

By: Shapiro, Janek, Seliger, West, et al.

S.B. No. 1031

Substitute the following for S.B. No. 1031:

By: Zedler

C.S.S.B. No. 1031

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of certain assessment instruments in
3 public schools; providing a criminal penalty.

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

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

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

10 (1) student performance on the end-of-course
11 [~~secondary exit-level~~] assessment instruments required by Section
12 39.023(c); and

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

16 SECTION 2. Section 21.006(b), Education Code, is amended to
17 read as follows:

18 (b) In addition to the reporting requirement under Section
19 261.101, Family Code, the superintendent or director of a school
20 district, regional education service center, or shared services
21 arrangement shall notify the State Board for Educator Certification
22 if the superintendent or director has reasonable cause to believe
23 that:

24 (1) an educator employed by or seeking employment by

1 the district, service center, or shared services arrangement has a
2 criminal record;

3 (2) an educator's employment at the district, service
4 center, or shared services arrangement was terminated based on a
5 determination that the educator:

6 (A) abused or otherwise committed an unlawful act
7 with a student or minor;

8 (B) possessed, transferred, sold, or distributed
9 a controlled substance, as defined by Chapter 481, Health and
10 Safety Code, or by 21 U.S.C. Section 801 et seq., and its subsequent
11 amendments;

12 (C) illegally transferred, appropriated, or
13 expended funds or other property of the district, service center,
14 or shared services arrangement;

15 (D) attempted by fraudulent or unauthorized
16 means to obtain or alter a professional certificate or license for
17 the purpose of promotion or additional compensation; or

18 (E) committed a criminal offense or any part of a
19 criminal offense on school property or at a school-sponsored event;
20 [~~or~~]

21 (3) the educator resigned and reasonable evidence
22 supports a recommendation by the superintendent or director to
23 terminate the educator based on a determination that the educator
24 engaged in misconduct described by Subdivision (2); or

25 (4) the educator engaged in conduct that violated the
26 assessment instrument security procedures established under
27 Section 39.0301.

1 SECTION 3. Section 25.005(b), Education Code, is amended to
2 read as follows:

3 (b) A reciprocity agreement must:

4 (1) address procedures for:

5 (A) transferring student records;

6 (B) awarding credit for completed course work;

7 and

8 (C) permitting a student to satisfy the
9 requirements of Section 39.025 through successful performance on
10 comparable end-of-course or other exit-level assessment
11 instruments administered in another state; and

12 (2) include appropriate criteria developed by the
13 agency.

14 SECTION 4. Section 29.081(b), Education Code, is amended to
15 read as follows:

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

22 SECTION 5. Section 29.087(f), Education Code, as amended by
23 Chapters 283 and 373, Acts of the 78th Legislature, Regular
24 Session, 2003, is reenacted and amended to read as follows:

25 (f) A student participating in a program authorized by this
26 section, other than a student ordered to participate under
27 Subsection (d)(1), must have taken the appropriate end-of-course

1 assessment instruments specified by Section 39.023(c) [~~39.023(a)~~
2 ~~for grade 9~~] before entering the program and must take each
3 appropriate end-of-course [~~grade level~~] assessment instrument
4 administered during the period in which the student is enrolled in
5 the program. Except for a student ordered to participate under
6 Subsection (d)(1), a student participating in the program may not
7 take the high school equivalency examination unless the student has
8 taken the assessment instruments required by this subsection.

9 SECTION 6. Section 30.021(e), Education Code, is amended to
10 read as follows:

11 (e) The school shall cooperate with public and private
12 agencies and organizations serving students and other persons with
13 visual impairments in the planning, development, and
14 implementation of effective educational and rehabilitative service
15 delivery systems associated with educating students with visual
16 impairments. To maximize and make efficient use of state
17 facilities, funding, and resources, the services provided in this
18 area may include conducting a cooperative program with other
19 agencies to serve students who have graduated from high school by
20 completing all academic requirements applicable to students in
21 regular education, excluding satisfactory performance under
22 Section 39.025 [~~on the exit-level assessment instrument~~], who are
23 younger than 22 years of age on September 1 of the school year and
24 who have identified needs related to vocational training,
25 independent living skills, orientation and mobility, social and
26 leisure skills, compensatory skills, or remedial academic skills.

