

By: Hochberg

H.B. No. 233

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requirements for students to be assessed in certain
3 subjects and in certain grades.

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

5 SECTION 1. Section 39.023, Education Code, is amended by
6 amending Subsection (a) and adding Subsections (a-2) through (a-7)
7 to read as follows:

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

14 (1) mathematics, [~~annually~~] in grades three [~~through~~
15 ~~seven~~] and five without the aid of technology and in grade eight
16 with the aid of technology on any assessment instrument that
17 includes algebra;

18 (2) reading, [~~annually~~] in grades three, [~~through~~
19 five and eight];

20 (3) writing, including spelling and grammar, in grades
21 [~~four~~] five and ~~seven~~ eight;

22 (4) social studies, in grade eight; and

23 (5) science, in grades five and eight, ~~and~~

24 [~~(6) any other subject and grade required by federal~~]

1 law].

2 (a-2) Any student who scores below a score of the passing
3 standard plus one hundred scale score points on the last
4 mathematics assessment taken by that student in grade three, and
5 who is promoted to grade four, shall be assessed in mathematics in
6 grade four. Any student who scores below a score of the passing
7 standard plus one hundred scale score points on the last reading
8 assessment taken by that student in grade three, and who is promoted
9 to grade four, shall be assessed in reading in grade four.

10 (a-3) Any student who scores below a score of the passing
11 standard plus one hundred scale score points on the last assessment
12 taken by that student in a subject or subjects in grade five, and
13 who is promoted to grade six, shall be assessed in that subject or
14 subjects in grade six.

15 (a-4) Any student who scores below a score of the passing
16 standard plus one hundred scale score points on the last assessment
17 taken by that student in a subject or subjects in grade six, and who
18 is promoted to grade seven, shall be assessed in that subject or
19 subjects in grade seven.

20 (a-5) Students assessed in mathematics under subsections
21 (a-2), (a-3) or (a-4) shall be assessed without the aid of
22 technology.

23 (a-6) A school district or open-enrollment charter school
24 may, at the discretion of the school district or open-enrollment
25 charter school and for its own use, administer the assessment
26 instruments developed to assess students under subsections (a-2),
27 (a-3) or (a-4) to additional students other than those required to

1 be assessed by those subsections. On request of the school district
2 or open-enrollment charter school, the agency shall provide
3 assessment instruments for such students, and any services normally
4 provided by the agency related to administering and scoring the
5 assessment for required students, in the same manner and at the same
6 cost as for required students. The results of such discretionary
7 testing shall not be included as an indicator of student
8 achievement under Section 39.053(c) or any other section.

9 (a-7) To the extent that exempting successful students from
10 assessment in a subsequent grade or grades under the previous
11 subsections is determined to be contrary to federal law, the
12 commissioner shall seek waivers from such federal law. In seeking
13 any such waivers, the commissioner shall use all relevant data,
14 including, but not limited to, data relating to the likelihood that
15 students who score above the passing standard plus one hundred
16 scale score points will score above the passing standard in
17 subsequent years, the costs of assessing such students, and the
18 benefits of increased emphasis on bringing lower-scoring students
19 up to standard within one year.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2011.