

By: Lucio

S.B. No. 1403

A BILL TO BE ENTITLED

AN ACT

relating to the administration of end-of-course assessment instruments in public schools at certain grade levels.

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

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

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

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

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

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

(b) A reciprocity agreement must:

(1) address procedures for:

(A) transferring student records;

(B) awarding credit for completed course work;

and

(C) permitting a student to satisfy the requirements of Section 39.025 through successful performance on

1 comparable end-of-course or other exit-level assessment
2 instruments administered in another state; and

3 (2) include appropriate criteria developed by the
4 agency.

5 SECTION 3. Section 29.081(b), Education Code, is amended to
6 read as follows:

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

13 SECTION 4. Section 29.087(f), Education Code, as amended by
14 Chapters 283 and 373, Acts of the 78th Legislature, Regular
15 Session, 2003, is reenacted and amended to read as follows:

16 (f) A student participating in a program authorized by this
17 section, other than a student ordered to participate under
18 Subsection (d)(1), must have taken the appropriate end-of-course
19 assessment instruments under ~~[specified by]~~ Section 39.023(c) for
20 courses in which the student has enrolled ~~[39.023(a) for grade 9]~~
21 before entering the program and must take each appropriate
22 end-of-course ~~[grade level]~~ assessment instrument administered for
23 courses in which the student is enrolled during the period in which
24 the student is enrolled in the program. Except for a student ordered
25 to participate under Subsection (d)(1), a student participating in
26 the program may not take the high school equivalency examination
27 unless the student has taken the assessment instruments required by

1 this subsection.

2 SECTION 5. Section 30.021(e), Education Code, is amended to
3 read as follows:

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

20 SECTION 6. Section 39.023, Education Code, is amended by
21 amending Subsections (a) and (c) and adding Subsections (c-1) and
22 (c-2) to read as follows:

23 (a) The agency shall adopt or develop appropriate
24 criterion-referenced assessment instruments designed to assess
25 essential knowledge and skills in reading, writing, mathematics,
26 social studies, and science. All students, except students
27 assessed under Subsection (b) or (l) or exempted under Section

1 39.027, shall be assessed in:

2 (1) mathematics, annually in grades three through
3 eight [~~seven~~] without the aid of technology [~~and in grades eight~~
4 ~~through 11 with the aid of technology on any assessment instruments~~
5 ~~that include algebra~~];

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

8 (3) writing, including spelling and grammar, in grades
9 four and seven;

10 (4) [~~English language arts, in grade 10,~~
11 [~~5~~] social studies, in grade [~~grades~~] eight [~~and~~
12 ~~10~~];

13 (5) [~~6~~] science, in grades five and [~~7~~] eight [~~and~~
14 ~~10~~]; and

15 (6) [~~7~~] any other subject and grade required by
16 federal law.

17 (c) The agency shall also adopt end-of-course [~~secondary~~
18 ~~exit-level~~] assessment instruments for each course offered at or
19 above the grade nine level that is a part of the foundation
20 curriculum under Section 28.002(a)(1). A school district shall
21 comply with State Board of Education rules regarding administration
22 of the assessment instruments to students enrolled in the courses
23 for which the assessment instruments were adopted and shall ensure
24 that a student's performance on an assessment instrument for a
25 course accounts for 25 percent of the student's final grade for the
26 course [~~designed to be administered to students in grade 11 to~~
27 ~~assess essential knowledge and skills in mathematics, English~~

1 ~~language arts, social studies, and science. The mathematics~~
2 ~~section must include at least Algebra I and geometry with the aid of~~
3 ~~technology. The English language arts section must include at~~
4 ~~least English III and must include the assessment of essential~~
5 ~~knowledge and skills in writing. The social studies section must~~
6 ~~include early American and United States history. The science~~
7 ~~section must include at least biology and integrated chemistry and~~
8 ~~physics. The assessment instruments must be designed to assess a~~
9 ~~student's mastery of minimum skills necessary for high school~~
10 ~~graduation and readiness to enroll in an institution of higher~~
11 ~~education].~~ If a student is in a special education program under
12 Subchapter A, Chapter 29, the student's admission, review, and
13 dismissal committee shall determine whether any allowable
14 modification is necessary in administering to the student an
15 assessment instrument required under this subsection or whether the
16 student should be exempted under Section 39.027(a)(2). The State
17 Board of Education shall administer the assessment instruments.
18 The State Board of Education shall adopt a schedule for the
19 administration of end-of-course [~~secondary exit-level~~] assessment
20 instruments. Each student who did not perform satisfactorily on
21 any end-of-course [~~secondary exit-level~~] assessment instrument
22 when initially tested shall be given multiple opportunities to
23 retake that assessment instrument. [~~A student who performs at or~~
24 ~~above a level established by the Texas Higher Education~~
25 ~~Coordinating Board on the secondary exit-level assessment~~
26 ~~instruments is exempt from the requirements of Section 51.306.]~~

27 (c-1) Notwithstanding Subsection (a), a student in grade

1 eight who is enrolled in a secondary-level course for which an
2 end-of-course assessment instrument has been adopted under
3 Subsection (c) shall be administered the end-of-course assessment
4 instrument for that course instead of the assessment instrument for
5 the related subject area under Subsection (a).