27 SECTION 7. Section 39.023, Education Code, is amended by

1 amending Subsections (a) and (c) and adding Subsections (c-1),
2 (c-2), and (c-3) to read as follows:

3 (a) The agency shall adopt or develop appropriate
4 criterion-referenced assessment instruments designed to assess
5 essential knowledge and skills in reading, writing, mathematics,
6 social studies, and science. All students, except students
7 assessed under Subsection (b) or (1) or exempted under Section
8 39.027, shall be assessed in:

9 (1) mathematics, annually in grades three through
10 seven without the aid of technology and in grade [~~grades~~] eight
11 [~~through 11~~] with the aid of technology on any assessment
12 instrument [~~instruments~~] that includes [~~include~~] algebra;

13 (2) reading, annually in grades three through eight
14 [~~nine~~];

15 (3) writing, including spelling and grammar, in
16 grades four and seven;

17 (4) [~~English language arts, in grade 10,~~
18 [~~5~~] social studies, in grade [~~grades~~] eight [~~and~~
19 ~~10~~];

20 (5) [~~6~~] science, in grades five and [~~7~~] eight [~~and~~
21 ~~10~~]; and

22 (6) [~~7~~] any other subject and grade required by
23 federal law.

24 (c) The agency shall also adopt end-of-course [~~secondary~~
25 ~~exit-level~~] assessment instruments for secondary-level courses in
26 Algebra I, Algebra II, geometry, biology, chemistry, physics,
27 English I, English II, English III, world geography, world history,

1 and United States history. A school district shall comply with
2 State Board of Education rules regarding administration of the
3 assessment instruments listed in this subsection and shall adopt a
4 policy that requires a student's performance on an end-of-course
5 assessment instrument for a course listed in this subsection in
6 which the student is enrolled to account for 15 percent of the
7 student's final grade for the course [~~designed to be administered~~
8 ~~to students in grade 11 to assess essential knowledge and skills in~~
9 ~~mathematics, English language arts, social studies, and science.~~
10 ~~The mathematics section must include at least Algebra I and~~
11 ~~geometry with the aid of technology. The English language arts~~
12 ~~section must include at least English III and must include the~~
13 ~~assessment of essential knowledge and skills in writing. The social~~
14 ~~studies section must include early American and United States~~
15 ~~history. The science section must include at least biology and~~
16 ~~integrated chemistry and physics. The assessment instruments must~~
17 ~~be designed to assess a student's mastery of minimum skills~~
18 ~~necessary for high school graduation and readiness to enroll in an~~
19 ~~institution of higher education~~]. If a student is in a special
20 education program under Subchapter A, Chapter 29, the student's
21 admission, review, and dismissal committee shall determine whether
22 any allowable modification is necessary in administering to the
23 student an assessment instrument required under this subsection or
24 whether the student should be exempted under Section 39.027(a)(2).
25 The State Board of Education shall administer the assessment
26 instruments. The State Board of Education shall adopt a schedule
27 for the administration of end-of-course [~~secondary exit-level~~]

1 assessment instruments that complies with the requirements of
2 Subsection (c-3). Each student who did not perform satisfactorily
3 on any end-of-course [~~secondary exit-level~~] assessment instrument
4 when initially tested shall be given multiple opportunities to
5 retake that assessment instrument. [~~A student who performs at or~~
6 ~~above a level established by the Texas Higher Education~~
7 ~~Coordinating Board on the secondary exit-level assessment~~
8 ~~instruments is exempt from the requirements of Section 51.306.~~]

9 (c-1) The agency shall develop any assessment instrument
10 required under this section in a manner that allows for the
11 measurement of annual improvement in student achievement as
12 required by Sections 39.034(c) and (d).

