

BILL ANALYSIS

C.S.S.B. 759
By: Williams
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, school districts use locally adopted tests to benchmark student progress, to satisfy local educational initiatives, and to compare the district's student achievement with that of students nationally. Section 39.032, Education Code, prohibits school districts from using, and test publishers from offering, the same group-administered achievement test form for more than three years and requires state and national norms of averages to be computed using data not more than six years old. Currently, no other state has similar requirements for such tests.

These provisions impose requirements that can frustrate the district's comparisons and impose significant costs. According to the 2002 "Report on School District Mandates" by the Texas Association of School Administrators and Texas Association of School Boards, when these provisions were enacted in 1989, they "increased the number of testing years and required districts to spend additional monies on purchasing achievement tests." Texas school districts must replace non-consumable student test booklets more frequently than districts in states that do not impose these requirements. If a test publisher does not have a new form available, school districts must change tests. This can make comparing student achievement from year to year difficult and results in confusion for educators, parents, and the public.

C.S.S.B. 759 raises the maximum age of data that may be used to compute state and national norms of averages of test results, requires standardization norms to be updated less frequently, and provides an exception to the limitation on the age of certain data.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 759 amends the Education Code to raise the maximum age of data that may be used to compute state and national norms of averages of achievement test results from not more than six years old to not more than eight years old at the time the test is administered and requires the standardization norms to be updated at least every eight years, rather than every six years. The bill makes the eight-year maximum age limitation on data to compute norms inapplicable if only data older than eight years is available for a test and authorizes the commissioner of education by rule to limit such exception based on the type of test.

C.S.S.B. 759 repeals Section 39.032(a),(b), and (d), Education Code, provisions prohibiting a company or organization from distributing to, selling to, or grading for the same school district the same form of a test for more than three school years and prohibiting a district from using the same form of a test for more than three years; requiring a company or organization that grades a test to report the results to the district and to the Texas Education Agency by campus and district and in comparison to state and national averages; and making a company or organization that fails to comply with the provisions above liable to the state in an amount equal to three times the amount of actual damages.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 759 differs from the original by repealing a provision that establishes three school years as the maximum period during which a company or organization is allowed to distribute to, sell to, or grade for the same school district the same form of a test and that establishes three years as the maximum period during which a district is allowed to use the same form of a test, whereas the original extends such periods to eight school years and eight years, respectively, and provides for an exemption from such requirements if another form of a particular assessment instrument does not exist.

C.S.S.B. 759 differs from the original by requiring standardization norms to be computed under a provision repealed by the substitute relating to forms of tests, whereas the original requires such norms to be computed under a provision providing requirements for state and national norms of averages.

C.S.S.B. 759 omits a provision in the original providing an exception to the requirement that standardization norms be updated at least every eight years if sufficient data to update the sample on which the norms are based is not available.

C.S.S.B. 759 adds a provision not in the original authorizing the commissioner of education, by rule, to limit the exception authorizing the use of data older than eight years old to compute norms based on the type of test.

C.S.S.B. 759 repeals a provision of existing law retained in the original that requires a company or organization that grades a test to report the results to the district and to the Texas Education Agency by campus and district and in comparison to state and national averages, unless the agency requests a report of the results in another form. The substitute repeals a provision of existing law retained in the original that makes a company or organization that fails to comply with the statutory time limits on the distribution or sale to or the grading of the same test for a school district and age limits on the data used to compute state and national norms for test results liable to the state in an amount equal to three times the amount of actual damages.