clarify that a  
19 school district is not required to use a student's performance on  
20 the subsequent administration or administrations of end-of-course  
21 assessment instruments to determine a student's final grade for a  
22 course.

23 (2) House Rule 13, Section 9(a)(4), is suspended to permit  
24 the committee to add new Subsections (b-1) and (b-2) to amended

1 Section 39.025, Education Code, to read as follows:

2 (b-1) A school district shall provide each student who fails  
3 to achieve a score of at least 70 on an end-of-course assessment  
4 instrument with accelerated instruction in the subject assessed by  
5 the assessment instrument.

6 (b-2) If a school district determines that a student, on  
7 completion of grade 11, is unlikely to achieve the cumulative score  
8 requirements for one or more subjects prescribed by Subsection (a)  
9 for receiving a high school diploma, the district shall require the  
10 student to enroll in a corresponding content-area college  
11 preparatory course for which an end-of-course assessment  
12 instrument has been adopted, if available. A student who enrolls in  
13 a college preparatory course described by this subsection shall be  
14 administered an end-of-course assessment instrument for the  
15 course, with the end-of-course assessment instrument scored on a  
16 scale of 40. A student may use the student's score on the  
17 end-of-course assessment instrument for the college preparatory  
18 course towards satisfying the cumulative score requirements  
19 prescribed by Subsection (a).

20 Explanation: The change is necessary to require a school  
21 district to provide accelerated instruction to a student who fails  
22 to score at least 70 on an end-of-course assessment instrument and  
23 to require certain students who appear unlikely to achieve the  
24 cumulative score required for graduation to enroll in an  
25 appropriate college preparatory course.

26 (3) House Rule 13, Section 9(a)(4), is suspended to permit  
27 the committee to add the following language in the SECTION of the

1 bill that is renumbered in the conference committee report as  
2 SECTION 11 to read as follows:

3 Sec. 39.0262. ADMINISTRATION OF LOCAL ASSESSMENT  
4 INSTRUMENTS IN CERTAIN SUBJECT AREAS. (a) In a subject area for  
5 which assessment instruments are administered under Section  
6 39.023, a school district may not administer local assessment  
7 instruments to any student on more than 10 percent of the  
8 instructional days in any school year.

9 (b) The prohibition prescribed by this section does not  
10 apply to the administration of a college preparation assessment  
11 instrument, an advanced placement test, an international  
12 baccalaureate examination, or an assessment instrument  
13 administered under Section 39.023.

14 Explanation: The change is necessary to prohibit a school  
15 district from administering certain assessment instruments to a  
16 student on more than 10 percent of the instructional days in a  
17 school year.