

By: Seliger

S.B. No. 1403

A BILL TO BE ENTITLED

AN ACT

relating to the administration to public school students in certain grades of state-administered assessment instruments.

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

SECTION 1. Section 39.023, Education Code, is amended by amending Subsections (a) and (a-1) and adding Subsections (a-2), (a-3), (a-4), (a-5), (a-6), and (a-7) to read as follows:

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

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

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

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

(4) social studies, in grade eight; and

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

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

1 ~~law~~].

2 (a-1) The agency shall develop assessment instruments
3 required under Subsections (a), (a-2), (a-3), and (a-4) [~~Subsection~~
4 ~~(a)~~] in a manner that allows, to the extent practicable:

5 (1) the score a student receives to provide reliable
6 information relating to a student's satisfactory performance for
7 each performance standard under Section 39.0241; and

8 (2) an appropriate range of performances to serve as a
9 valid indication of growth in student achievement.

10 (a-2) A student shall be assessed in grade four in a subject
11 for which an assessment instrument is administered under Subsection
12 (a) in grade three if, on the final assessment instrument in that
13 subject administered under Subsection (a) to the student in grade
14 three during the preceding school year, the student did not achieve
15 a scale score equal to or greater than the sum of the scale score
16 that indicates satisfactory performance on that assessment
17 instrument, as determined by the commissioner under Section
18 39.0241(a), plus 100 scale score points.

19 (a-3) A student shall be assessed in grade six in a subject
20 for which an assessment instrument is administered under Subsection
21 (a) in grade five if, on the final assessment instrument in that
22 subject administered under Subsection (a) to the student in grade
23 five during the preceding school year, the student did not achieve a
24 scale score equal to or greater than the sum of the scale score that
25 indicates satisfactory performance on that assessment instrument,
26 as determined by the commissioner under Section 39.0241(a), plus
27 100 scale score points.

1 (a-4) A student shall be assessed in grade seven in a
2 subject for which an assessment instrument was administered under
3 Subsection (a-3) to the student in grade six if, on the final
4 assessment instrument in that subject administered to the student
5 in grade six during the preceding school year, the student did not
6 achieve a scale score equal to or greater than the sum of the scale
7 score that indicates satisfactory performance on that assessment
8 instrument, as determined by the commissioner under Section
9 39.0241(a), plus 100 scale score points.

10 (a-5) A student assessed in mathematics under Subsection
11 (a-2), (a-3), or (a-4) shall be assessed without the aid of
12 technology.

13 (a-6) A school district or open-enrollment charter school
14 may, for its own use in determining whether students are performing
15 at a satisfactory level, administer to a student at the appropriate
16 grade level, other than a student required to be assessed, an
17 assessment instrument developed for purposes of Subsection (a-2),
18 (a-3), or (a-4). At the request of a school district or
19 open-enrollment charter school, the agency shall provide, allow for
20 the administration of, and score each assessment instrument
21 administered under this subsection in the same manner and at the
22 same cost as for assessment instruments required to be administered
23 under the applicable subsection. The results of an assessment
24 instrument administered under this subsection may not be included
25 as an indicator of student achievement under Section 39.054 or any
26 other provision.

27 (a-7) If there is a conflict between this section and

1 federal law as a result of forgoing under this section certain
2 administration of assessment instruments to students who have
3 recently performed successfully on assessment instruments
4 assessing the same subject, the commissioner shall seek a waiver
5 from the application of conflicting federal law. In seeking a
6 waiver, the commissioner shall submit all relevant data, including
7 data relating to:

8 (1) the likelihood that a student who achieves a scale
9 score on an assessment instrument equal to or greater than the sum
10 of the scale score that indicates satisfactory performance on the
11 assessment instrument plus 100 scale score points will, in
12 subsequent years, perform satisfactorily on assessment instruments
13 in the same subject;

14 (2) the costs associated with ongoing assessment of
15 students who have proven likely to perform successfully on
16 subsequent assessment instruments; and

17 (3) the benefit of redirecting resources from
18 assessment of students who have proven likely to perform
19 successfully on subsequent assessment instruments toward enabling
20 lower performing students to perform successfully on assessment
21 instruments after one school year.

22 SECTION 2. This Act applies beginning with the 2011-2012
23 school year.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2011.