

1-1 By: Hochberg, et al. (Senate Sponsor - Patrick) H.B. No. 2135
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 April 29, 2011, read first time and referred to Committee on
1-4 Education; May 19, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 19, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2135 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the administration of end-of-course and other
1-11 assessment instruments to certain public school students enrolled
1-12 below the high school level.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 28.021(c), Education Code, is amended to
1-15 read as follows:

1-16 (c) In determining promotion under Subsection (a), a school
1-17 district shall consider:

1-18 (1) the recommendation of the student's teacher;

1-19 (2) the student's grade in each subject or course;

1-20 (3) the student's score on an assessment instrument
1-21 administered under Section 39.023(a), (b), or (l), to the extent
1-22 applicable; and

1-23 (4) any other necessary academic information, as
1-24 determined by the district.

1-25 SECTION 2. Section 28.0211, Education Code, is amended by
1-26 adding Subsections (o) and (p) to read as follows:

1-27 (o) This section does not require the administration of a
1-28 fifth or eighth grade assessment instrument in a subject under
1-29 Section 39.023(a) to a student enrolled in the fifth or eighth
1-30 grade, as applicable, if the student:

1-31 (1) is enrolled in a course in the subject intended for
1-32 students above the student's grade level and will be administered
1-33 an assessment instrument adopted or developed under Section
1-34 39.023(a) that aligns with the curriculum for the course in which
1-35 the student is enrolled; or

1-36 (2) is enrolled in a course in the subject for which
1-37 the student will receive high school academic credit and will be
1-38 administered an end-of-course assessment instrument adopted under
1-39 Section 39.023(c) for the course.

1-40 (p) Notwithstanding any other provision of this section, a
1-41 student described by Subsection (o) may not be denied promotion on
1-42 the basis of failure to perform satisfactorily on an assessment
1-43 instrument not required to be administered to the student in
1-44 accordance with that subsection.

1-45 SECTION 3. Section 39.023, Education Code, is amended by
1-46 amending Subsection (a) and adding Subsection (a-2) to read as
1-47 follows:

1-48 (a) The agency shall adopt or develop appropriate
1-49 criterion-referenced assessment instruments designed to assess
1-50 essential knowledge and skills in reading, writing, mathematics,
1-51 social studies, and science. Except as provided by Subsection
1-52 (a-2), all [All] students, other than [except] students assessed
1-53 under Subsection (b) or (l) or exempted under Section 39.027, shall
1-54 be assessed in:

1-55 (1) mathematics, annually in grades three through
1-56 seven without the aid of technology and in grade eight with the aid
1-57 of technology on any assessment instrument that includes algebra;

1-58 (2) reading, annually in grades three through eight;

1-59 (3) writing, including spelling and grammar, in grades
1-60 four and seven;

1-61 (4) social studies, in grade eight;

1-62 (5) science, in grades five and eight; and

1-63 (6) any other subject and grade required by federal

law.

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

(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or

(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.

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

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

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

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

SECTION 6. Section 39.203, Education Code, is amended by adding Subsection (d) to read as follows:

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

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

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

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