6 (c-2) The commissioner shall establish committees composed
7 of classroom teachers to develop the end-of-course assessment
8 instruments required under Subsection (c). A classroom teacher
9 -serving on a committee must teach the subject assessed by the
10 end-of-course assessment instrument developed by the committee.
11 The agency shall adopt, in the manner provided by Subsection (c),
12 the end-of-course assessment instrument developed by a committee if
13 the commissioner determines that the assessment instrument
14 adequately assesses the essential knowledge and skills of the
15 course and subject for which the assessment instrument is
16 developed. In establishing the committee, the commissioner shall
17 ensure that the committee's membership reflects the ethnic and
18 geographic diversity of the state.

19 SECTION 7. Section 39.025, Education Code, is amended to
20 read as follows:

21 Sec. 39.025. SECONDARY-LEVEL [~~EXIT-LEVEL~~] PERFORMANCE
22 REQUIRED. (a) The commissioner shall adopt rules requiring a
23 student to receive, in each subject in the foundation curriculum
24 under Section 28.002(a)(1), an average score of at least 70 on a
25 scale of 100 on the end-of-course assessment instruments
26 administered to the student under Section 39.023(c) in grade nine
27 and above. For purposes of this subsection, a student's average

1 score for each subject in the foundation curriculum is determined
2 by averaging the student's highest score on each end-of-course
3 assessment instrument administered to the student for a course
4 considered a part of that subject, as determined by commissioner
5 rule. Except as provided by Subsection (c-1), a [A] student may not
6 receive a high school diploma until the student has performed
7 satisfactorily on the end-of-course [~~secondary exit-level~~]
8 assessment instruments in the manner provided under this subsection
9 [~~for English language arts, mathematics, social studies, and~~
10 ~~science administered under Section 39.023(c)~~]. This subsection
11 does not require a student to demonstrate readiness to enroll in an
12 institution of higher education.

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

18 (c) A student who has been denied a high school diploma
19 under this section [~~Subsections (a) and (b)~~] and who subsequently
20 performs at the level necessary to comply with the requirements of
21 this section [~~satisfactorily on each secondary exit-level~~
22 ~~assessment instrument~~] shall be issued a high school diploma.

23 (c-1) Notwithstanding Subsection (a), a student who fails to
24 perform at the level necessary to comply with the requirements of
25 that subsection after receiving opportunities to retake one or more
26 end-of-course assessment instruments may receive a high school
27 diploma if the school district determines that extenuating

1 circumstances, as defined by commissioner rule, prevented the
2 student from performing at that level.

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

9 (1) for the first time in a public school in this
10 state; or

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

13 (e) The commissioner shall establish a required performance
14 level for an assessment instrument adopted under Subsection (d)
15 that is at least as rigorous as the performance level required to be
16 met under Subsection (a) [~~for the secondary exit-level assessment~~
17 instrument for the same subject].

18 (f) The commissioner shall by rule adopt a transition plan
19 to implement the amendments made by __.B. No. __, Acts of the 80th
20 Legislature, Regular Session, 2007, to this section and Sections
21 39.023 and 39.051. The rules must provide for the end-of-course
22 assessment instruments adopted under Section 39.023(c) to be
23 administered beginning with students entering the ninth grade
24 during the 2008-2009 school year. During the period under which the
25 transition to end-of-course assessment instruments is made:

26 (1) for students entering a grade above the ninth
27 grade during the 2008-2009 school year, the commissioner shall

1 retain, administer, and use for campus and district ratings under
2 Subchapter D the assessment instruments required by Section
3 39.023(a) or (c), as that section existed before amendment by ___B.
4 No. ___, Acts of the 80th Legislature, Regular Session, 2007;

5 (2) as required by Section 39.023(c-1), a student
6 enrolled at grade level eight during the 2008-2009 school year who
7 enrolls in a secondary-level course for which an end-of-course
8 assessment instrument has been adopted under Section 39.023(c) must
9 be administered the end-of-course assessment instrument for that
10 course instead of the assessment instrument for the related subject
11 area under Section 39.023(a); and

12 (3) the agency may defer releasing assessment
13 instrument questions and answer keys as required by Section
14 39.023(e) to the extent necessary to develop additional assessment
15 instruments.

