

By: Callegari

H.B. No. 2514

A BILL TO BE ENTITLED

AN ACT

1
2 relating to state administration of assessment instruments to
3 public school students.

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

5 SECTION 1. Sections 28.025(c) and (e), Education Code, are
6 amended to read as follows:

7 (c) A person may receive a diploma if the person is eligible
8 for a diploma under Section 28.0251. In other cases, a student may
9 graduate and receive a diploma only if:

10 (1) the student successfully completes the curriculum
11 requirements identified by the State Board of Education under
12 Subsection (a) [~~and complies with Section 39.025~~]; or

13 (2) the student successfully completes an
14 individualized education program developed under Section 29.005.

15 (e) Each school district shall report the academic
16 achievement record of students who have completed a minimum,
17 recommended, or advanced high school program on transcript forms
18 adopted by the State Board of Education. The transcript forms
19 adopted by the board must be designed to clearly differentiate
20 between each of the high school programs [~~and identify whether a~~
21 ~~student received a diploma or a certificate of coursework~~
22 ~~completion~~].

23 SECTION 2. Section 39.022, Education Code, is amended to
24 read as follows:

1 Sec. 39.022. ASSESSMENT PROGRAM. The State Board of
2 Education [~~by rule~~] shall administer [~~create and implement~~] a
3 statewide assessment program that is knowledge- and skills-based to
4 ensure school accountability for student achievement that achieves
5 the goals provided under Section 4.002. The board may adopt rules to
6 the extent necessary for the administration of the assessment
7 program in accordance with this subchapter. [~~After adopting rules~~
8 ~~under this section, the State Board of Education shall consider the~~
9 ~~importance of maintaining stability in the statewide assessment~~
10 ~~program when adopting any subsequent modification of the rules.~~]

11 SECTION 3. The heading to Section 39.023, Education Code,
12 is amended to read as follows:

13 Sec. 39.023. [~~ADOPTION AND~~] ADMINISTRATION OF INSTRUMENTS.

14 SECTION 4. Sections 39.023(a), (h), and (i), Education
15 Code, are amended to read as follows:

16 (a) [~~The agency shall adopt or develop appropriate~~
17 ~~criterion-referenced assessment instruments designed to assess~~
18 ~~essential knowledge and skills in reading, writing, mathematics,~~
19 ~~social studies, and science.~~] All students, except students
20 [~~assessed under Subsection (b) or (1) or~~] exempted in accordance
21 with commissioner rule [~~under Section 39.027~~], shall be assessed,
22 using an appropriate, nationally recognized, norm-referenced
23 assessment instrument, in:

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

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

- 1 (3) writing, including spelling and grammar, in grades
2 four and seven;
- 3 (4) social studies, in grade eight;
- 4 (5) science, in grades five and eight; ~~and~~
- 5 (6) college readiness, in grade 11, using a college
6 admissions examination; and
- 7 (7) any other subject and grade required by federal
8 law.

9 (h) The agency shall notify students or parents and
10 guardians, as appropriate, school districts, and campuses of the
11 results of assessment instruments administered under this section
12 at the earliest possible date determined by the State Board of
13 Education but not later than the beginning of the subsequent school
14 year.

15 (i) ~~[The provisions of this section, except Subsection (d),~~
16 ~~are subject to modification by rules adopted under Section 39.022.]~~
17 Each assessment instrument administered under this section
18 ~~[adopted under those rules and each assessment instrument required~~
19 ~~under Subsection (d)]~~ must be reliable and valid and must meet any
20 applicable federal requirements for measurement of student
21 progress.

22 SECTION 5. Section 39.031, Education Code, is amended to
23 read as follows:

24 Sec. 39.031. COST. The cost of ~~[preparing,~~
25 administering~~], or grading]~~ the assessment instruments under
26 Section 39.023(a) ~~[and releasing the question and answer keys under~~
27 ~~Section 39.023(e)]~~ shall be paid from amounts appropriated to the

1 agency.

2 SECTION 6. The following provisions of the Education Code
3 are repealed:

4 (1) Section 28.0211;

5 (2) Section 28.025(d);

6 (3) Sections 39.023(a-1), (b), (c), (c-1), (c-2),
7 (c-3), (c-4), (c-5), (c-6), (d), (e), (f), (g), (l), (m), (n), (o),
8 and (p);

9 (4) Section 39.0231;

10 (5) Section 39.0232;

11 (6) Section 39.0233;

12 (7) Section 39.0234;

13 (8) Section 39.024;

14 (9) Sections 39.0241(a-1), (a-2), and (c);

15 (10) Section 39.0242;

16 (11) Section 39.025;

17 (12) Section 39.026;

18 (13) Section 39.0261;

19 (14) Section 39.027;

20 (15) Section 39.028;

21 (16) Section 39.030(a);

22 (17) Section 39.033;

23 (18) Section 39.034;

24 (19) Section 39.035;

25 (20) Section 39.036; and

26 (21) Section 39.037.

27 SECTION 7. As of the effective date of this Act, the Texas

1 Education Agency may not perform research or development concerning
2 assessment instruments under Subchapter B, Chapter 39, Education
3 Code, as that subchapter existed before amendment by this Act.

4 SECTION 8. Not later than October 1, 2012, the Texas
5 Education Agency shall apply to the United States Department of
6 Education for any waiver necessary to implement, in compliance with
7 federal law and regulations, Subchapter B, Chapter 39, Education
8 Code, as amended by this Act.

9 SECTION 9. This Act applies beginning with the 2011-2012
10 school year.

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