

By: Eissler

H.B. No. 500

A BILL TO BE ENTITLED

AN ACT

relating to end-of-course assessment instruments administered to public high school students.

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

SECTION 1. Section 39.023(c), Education Code, is amended to read as follows:

(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. A district [and] shall adopt a policy addressing whether [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 will be used by the district in determining [to account for 15 percent of] the student's final grade for the course and, if so, the manner in which the student's performance on an end-of-course assessment instrument will be used in determining 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

1 Section 39.025, a [~~school~~] district shall act in accordance with
2 district policy concerning whether [~~is not required~~] to use and, if
3 so, the manner in which to use the student's performance on the
4 subsequent administration or administrations of the assessment
5 instrument in determining [~~to determine~~] the student's final grade
6 for the course. If a student is in a special education program
7 under Subchapter A, Chapter 29, the student's admission, review,
8 and dismissal committee shall determine whether any allowable
9 modification is necessary in administering to the student an
10 assessment instrument required under this subsection. The State
11 Board of Education shall administer the assessment instruments.
12 The State Board of Education shall adopt a schedule for the
13 administration of end-of-course assessment instruments that
14 complies with the requirements of Subsection (c-3).

15 SECTION 2. Section 39.025, Education Code, is amended by
16 amending Subsections (a), (a-2), (b), (b-2), (f), and (g) and
17 adding Subsection (a-4) to read as follows:

18 (a) The commissioner shall adopt rules requiring a student
19 participating in the recommended or advanced high school program to
20 be administered each end-of-course assessment instrument listed in
21 Section 39.023(c) and requiring a student participating in the
22 minimum high school program to be administered an end-of-course
23 assessment instrument listed in Section 39.023(c) only for a course
24 in which the student is enrolled and for which an end-of-course
25 assessment instrument is administered. Except as otherwise
26 provided by Subsection (a-2), (a-4), or (d), to receive a high
27 school diploma a [A] student is required to achieve, in each subject

1 in the foundation curriculum under Section 28.002(a)(1), a
2 cumulative score that is at least equal to the product of the number
3 of end-of-course assessment instruments administered to the
4 student in that subject and a scale score that indicates
5 satisfactory performance, as determined by the commissioner under
6 Section 39.0241(a). A student must achieve a minimum score as
7 determined by the commissioner to be within a reasonable range of
8 the scale score under Section 39.0241(a) on an end-of-course
9 assessment instrument for the score to count towards the student's
10 cumulative score. For purposes of this subsection, a student's
11 cumulative score is determined using the student's highest score on
12 each end-of-course assessment instrument administered to the
13 student. For each scale score required under this subsection that
14 is not based on a 100-point scale scoring system, the commissioner
15 shall provide for conversion, in accordance with commissioner rule,
16 of the scale score to an equivalent score based on a 100-point scale
17 scoring system. [~~A student may not receive a high school diploma~~
18 ~~until the student has performed satisfactorily on the end-of-course~~
19 ~~assessment instruments in the manner provided under this~~
20 ~~subsection.~~] This subsection does not require a student to
21 demonstrate readiness to enroll in an institution of higher
22 education.

23 (a-2) In lieu of satisfying [~~addition to~~] the cumulative
24 score requirements under Subsection (a), to graduate under the
25 recommended high school program, a student must achieve a score
26 that meets or exceeds the score determined by the commissioner
27 under Section 39.0241(a) on end-of-course assessment instruments

1 for the following:

2 (1) English III;

3 (2) [~~and~~] Algebra II;

4 (3) biology, chemistry, or physics; and

5 (4) world geography, world history, or United States
6 history [~~end-of-course assessment instruments to graduate under~~
7 ~~the recommended high school program~~].

8 (a-4) In lieu of satisfying the cumulative score
9 requirements under Subsection (a), to graduate under the minimum
10 high school program, a student must achieve a score that meets or
11 exceeds the score determined by the commissioner under Section
12 39.0241(a) on end-of-course assessment instruments for the
13 following:

14 (1) English III;

15 (2) Algebra I;

16 (3) biology, chemistry, or physics; and

17 (4) world geography, world history, or United States
18 history.

19 (b) Each time an end-of-course assessment instrument is
20 administered, a student who failed to achieve a minimum score under
21 Subsection (a) may [~~shall~~] retake the assessment instrument. A
22 student who fails to perform satisfactorily on an Algebra II or
23 English III end-of-course assessment instrument under the college
24 readiness performance standard, as provided under Section
25 39.024(b), may retake the assessment instrument. [~~Any other student~~
26 ~~may retake an end-of-course assessment instrument for any reason.~~]

27 A student is not required to retake a course as a condition of

1 retaking an end-of-course assessment instrument.

