

Amend HB 500 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0236 to read as follows:

Sec. 39.0236. REDUCED ASSESSMENT REQUIREMENTS PILOT PROGRAM. (a) In this section, "pilot program" means the reduced assessment requirements pilot program established under this section.

(b) The commissioner by rule shall establish a pilot program in which certain students in grades three through eight at a participating campus have reduced assessment requirements, as provided by this section.

(c) A campus may apply to the commissioner to participate in the pilot program.

(d) The commissioner shall select at least 20 campuses to participate in the pilot program. In selecting campuses for participation in the pilot program, the commissioner shall ensure that, to the greatest extent practicable, the diverse demographic, geographic, socioeconomic, and academic characteristics found in this state are represented and that elementary and middle or junior high schools are represented.

(e) Notwithstanding Section 39.023, a student attending a campus participating in the pilot program, other than a student administered assessment instruments under Section 39.023(b) or (1) or granted an exemption from administration of an assessment instrument under Section 39.027, shall be assessed using assessment instruments adopted or developed under Section 39.023(a) in:

(1) mathematics:

(A) in grades three and five without the aid of technology; and

(B) in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, in grades three, five, and eight;

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

(4) social studies, in grade eight; and

(5) science, in grades five and eight.

(f) A student shall be assessed in grade four in mathematics or reading using an assessment instrument administered under Subsection (e) in grade three if, on the final assessment instrument in that subject administered to the student in grade three during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(g) A student shall be assessed in grade six in mathematics or reading using an assessment instrument administered under Subsection (e) in grade five if, on the final assessment instrument in that subject administered to the student in grade five during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(h) A student shall be assessed in grade seven in mathematics or reading using an assessment instrument administered under Subsection (g) in grade six if, on the final assessment instrument in that subject administered to the student in grade six during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(i) A participating campus may, for its own use in determining whether students are performing at a satisfactory level, administer to a student at the appropriate grade level, other than a student required to be assessed under this section, an assessment instrument. At the request of a participating campus, the agency shall provide, allow for the administration of, and score each assessment instrument administered under this subsection in the same manner and at the same cost as for assessment instruments required to be administered under the applicable subsection. The results of an assessment instrument administered under this subsection may not be included as an indicator of student achievement under Section 39.054 or any other provision.

(j) If there is a conflict between this section and federal law as a result of forgoing under this section certain administration of assessment instruments to students who have recently performed successfully on assessment instruments assessing the same subject, the commissioner shall seek a waiver from the application of conflicting federal law for a campus participating in the pilot program.

(k) The commissioner shall adopt rules as necessary to administer this section.

(l) The commissioner shall conduct a study to determine whether the pilot program has been successful. The study must compare the achievements in mathematics and reading of students at participating and nonparticipating campuses in similar geographic areas that have students of similar demographic, socioeconomic, and academic characteristics. The study must evaluate the differences between mathematics and reading performance of students at campuses participating in the pilot program and those in matched non-participating campuses. Not later than September 1, 2014, the commissioner shall submit the results of the study to the legislature.

(m) The commissioner by rule shall establish the pilot program for the 2012-2013 and 2013-2014 school years.

(n) This section expires December 31, 2014.