13 (c-2) The agency may adopt end-of-course assessment
14 instruments for courses not listed in Subsection (c). A student's
15 performance on an end-of-course assessment instrument adopted
16 under this subsection is not subject to the performance
17 requirements established under Subsection (c) or Section 39.025.

18 (c-3) In adopting a schedule for the administration of the
19 end-of-course assessment instruments under Subsection (c), the
20 State Board of Education shall require the spring administration of
21 the assessment instruments to occur in each school district not
22 earlier than the first full week in May, except that the spring
23 administration of the end-of-course assessment instruments in
24 English I, English II, and English III must be permitted to occur at
25 an earlier date.

26 SECTION 8. Subchapter B, Chapter 39, Education Code, is
27 amended by adding Sections 39.0233 and 39.0234 to read as follows:

1 Sec. 39.0233. OPTIONAL QUESTIONS INCLUDED IN END-OF-COURSE
2 ASSESSMENT INSTRUMENTS. (a) The agency, in coordination with the
3 Texas Higher Education Coordinating Board, shall adopt a series of
4 optional questions to be included in an end-of-course assessment
5 instrument administered under Section 39.023(c) to be used for
6 purposes of Section 51.3062. The optional questions adopted under
7 this subsection must be developed in a manner consistent with any
8 college readiness standards adopted under Sections 39.113 and
9 51.3062.

10 (b) In addition to the questions adopted under Subsection
11 (a), the agency shall adopt a series of optional questions to be
12 included in an end-of-course assessment instrument administered
13 under Section 39.023(c) to be used for purposes of identifying
14 students who are likely to succeed in an advanced high school
15 course. A school district shall notify a student who performs at a
16 high level on the optional questions adopted under this subsection
17 and the student's parent or guardian of the student's performance
18 and potential to succeed in an advanced high school course. A
19 school district may not require a student to perform at a particular
20 level on the optional questions adopted under this subsection in
21 order to be eligible to enroll in an advanced high school course.

22 (c) A student's performance on an optional question adopted
23 under this section may not be used to determine the student's
24 performance on an end-of-course assessment instrument.

25 Sec. 39.0234. ADMINISTRATION OF ASSESSMENT INSTRUMENTS BY
26 COMPUTER. (a) The agency shall provide for assessment instruments
27 required under Section 39.023 to be designed so that those

1 assessment instruments can be administered by computer.

2 (b) Not later than September 1, 2008, each school district
3 shall provide the agency with data regarding the ability of the
4 district to administer to students assessment instruments required
5 under Section 39.023 by computer. The agency shall compile the data
6 provided by school districts under this subsection into a report
7 recommending a plan and timeline for enabling each district in this
8 state to administer the assessment instruments by computer. Not
9 later than December 1, 2008, the agency shall deliver the report to
10 each member of the legislature. This subsection expires June 1,
11 2009.

12 SECTION 9. Section 39.025, Education Code, is amended to
13 read as follows:

14 Sec. 39.025. SECONDARY-LEVEL [~~EXIT-LEVEL~~] PERFORMANCE
15 REQUIRED. (a) The commissioner shall adopt rules requiring each
16 high school student enrolled in a course for which an end-of-course
17 assessment instrument is adopted under Section 39.023(c) to be
18 administered the assessment instrument. A student may not receive a
19 high school diploma until the student has performed satisfactorily
20 on the end-of-course [~~secondary exit-level~~] assessment instruments
21 for the following courses:

- 22 (1) English language arts III;
23 (2) either Algebra II or geometry;
24 (3) either biology, chemistry, or physics; and
25 (4) either world geography, world history, or United
26 States history [~~English language arts, mathematics, social~~
27 ~~studies, and science administered under Section 39.023(c)].~~

1 (a-1) Subsection (a) [~~This subsection~~] does not require a
2 student to demonstrate readiness to enroll in an institution of
3 higher education.