2 (b-2) If a school district determines that a student, on
3 completion of grade 11, is unlikely to achieve the cumulative score
4 requirements for one or more subjects prescribed by Subsection (a)
5 for receiving a high school diploma or to satisfy the alternative
6 score requirements under Subsection (a-2) or (a-4), as applicable
7 for receiving a high school diploma, the district shall require the
8 student to enroll in an appropriate [~~a corresponding~~] content-area
9 college preparatory course for which an end-of-course assessment
10 instrument has been adopted, if available. A student who enrolls in
11 a college preparatory course described by this subsection shall be
12 administered an end-of-course assessment instrument for the
13 course, with the end-of-course assessment instrument scored on a
14 scale as determined by the commissioner not to exceed 20 percent of
15 the cumulative score requirements required to graduate as
16 determined under Subsection (a). A student may use the student's
17 score on the end-of-course assessment instrument for the college
18 preparatory course towards satisfying the [~~cumulative~~] score
19 requirements prescribed by this section, as applicable to the
20 student [~~Subsection (a)~~].

21 (f) The commissioner shall by rule adopt a transition plan
22 to implement the amendments made by Chapter 1312 (S.B. No. 1031),
23 Acts of the 80th Legislature, Regular Session, 2007, replacing
24 general subject assessment instruments administered at the high
25 school level with end-of-course assessment instruments. The rules
26 must provide for the end-of-course assessment instruments adopted
27 under Section 39.023(c) to be administered beginning with students

1 entering the ninth grade during the 2011-2012 school year. During
2 the period under which the transition to end-of-course assessment
3 instruments is made:

4 (1) for students entering a grade above the ninth
5 grade during the 2011-2012 school year and to the extent necessary
6 for purposes of Subdivision (5), the commissioner shall retain,
7 administer, and use for purposes of accreditation and other campus
8 and district accountability measures under this chapter the
9 assessment instruments required by Section 39.023(a) or (c), as
10 that section existed before amendment by Chapter 1312 (S.B. No.
11 1031), Acts of the 80th Legislature, Regular Session, 2007;

12 (2) a student subject to Subdivision (1) may not
13 receive a high school diploma unless the student has performed
14 satisfactorily on each required assessment instrument administered
15 under Section 39.023(c) as that section existed before amendment by
16 Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular
17 Session, 2007; ~~and~~

18 (3) the agency may defer releasing assessment
19 instrument questions and answer keys as required by Section
20 39.023(e) to the extent necessary to develop additional assessment
21 instruments;

22 (4) a student entering ninth grade during the
23 2011-2012 or 2012-2013 school year shall be administered each
24 end-of-course assessment instrument listed in Section 39.023(c)
25 for a course in which the student is enrolled and for which an
26 end-of-course assessment instrument is administered;

27 (5) a student subject to Subdivision (4) may not

1 receive a high school diploma unless the student:

2 (A) achieves a score that meets or exceeds the
3 score determined by the commissioner under Section 39.0241(a) on
4 end-of-course assessment instruments for the following:

5 (i) English III;

6 (ii) Algebra II;

7 (iii) biology, chemistry, or physics; and

8 (iv) world geography, world history, or

9 United States history; or

10 (B) has performed satisfactorily on each
11 required assessment instrument administered under Section
12 39.023(c), as that section existed before amendment by Chapter 1312
13 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session,
14 2007; and

15 (6) a student entering ninth grade during the
16 2013-2014 school year or a later school year may not receive a high
17 school diploma unless the student has satisfied the requirements of
18 Subsection (a), (a-2), (a-3), or (a-4), as applicable to the
19 student.

20 (g) Rules adopted under Subsection (f) must require that
21 each student who will be subject to the requirements of Subsection
22 (a), (a-2), (a-3), (a-4), or (f)(4) is entitled to notice of the
23 specific requirements applicable to the student. Notice under this
24 subsection must be provided not later than the date the student
25 enters the eighth grade. Subsection (f) and this subsection expire
26 September 1, 2017 [~~2015~~].

27 SECTION 3. (a) A school district policy adopted under

1 Section 39.023(c), Education Code, as amended by this Act, applies
2 beginning with the 2011-2012 school year.

3 (b) Section 39.025(b), Education Code, as amended by this
4 Act, applies beginning with the 2011-2012 school year.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2011.