

Amend CSHB 3 as follows:

(1) On page 20, lines 17-18, strike "(c-4), (e), and (l)" and substitute "(c), (c-4), (d), (e), (l), and (m)".

(2) On page 20, between lines 26 and 27, insert the following:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection [~~or whether the student should be exempted under Section 39.027(a)(2)~~]. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(3) On page 21, between lines 7 and 8, insert the following:

(d) The commissioner may participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. The commissioner by rule may require a school

district to administer an end-of-course assessment instrument developed through the multistate efforts. The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument [~~or whether the student should be exempted under Section 39.027(a)(2)~~].

(4) On page 21, line 26, strike "Section 39.027(a)(3) or (4)" and substitute "Section 39.027(a)(1) or (2) [~~39.027(a)(3) or (4)~~]".

(5) On page 22, between lines 7 and 8, insert the following:

(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(1) or (2) [~~39.027(a)(3) and (4)~~]. The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.

(6) On page 25, strike lines 2-6, and substitute the following:

Sec. 39.0241. SATISFACTORY PERFORMANCE. (a) The commissioner [~~Except as otherwise provided by this subsection, the State Board of Education~~] shall determine the level of performance considered to be satisfactory on the assessment instruments.

(7) On page 25, line 15, strike "(a-2)" and substitute "(b)".

(8) On page 26, strike lines 16-20 and substitute the following:

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

(9) On page 26, line 21, strike "shall" and substitute "may [~~shall~~]".

(10) On page 27, lines 18-19, strike "2011-2012 school year" and substitute "2009-2010 and 2010-2011 school years".

(11) On page 27, strike lines 23-25, and substitute the following:

(2) the administration to a sufficiently large sample of students throughout the state of end-of-course assessment instruments required under Section 39.023(c) for the purpose of setting performance standards.

(12) On page 30, lines 23-24, strike "a Scholastic Assessment Test (SAT)" and substitute "an SAT [~~a Scholastic Assessment Test (SAT)~~]".

(13) On page 34, line 5, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(14) On page 34, strike lines 7-23, and substitute the following:

(a) A student may be administered an accommodated or alternative assessment instrument or may be granted an exemption [~~exempted~~] from or a postponement of the administration of an assessment instrument under:

(1) [~~Section 39.023(a) or (b) if the student is eligible for a special education program under Section 29.003 and the student's individualized education program does not include instruction in the essential knowledge and skills under Section 28.002 at any grade level;~~

[~~(2) Section 39.023(c) or (d) if the student is eligible for a special education program under Section 29.003 and:~~

[~~(A) the student's individualized education program does not include instruction in the essential knowledge and skills under Section 28.002 at any grade level; or~~

[~~(B) the assessment instrument, even with allowable modifications, would not provide an appropriate measure of the student's achievement as determined by the student's admission, review, and dismissal committee;~~

[~~(3)~~] Section 39.023(a) or (1) for a period of up to one

(15) On page 35, line 1, strike "(4)" and substitute "(2) [~~(4)~~]".

(16) On page 35, lines 2-3, strike "Subdivision (3)" each place it appears and substitute "Subdivision (1) [~~(3)~~]".

(17) On page 35, line 8, strike "(5)" and substitute "(3)".

(18) On page 35, line 10, strike "Subdivision (3)" and substitute "Subdivision (1)".

(19) On page 35, between lines 11 and 12, insert the following:

(a-1) The language proficiency assessment committee established under Section 29.063 shall determine whether a student meets the criteria under Subsection (a)(1), (2), or (3). The commissioner by rule shall develop procedures under which the language proficiency assessment committee makes a determination under this subsection. In adopting rules under this subsection, the commissioner shall:

(1) consider the end-of-course requirements for graduation for students; and

(2) ensure that the language proficiency assessment committee requires students to be administered assessment instruments under this section at the earliest practicable date.

(20) On page 35, line 12, strike "(a-1)" and substitute "(a-2)".

(21) On page 36, lines 7 and 12, strike "Subsection (a)(3) or (4)" each place it appears and substitute "Subsection (a)(1) or (2) [~~(a)(3) or (4)~~]".

(22) On page 36, lines 13-14, strike "Sections 39.053 and" and substitute "Section".

(23) On page 38, line 23, between "STATUS" and the period, insert "OR PERFORMANCE RATING".

(24) On page 39, line 24, strike "accreditation status" and substitute "performance rating".

(25) On page 40, line 11, after "district", insert a period.

(26) On page 40, strike line 12.

(27) On page 46, line 1, strike "as necessary to reach the goal" and substitute "for accreditation as necessary to reach the goals".

(28) On page 46, line 2, strike the comma and substitute ":  
(1)".