4 (a-2) The commissioner by rule shall allow a student's
5 satisfactory performance on an advanced placement test,
6 international baccalaureate examination, a Scholastic Assessment
7 Test (SAT) Subject Test, or another assessment instrument
8 determined by the commissioner to be at least as rigorous as an
9 end-of-course assessment instrument adopted under Section
10 39.023(c) to be used to satisfy a requirement of Subsection (a).

11 (b) Each time an end-of-course [~~a secondary exit-level~~]
12 assessment instrument is administered, a student who has not been
13 given a high school diploma because of a failure to perform
14 satisfactorily on the assessment instrument [~~for that subject area~~]
15 may retake the assessment instrument.

16 (c) A student who has been denied a high school diploma
17 under this section [~~Subsections (a) and (b)~~] and who subsequently
18 performs satisfactorily on each necessary end-of-course [~~secondary~~
19 ~~exit-level~~] assessment instrument shall be issued a high school
20 diploma.

21 (d) Notwithstanding Subsection (a), the commissioner by
22 rule shall adopt one or more alternative nationally recognized norm
23 referenced assessment instruments under this section to administer
24 to a student to qualify for a high school diploma if the student
25 enrolls after January 1 of the school year in which the student is
26 otherwise eligible to graduate:

27 (1) for the first time in a public school in this

1 state; or

2 (2) after an absence of at least four years from any
3 public school in this state.

4 (e) The commissioner shall establish a required performance
5 level for an assessment instrument adopted under Subsection (d)
6 that is at least as rigorous as the performance level for the
7 end-of-course [~~secondary exit level~~] assessment instrument for the
8 same subject.

9 (f) The commissioner shall by rule adopt a transition plan
10 to implement the amendments made by S.B. No. 1031, Acts of the 80th
11 Legislature, Regular Session, 2007, to this section and Sections
12 39.023(a) and (c) and 39.051(b)(5). The rules must provide for the
13 end-of-course assessment instruments adopted under Section
14 39.023(c) to be administered beginning with students entering the
15 ninth grade during the 2011-2012 school year. During the period
16 under which the transition to end-of-course assessment instruments
17 is made:

18 (1) for students entering a grade above the ninth
19 grade during the 2011-2012 school year, the commissioner shall
20 retain, administer, and use for campus and district ratings under
21 Subchapter D the assessment instruments required by Section
22 39.023(a) or (c), as that section existed before amendment by S.B.
23 No. 1031, Acts of the 80th Legislature, Regular Session, 2007; and

24 (2) the agency may defer releasing assessment
25 instrument questions and answer keys as required by Section
26 39.023(e) to the extent necessary to develop additional assessment
27 instruments.

1 (g) Rules adopted under Subsection (f) must require that
2 each student who will be subject to the requirements of Subsection
3 (a) is entitled to notice of the specific requirements applicable
4 to the student. Notice under this subsection must be provided not
5 later than the date the student enters the seventh grade.
6 Subsection (f) and this subsection expire September 1, 2015.

7 SECTION 10. Subchapter B, Chapter 39, Education Code, is
8 amended by adding Section 39.0261 to read as follows:

9 Sec. 39.0261. COLLEGE PREPARATION ASSESSMENTS. (a) In
10 addition to the assessment instruments otherwise authorized or
11 required by this subchapter:

12 (1) each school year and at state cost, a school
13 district shall administer to students in the spring of the eighth
14 grade an established, valid, reliable, and nationally
15 norm-referenced preliminary college preparation assessment
16 instrument for the purpose of diagnosing the academic strengths and
17 deficiencies of students before entrance into high school;

18 (2) each school year and at state cost, a school
19 district shall administer to students in the 10th grade an
20 established, valid, reliable, and nationally norm-referenced
21 preliminary college preparation assessment instrument for the
22 purpose of measuring a student's progress toward readiness for
23 college and the workplace; and

24 (3) high school students in the spring of the 11th
25 grade or during the 12th grade may select and take once, at state
26 cost, one of the valid, reliable, and nationally norm-referenced
27 assessment instruments used by colleges and universities as part of

1 their undergraduate admissions processes.

