

By: Hochberg, et al.

H.B. No. 2135

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the administration of end-of-course assessment
3 instruments to public school students enrolled below the high
4 school level.

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

6 SECTION 1. Section 28.021(c), Education Code, is amended to
7 read as follows:

8 (c) In determining promotion under Subsection (a), a school
9 district shall consider:

- 10 (1) the recommendation of the student's teacher;
- 11 (2) the student's grade in each subject or course;
- 12 (3) the student's score on an assessment instrument
13 administered under Section 39.023(a), (b), or (l), to the extent
14 applicable; and
- 15 (4) any other necessary academic information, as
16 determined by the district.

17 SECTION 2. Section 28.0211, Education Code, is amended by
18 adding Subsections (o) and (p) to read as follows:

19 (o) This section does not require the administration of a
20 fifth or eighth grade assessment instrument in a subject under
21 Section 39.023(a) to a student enrolled in the fifth or eighth
22 grade, as applicable, if the student:

- 23 (1) is enrolled in a course in the subject for which
24 the student will receive high school academic credit; and

1 (2) will be administered an end-of-course assessment
2 instrument adopted under Section 39.023(c) for the course.

3 (p) Notwithstanding any other provision of this section, a
4 student described by Subsection (o) may not be denied promotion on
5 the basis of failure to perform satisfactorily on an assessment
6 instrument not required to be administered to the student in
7 accordance with that subsection.

8 SECTION 3. Section 39.023, Education Code, is amended by
9 amending Subsection (a) and adding Subsection (a-2) to read as
10 follows:

11 (a) The agency shall adopt or develop appropriate
12 criterion-referenced assessment instruments designed to assess
13 essential knowledge and skills in reading, writing, mathematics,
14 social studies, and science. Except as provided by Subsection
15 (a-2), all [All] students, other than [except] students assessed
16 under Subsection (b) or (1) or exempted under Section 39.027, shall
17 be assessed in:

18 (1) mathematics, annually in grades three through
19 seven without the aid of technology and in grade eight with the aid
20 of technology on any assessment instrument that includes algebra;

21 (2) reading, annually in grades three through eight;

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

24 (4) social studies, in grade eight;

25 (5) science, in grades five and eight; and

26 (6) any other subject and grade required by federal
27 law.

1 (a-2) A student is not required to be assessed in a subject
2 otherwise assessed at the student's grade level under Subsection
3 (a) if the student:

4 (1) is enrolled in a course in the subject for which
5 the student will receive high school academic credit; and

6 (2) will be administered an end-of-course assessment
7 instrument adopted under Subsection (c) for the course.

8 SECTION 4. Section 39.025, Education Code, is amended by
9 adding Subsection (e-1) to read as follows:

10 (e-1) Nothing in this section has the effect of prohibiting
11 the administration of an end-of-course assessment instrument
12 listed in Section 39.023(c) to a student enrolled below the high
13 school level who is enrolled in the course for which the assessment
14 instrument is adopted. The commissioner shall adopt rules
15 necessary to ensure that the student's performance on the
16 assessment instrument is considered in the same manner for purposes
17 of this section as the performance of a student enrolled at the high
18 school level.

19 SECTION 5. Section 39.053, Education Code, is amended by
20 adding Subsection (d-1) to read as follows:

21 (d-1) In aggregating results of assessment instruments
22 across grade levels by subject in accordance with Subsection
23 (c)(1), the performance of a student enrolled below the high school
24 level on an assessment instrument required under Section 39.023(c)
25 is included with results relating to other students enrolled at the
26 same grade level.

27 SECTION 6. Section 39.203, Education Code, is amended by

1 adding Subsection (d) to read as follows:

2 (d) In addition to the distinction designations otherwise
3 described by this section, the commissioner may award a distinction
4 designation to a campus with a significant number of students below
5 grade nine who perform satisfactorily on an end-of-course
6 assessment instrument administered under Section 39.023(c).

7 SECTION 7. This Act applies beginning with the 2011-2012
8 school year.

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