16 (g) Rules adopted under Subsection (f) must require that
17 each student who will be subject to the requirements of Subsection
18 (a) is entitled to notice of the specific requirements applicable
19 to the student. Notice under this subsection must be provided not
20 later than the date the student enters:

21 (1) the ninth grade; or

22 (2) in the case of an eighth grade student required to
23 be administered an end-of-course assessment instrument under
24 Section 39.023(c-1), the eighth grade.

25 (h) Subsections (f), (g), and this subsection expire
26 September 1, 2012.

27 SECTION 8. Section 39.034(d), Education Code, is amended to

1 read as follows:

2 (d) The agency shall determine the necessary annual
3 improvement required each year for a student to be prepared to
4 perform satisfactorily on [pass] the end-of-course assessment
5 instruments [exit-level assessment instrument] required under this
6 subchapter for graduation. The agency shall report the necessary
7 annual improvement required to the district. Each year, the report
8 must state whether the student fell below, met, or exceeded the
9 necessary target for improvement.

10 SECTION 9. Section 39.051(b), Education Code, is amended to
11 read as follows:

12 (b) Performance on the indicators adopted under this
13 section shall be compared to state-established standards. The
14 degree of change from one school year to the next in performance on
15 each indicator adopted under this section shall also be considered.
16 The indicators must be based on information that is disaggregated
17 by race, ethnicity, gender, and socioeconomic status and must
18 include:

19 (1) the results of assessment instruments required
20 under Sections 39.023(a), (c), (c-1), and (l), aggregated by grade
21 level and subject area;

22 (2) dropout rates, including dropout rates and
23 district completion rates for grade levels 9 through 12, computed
24 in accordance with standards and definitions adopted by the
25 National Center for Education Statistics of the United States
26 Department of Education;

27 (3) high school graduation rates, computed in

1 accordance with standards and definitions adopted in compliance
2 with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110);

3 (4) student attendance rates;

4 (5) the percentage of graduating students who attain
5 scores on the end-of-course [~~secondary exit-level~~] assessment
6 instruments required under Subchapter B that are equivalent to a
7 passing score on the assessment instrument required under Section
8 51.3062;

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

12 (7) the results of the Scholastic Assessment Test
13 (SAT), the American College Test (ACT), articulated postsecondary
14 degree programs described by Section 61.852, and certified
15 workforce training programs described by Chapter 311, Labor Code;

16 (8) the percentage of students, aggregated by grade
17 level, provided accelerated instruction under Section 28.0211(c),
18 the results of assessments administered under that section, the
19 percentage of students promoted through the grade placement
20 committee process under Section 28.0211, the subject of the
21 assessment instrument on which each student failed to perform
22 satisfactorily, and the performance of those students in the school
23 year following that promotion on the assessment instruments
24 required under Section 39.023;

25 (9) for students who have failed to perform
26 satisfactorily on an assessment instrument required under Section
27 39.023(a) or (c), the numerical progress of those students grouped

1 by percentage on subsequent assessment instruments required under
2 those sections, aggregated by grade level and subject area;

3 (10) the percentage of students exempted, by exemption
4 category, from the assessment program generally applicable under
5 this chapter;

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

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

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

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

17 SECTION 10. Section 51.3062(q), Education Code, is amended
18 to read as follows:

19 (q) A student who has achieved scores [~~a score~~] set by the
20 board on end-of-course assessment instruments [~~an exit-level~~
21 ~~assessment instrument~~] required under Section 39.023 is exempt from
22 the requirements of this section. The exemption is effective for
23 the three-year period following the date a student takes the last
24 assessment instrument required for purposes of this section and
25 achieves the standard set by the board. This subsection does not
26 apply during any period for which the board designates the
27 end-of-course assessment instruments [~~exit-level assessment~~

1 ~~instrument~~] required under Section 39.023 as the primary assessment
2 instrument under this section, except that the three-year period
3 described by this subsection remains in effect for students who
4 qualify for an exemption under this subsection [~~section~~] before
5 that period.

6 SECTION 11. Section 39.023(j), Education Code, is repealed.

7 SECTION 12. A reference in the Education Code to an
8 end-of-course assessment instrument administered under Section
9 39.023(c), Education Code, includes an exit-level assessment
10 instrument administered under that section as provided by Section
11 39.025(f), Education Code, as added by this Act.

12 SECTION 13. This Act takes effect September 1, 2007.