2 (b) The agency shall:

3 (1) select and approve vendors of the specific
4 assessment instruments administered under this section; and

5 (2) pay all fees associated with the administration of
6 the assessment instrument from funds allotted under the Foundation
7 School Program, and the commissioner shall reduce the total amount
8 of state funds allocated to each district from any source in the
9 same manner described for a reduction in allotments under Section
10 42.253.

11 (c) The agency shall ensure that vendors are not paid under
12 Subsection (b) for the administration of an assessment instrument
13 to a student to whom the assessment instrument is not actually
14 administered. The agency may comply with this subsection by any
15 reasonable means, including by creating a refund system under which
16 a vendor returns any payment made for a student who registered for
17 the administration of an assessment instrument but did not appear
18 for the administration.

19 (d) A vendor that administers an assessment instrument for a
20 district under this section shall report the results of the
21 assessment instrument to the agency. The agency shall:

22 (1) include a student's results on the assessment
23 instrument in the electronic student records system established
24 under Section 7.010; and

25 (2) ensure that a student and the student's parent
26 receive a report of the student's results on the assessment
27 instrument.

1 (e) Subsection (a)(3) does not prohibit a high school
2 student in the spring of the 11th grade or during the 12th grade
3 from selecting and taking, at the student's own expense, one of the
4 valid, reliable, and nationally norm-referenced assessment
5 instruments used by colleges and universities as part of their
6 undergraduate admissions processes more than once.

7 SECTION 11. Subchapter B, Chapter 39, Education Code, is
8 amended by adding Sections 39.0301, 39.0302, 39.0303, and 39.0304
9 to read as follows:

10 Sec. 39.0301. SECURITY IN ADMINISTRATION OF ASSESSMENT
11 INSTRUMENTS. (a) The commissioner:

12 (1) shall establish procedures for the administration
13 of assessment instruments adopted or developed under Section
14 39.023, including procedures designed to ensure the security of the
15 assessment instruments; and

16 (2) may establish record retention requirements for
17 school district records related to the security of assessment
18 instruments.

19 (b) The commissioner may develop and implement statistical
20 methods and standards for identifying potential violations of
21 procedures established under Subsection (a) to ensure the security
22 of assessment instruments adopted or developed under Section
23 39.023. In developing the statistical methods and standards, the
24 commissioner may include indicators of:

25 (1) potential violations that are monitored annually;
26 and

27 (2) patterns of inappropriate assessment practices

1 that occur over time.

2 (c) The commissioner may establish one or more advisory
3 committees to advise the commissioner and agency regarding the
4 monitoring of assessment practices and the use of statistical
5 methods and standards for identifying potential violations of
6 assessment instrument security, including standards to be
7 established by the commissioner for selecting school districts for
8 investigation for a potential assessment security violation under
9 Subsection (e). The commissioner may not appoint an agency
10 employee to an advisory committee established under this
11 subsection.

12 (d) Any document created for the deliberation of an advisory
13 committee established under Subsection (c) or any recommendation of
14 such a committee is confidential and not subject to disclosure
15 under Chapter 552, Government Code. Except as provided by
16 Subsection (e), the statistical methods and standards adopted under
17 this section and the results of applying those methods and
18 standards are confidential and not subject to disclosure under
19 Chapter 552, Government Code.

20 (e) The agency may conduct an investigation of a school
21 district for a potential violation of assessment instrument
22 security in accordance with the standards described by Subsection
23 (c). Each school year, after completing all investigations of
24 school districts selected for investigation, the agency shall
25 disclose the identity of each district selected for investigation
26 and the statistical methods and standards used to select the
27 district.