(29) On page 46, line 5, between "readiness" and the period, insert the following:

; and

(2) student performance, including the percentage of students graduating under the recommended or advanced high school program, with no significant achievement gaps by race, ethnicity, and socioeconomic status

(30) On page 47, lines 14-15, between "or" and "performance", insert ", for campuses,".

(31) On page 49, line 18, strike "identify satisfactory" and substitute "define acceptable".

(32) Strike page 49, line 25, through page 50, line 12, and substitute the following:

(d) In evaluating performance under Subsection (c), the commissioner may assign an acceptable performance rating if:

(1) the campus or district:

(A) performs satisfactorily on 85 percent of the measures the commissioner determines appropriate with respect to the student achievement indicators adopted under Sections 39.053(c)(1) and (3); and

(B) does not fail to perform satisfactorily on the same measure described by Paragraph (A) for two consecutive school years; or

(2) the campus or district satisfies any additional criteria established by the commissioner.

(d-1) The commissioner may consider alternative performance criteria to Subsection (d)(1)(A) only in special circumstances, including campus or district performance on the same measure for student groups that are substantially similar in composition to all students on the same campus or district.

(33) On page 54, lines 4-5, strike "including the accreditation status of a district or campus,".

(34) On page 58, line 7, between "status" and "under", insert "or a district's or campus's performance rating".

(35) On page 65, strike lines 9-17.

(36) On page 68, strike lines 16-19 and substitute "is below any standard under Section 39.054(e), the commissioner ~~[39.073(b),~~

~~the campus is considered an academically unacceptable campus. The commissioner may permit the campus to participate in an".~~

(37) On page 76, lines 9-10, strike "accreditation status below accredited" and substitute "unacceptable performance rating".

(38) On page 78, strike lines 2-4, and substitute "[~~academically~~] unacceptable for two consecutive school years, [~~including~~".

(39) On page 78, line 11, strike "accredited status" and substitute "acceptable performance rating".

(40) On page 79, line 11, strike "accredited-probation status under Section 39.101" and substitute "unacceptable performance rating".

(41) On page 80, line 19, strike "accredited-probation status under Section 39.101" and substitute "an unacceptable performance rating".

(42) On page 81, line 5, strike "accredited status" and substitute "acceptable performance rating".

(43) On page 82, line 27, through page 83, line 1, strike "accredited-probation [~~academically unacceptable~~]" and substitute "[~~academically~~] unacceptable".

(44) On page 83, lines 23 and 24, strike "accredited-warned or accredited-probation status under Section 39.101" and substitute "unacceptable performance rating".

(45) Strike page 90, line 17, through page 91, line 9, and substitute the following:

Sec. 39.116. TRANSITIONAL INTERVENTIONS AND SANCTIONS. (a) During the period of transition to the accreditation system established under HB 3, Acts of the 81st Legislature, Regular Session, 2009, to be implemented in August 2013, the commissioner may suspend assignment of accreditation statuses and performance ratings for the 2011-2012 school year.

(b) During the 2011-2012 school year, the commissioner shall continue to implement interventions and sanctions for districts and campuses identified as having unacceptable performance in the 2010-2011 school year in accordance with the performance standards applicable during the 2010-2011 school year

and may increase or decrease the level of interventions and sanctions based on an evaluation of the district's or campus's performance.

(c) For purposes of determining multiple years of unacceptable performance and required district and campus interventions and sanctions under this subchapter, the performance ratings and accreditation statuses issued in the 2010-2011 and 2012-2013 school years shall be considered consecutive.

(d) This section expires September 1, 2014.

(46) On page 91, line 14, strike "ACCREDITATION STATUS OR".

(47) On page 93, line 22, between "subpopulation" and the period, insert "or other means".

(48) On page 101, strike lines 1-2 and substitute the following:

39.107(a) [~~39.1324(a)~~] if the campus intervention team determines that retention of the principal would be more beneficial to student achievement and campus stability than removal [~~students enrolled at the campus have demonstrated a pattern of significant academic improvement~~].

(49) On page 104, lines 9-10, strike "Scholastic Assessment Test (SAT), the American College Test (ACT)" and substitute "SAT, ACT".

(50) On page 105, line 4, strike "Sections 39.027(a)(3), (4), and (5)" and substitute "Sections 39.027(a)(1), (2), and (3)".

(51) On page 108, line 21, strike "accredited-warned or accredited-probation" and substitute "unacceptable".

(52) On page 121, line 16, strike "accredited-warned or accredited-probation" and substitute "unacceptable".

(53) On page 123, lines 6-7, strike "accredited-warned or accredited-probation" and substitute "unacceptable".

(54) On page 134, between lines 24 and 25, insert the following:

(c) In conjunction with the transition plan prepared under this section, the commissioner of education shall provide for an equivalence of a performance rating, accreditation status, distinction designation, or performance indicator, as applicable, for each statutory reference to a performance rating or performance

indicator that is superseded by this Act.