1 (f) At any time, the commissioner may authorize the audit of
2 a random sample of school districts to determine the compliance of
3 the districts with procedures established under Subsection (a).
4 The identity of each school district selected for audit under this
5 subsection is confidential and not subject to disclosure under
6 Chapter 552, Government Code, except that the agency shall disclose
7 the identity of each district after completion of the audit.

8 Sec. 39.0302. ISSUANCE OF SUBPOENAS. (a) During an agency
9 investigation or audit of a school district under Section
10 39.0301(e) or (f), an accreditation investigation under Section
11 39.075(a)(8), or an investigation by the State Board for Educator
12 Certification of an educator for an alleged violation of an
13 assessment instrument security procedure established under Section
14 39.0301(a), the commissioner may issue a subpoena to compel the
15 attendance of a relevant witness or the production, for inspection
16 or copying, of relevant evidence that is located in this state.

17 (b) A subpoena may be served personally or by certified
18 mail.

19 (c) If a person fails to comply with a subpoena, the
20 commissioner, acting through the attorney general, may file suit to
21 enforce the subpoena in a district court in this state. On finding
22 that good cause exists for issuing the subpoena, the court shall
23 order the person to comply with the subpoena. The court may punish
24 a person who fails to obey the court order.

25 (d) All information and materials subpoenaed or compiled in
26 connection with an investigation or audit described by Subsection
27 (a):

1 (1) are confidential and not subject to disclosure
2 under Chapter 552, Government Code; and

3 (2) are not subject to disclosure, discovery,
4 subpoena, or other means of legal compulsion for release to any
5 person other than:

6 (A) the commissioner or the State Board for
7 Educator Certification, as applicable;

8 (B) agency employees or agents involved in the
9 investigation, as applicable; and

10 (C) the office of the attorney general, the state
11 auditor's office, and law enforcement agencies.

12 Sec. 39.0303. SECURE ASSESSMENT INSTRUMENTS; CRIMINAL
13 PENALTY. (a) A person commits an offense if:

14 (1) the person intentionally discloses the contents of
15 any portion of a secure assessment instrument developed or
16 administered under this subchapter, including the answer to any
17 item in the assessment instrument; and

18 (2) the disclosure affects or is likely to affect the
19 individual performance of one or more students on the assessment
20 instrument.

21 (b) An offense under this section is a Class C misdemeanor.

22 Sec. 39.0304. TRAINING IN ASSESSMENT INSTRUMENT
23 ADMINISTRATION. (a) To ensure that each administration of
24 assessment instruments under Section 39.023 is valid, reliable, and
25 in compliance with the requirements of this subchapter, the
26 commissioner may require training for school district employees
27 involved in the administration of the assessment instruments.

1 (b) The training under Subsection (a) may include a
2 qualifying component to ensure that school district employees
3 involved in the administration of assessment instruments under
4 Section 39.023 possess the necessary skills and knowledge required
5 to administer the assessment instruments.

6 (c) The commissioner may adopt rules necessary to implement
7 this section.

8 SECTION 12. Section 39.034(d), Education Code, is amended
9 to read as follows:

10 (d) The agency shall determine the necessary annual
11 improvement required each year for a student to be prepared to
12 perform satisfactorily on [pass] the end-of-course assessment
13 instruments [~~exit-level assessment instrument~~] required under this
14 subchapter for graduation. The agency shall report the necessary
15 annual improvement required to the district. Each year, the report
16 must state whether the student fell below, met, or exceeded the
17 necessary target for improvement.

18 SECTION 13. Subchapter B, Chapter 39, Education Code, is
19 amended by adding Sections 39.035 and 39.036 to read as follows:

20 Sec. 39.035. LIMITATION ON FIELD TESTING OF ASSESSMENT
21 INSTRUMENTS. (a) The agency shall limit field testing of questions
22 for any assessment instrument administered under Section
23 39.023(a), (b), (c), (d), or (l) to the minimum number of field
24 tests necessary to ensure the validity of the questions.

25 (b) The agency may conduct field testing of questions for
26 any assessment instrument administered under Section 39.023(a),
27 (b), (c), (d), or (l) that is separate from the administration of

1 the assessment instrument only in a manner that minimizes the
2 frequency with which any particular campus is required to
3 administer the field tests.

4 Sec. 39.036. VERTICAL SCALE FOR CERTAIN ASSESSMENT
5 INSTRUMENTS. (a) The agency shall develop a vertical scale for
6 assessing student performance on assessment instruments
7 administered under Sections 39.023(a)(1) and (2) in a manner that
8 allows the agency to compare the performance of a student on the
9 assessment instruments from one grade level to the next.

10 (b) The commissioner shall adopt rules necessary to
11 implement this section.

12 (c) Not later than June 1, 2008, the agency shall develop a
13 vertical scale as required by Subsection (a). The agency shall
14 implement the vertical scale in the administration of assessment
15 instruments under Sections 39.023(a)(1) and (2) beginning with the
16 2008-2009 school year. This subsection expires September 1, 2009.

17 SECTION 14. Section 39.051(b), Education Code, is amended
18 to read as follows:

19 (b) Performance on the indicators adopted under this
20 section shall be compared to state-established standards. The
21 degree of change from one school year to the next in performance on
22 each indicator adopted under this section shall also be considered.
23 The indicators must be based on information that is disaggregated
24 by race, ethnicity, gender, and socioeconomic status and must
25 include:

26 (1) the results of assessment instruments required
27 under Sections 39.023(a), (c), and (1), aggregated by grade level

1 and subject area;

2 (2) dropout rates, including dropout rates and
3 district completion rates for grade levels 9 through 12, computed
4 in accordance with standards and definitions adopted by the
5 National Center for Education Statistics of the United States
6 Department of Education;

7 (3) high school graduation rates, computed in
8 accordance with standards and definitions adopted in compliance
9 with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110);

10 (4) student attendance rates;

11 (5) the percentage of graduating students who attain
12 scores on the optional questions developed for end-of-course
13 [secondary exit-level] assessment instruments under Section
14 39.0233(a) [required under Subchapter B] that are equivalent to a
15 passing score on the assessment instrument required under Section
16 51.3062;

17 (6) the percentage of graduating students who meet the
18 course requirements established for the recommended high school
19 program by State Board of Education rule;

20 (7) the results of the Scholastic Assessment Test
21 (SAT), the American College Test (ACT), articulated postsecondary
22 degree programs described by Section 61.852, and certified
23 workforce training programs described by Chapter 311, Labor Code;

24 (8) the percentage of students, aggregated by grade
25 level, provided accelerated instruction under Section 28.0211(c),
26 the results of assessments administered under that section, the
27 percentage of students promoted through the grade placement

1 committee process under Section 28.0211, the subject of the
2 assessment instrument on which each student failed to perform
3 satisfactorily, and the performance of those students in the school
4 year following that promotion on the assessment instruments
5 required under Section 39.023;

6 (9) for students who have failed to perform
7 satisfactorily on an assessment instrument required under Section
8 39.023(a) or (c), the numerical progress of those students grouped
9 by percentage on subsequent assessment instruments required under
10 those sections, aggregated by grade level and subject area;

11 (10) the percentage of students exempted, by exemption
12 category, from the assessment program generally applicable under
13 this chapter;

14 (11) the percentage of students of limited English
15 proficiency exempted from the administration of an assessment
16 instrument under Sections 39.027(a)(3) and (4);

17 (12) the percentage of students in a special education
18 program under Subchapter A, Chapter 29, assessed through assessment
19 instruments developed or adopted under Section 39.023(b);

20 (13) the measure of progress toward preparation for
21 postsecondary success; and

22 (14) the measure of progress toward dual language
23 proficiency under Section 39.034(b), for students of limited
24 English proficiency, as defined by Section 29.052.

25 SECTION 15. Section 39.075(a), Education Code, is amended
26 to read as follows:

27 (a) The commissioner shall authorize special accreditation

1 investigations to be conducted:

2 (1) when excessive numbers of absences of students
3 eligible to be tested on state assessment instruments are
4 determined;

5 (2) when excessive numbers of allowable exemptions
6 from the required state assessment instruments are determined;

7 (3) in response to complaints submitted to the agency
8 with respect to alleged violations of civil rights or other
9 requirements imposed on the state by federal law or court order;

10 (4) in response to established compliance reviews of
11 the district's financial accounting practices and state and federal
12 program requirements;

13 (5) when extraordinary numbers of student placements
14 in disciplinary alternative education programs, other than
15 placements under Sections 37.006 and 37.007, are determined;

16 (6) in response to an allegation involving a conflict
17 between members of the board of trustees or between the board and
18 the district administration if it appears that the conflict
19 involves a violation of a role or duty of the board members or the
20 administration clearly defined by this code;

21 (7) when excessive numbers of students in special
22 education programs under Subchapter A, Chapter 29, are assessed
23 through assessment instruments developed or adopted under Section
24 39.023(b); [~~or~~]

25 (8) in response to an allegation regarding or an
26 analysis using a statistical method result indicating a possible
27 violation of an assessment instrument security procedure

1 established under Section 39.0301, including for the purpose of
2 investigating or auditing a school district under that section; or
3 (9) [(8)] as the commissioner otherwise determines
4 necessary.

5 SECTION 16. Section 51.3062(q), Education Code, is amended
6 to read as follows:

7 (q) A student who has achieved scores [~~a score~~] set by the
8 board on the optional questions developed for end-of-course
9 assessment instruments [~~an exit-level assessment instrument~~
10 ~~required~~] under Section 39.0233(a) [~~39.023~~] is exempt from the
11 requirements of this section. The exemption is effective for the
12 three-year period following the date a student takes the last
13 assessment instrument for purposes of this section and achieves the
14 standard set by the board. This subsection does not apply during
15 any period for which the board designates the optional questions
16 developed for end-of-course assessment instruments [~~exit-level~~
17 ~~assessment instrument required~~] under Section 39.0233(a) [~~39.023~~]
18 as the primary assessment instrument under this section, except
19 that the three-year period described by this subsection remains in
20 effect for students who qualify for an exemption under this
21 subsection [~~section~~] before that period.

22 SECTION 17. Section 39.023(j), Education Code, is repealed.

23 SECTION 18. A reference in the Education Code to an
24 end-of-course assessment instrument administered under Section
25 39.023(c), Education Code, includes an exit-level assessment
26 instrument administered under that section as provided by Section
27 39.025(f), Education Code, as added by this Act.

1 SECTION 19. (a) Except as otherwise provided by this Act,
2 this Act applies beginning with the 2007-2008 school year.

3 (b) Beginning with the 2007-2008 school year, the
4 commissioner of education may conduct random audits as authorized
5 under Section 39.0301(f), Education Code, as added by this Act.
6 Beginning with the 2008-2009 school year, the commissioner of
7 education may conduct accreditation investigations as authorized
8 under Section 39.075(a)(8), Education Code, as added by this Act.

9 (c) During the 2008-2009 school year, the commissioner of
10 education may use the statistical methods and standards established
11 under Section 39.0301(b), Education Code, as added by this Act, on a
12 pilot basis to test the accuracy and predictive validity of the
13 methods and standards. Pilot statistical methods and standards
14 developed for use in the 2008-2009 school year are confidential and
15 not subject to disclosure under Chapter 552, Government Code.
16 Without releasing the pilot statistical methods, the commissioner
17 of education shall release the results of any investigation
18 conducted on the basis of those methods during the 2008-2009 school
19 year on completion of the investigation.

20 SECTION 20. This Act takes effect September 1, 2007.