

By: West

S.B. No. 1486

A BILL TO BE ENTITLED

AN ACT

relating to requirements regarding public school accountability.

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

SECTION 1. Chapter 39, Education Code, is amended by adding Subchapter A to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 39.001. NOTICE AND REPORTS TO PARENTS PROVIDED ELECTRONICALLY. (a) A school district or open-enrollment charter school may provide any notice or report to a parent of a student required under this chapter by e-mail if the parent provides an e-mail address and requests information to be delivered electronically.

(b) The district or charter school may provide a form to a parent when the student is registered that allows the parent to provide an e-mail address and signify that the parent chooses to receive notices electronically.

SECTION 2. Section 39.023, Education Code, is amended by amending Subsections (a), (c), and (c-3) and adding Subsections (a-2), (c-7), and (c-8) 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. Except as provided by Subsection (a-2), all ~~[All]~~ students, other than ~~[except]~~ students assessed

1 under Subsection (b) or (1) or exempted under Section 39.027, shall
2 be assessed in:

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

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

7 (3) writing, including spelling and grammar, in grades
8 four and seven;

9 (4) social studies, in grade eight;

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

11 (6) any other subject and grade required by federal
12 law.

13 (a-2) A student in grade eight who is enrolled in a
14 secondary-level course and administered the end-of-course
15 assessment instrument for that course as required by Subsection (c)
16 is not required to be assessed in the same content area as required
17 by Subsection (a). This subsection is subject to approval by the
18 secretary of the United States Department of Education for
19 compliance with the requirements of the No Child Left Behind Act of
20 2001 (20 U.S.C. Section 6301 et seq.).

21 (c) The agency shall also adopt end-of-course assessment
22 instruments for secondary-level courses in Algebra I, Algebra II,
23 geometry, biology, chemistry, physics, English I, English II,
24 English III, world geography, world history, and United States
25 history. The Algebra I, Algebra II, and geometry end-of-course
26 assessment instruments must be administered with the aid of
27 technology. A school district shall comply with State Board of

1 Education rules regarding administration of the assessment
2 instruments listed in this subsection [~~and shall adopt a policy~~
3 ~~that requires a student's performance on an end-of-course~~
4 ~~assessment instrument for a course listed in this subsection in~~
5 ~~which the student is enrolled to account for 15 percent of the~~
6 ~~student's final grade for the course. If a student retakes an~~
7 ~~end-of-course assessment instrument for a course listed in this~~
8 ~~subsection, as provided by Section 39.025, a school district is not~~
9 ~~required to use the student's performance on the subsequent~~
10 ~~administration or administrations of the assessment instrument to~~
11 ~~determine the student's final grade for the course]. If a student
12 is in a special education program under Subchapter A, Chapter 29,
13 the student's admission, review, and dismissal committee shall
14 determine whether any allowable modification is necessary in
15 administering to the student an assessment instrument required
16 under this subsection. The State Board of Education shall
17 administer the assessment instruments. The State Board of
18 Education shall adopt a schedule for the administration of
19 end-of-course assessment instruments that complies with the
20 requirements of Subsection (c-3).~~

21 (c-3) In adopting a schedule for the administration of
22 assessment instruments under this section, the State Board of
23 Education shall:

24 (1) require:

25 (A) [~~(1)~~] assessment instruments administered
26 under Subsection (a) to be administered on a schedule so that the
27 first assessment instrument is administered at least two weeks

1 later than the date on which the first assessment instrument was
2 administered under Subsection (a) during the 2006-2007 school year;
3 and

4 (B) [~~(2)~~] the spring administration of
5 end-of-course assessment instruments under Subsection (c) to occur
6 in each school district not earlier than the first full week in May,
7 except that the spring administration of the end-of-course
8 assessment instruments in English I, English II, and English III
9 must be permitted to occur at an earlier date; and

10 (2) coordinate with the College Board to ensure that
11 end-of-course assessment instruments under Subsection (c) are not
12 administered on the same date as any advanced placement test
13 administered by the College Board.

14 (c-7) The agency shall conduct a study to evaluate the
15 methods of and determine the costs associated with administering
16 end-of-course assessment instruments to students who complete
17 courses on a schedule different from the regular school year,
18 including self-paced courses, courses for credit recovery, or
19 compressed virtual courses. The agency must include in the study an
20 evaluation of the administration of end-of-course assessment
21 instruments through the use of computer technology and an Internet
22 website. Not later than January 1, 2013, the agency shall submit to
23 the governor, the lieutenant governor, the speaker of the house of
24 representatives, and the presiding officer of each legislative
25 standing committee with primary jurisdiction over primary and
26 secondary education a written report that contains recommendations
27 on methods of administering end-of-course assessment instruments

1 to students who complete courses on a nontraditional schedule and
2 the costs associated with those methods. This subsection expires
3 September 1, 2013.

4 (c-8) The agency shall conduct a study to evaluate the
5 impact on student performance and determine the cost savings
6 associated with reducing the number of end-of-course assessment
7 instruments required for graduation to one in each of the four
8 content areas of English, mathematics, science, and social studies.
9 Not later than January 1, 2013, the agency shall submit to the
10 governor, the lieutenant governor, the speaker of the house of
11 representatives, and the presiding officer of each legislative
12 standing committee with primary jurisdiction over primary and
13 secondary education a written report that contains recommendations
14 on reducing the number of end-of-course assessment instruments
15 required for graduation and the impact on student performance and
16 the cost savings associated with the reduction. This subsection
17 expires September 1, 2013.

18 SECTION 3. Section 39.0234(a), Education Code, is amended
19 to read as follows:

20 (a) The agency shall ensure that assessment instruments
21 required under Section 39.023 are capable of being administered by
22 computer. The commissioner may not require a school district or
23 open-enrollment charter school to administer an assessment
24 instrument, including an assessment instrument administered under
25 Section 39.023(1), by computer.

26 SECTION 4. Section 39.025, Education Code, is amended by
27 amending Subsection (a) and adding Subsection (a-4) to read as

1 follows:

2 (a) The commissioner shall adopt rules requiring a student
3 participating in the recommended or advanced high school program to
4 be administered each end-of-course assessment instrument listed in
5 Section 39.023(c) and requiring a student participating in the
6 minimum high school program to be administered an end-of-course
7 assessment instrument listed in Section 39.023(c) [~~only~~] for each
8 [~~a~~] course as determined by commissioner rule [~~in which the student~~
9 ~~is enrolled and for which an end-of-course assessment instrument is~~
10 ~~administered~~]. A student is required to achieve, in each subject in
11 the foundation curriculum under Section 28.002(a)(1), a cumulative
12 score that is at least equal to the product of the number of
13 end-of-course assessment instruments administered to the student
14 in that subject and a scale score that indicates satisfactory
15 performance, as determined by the commissioner under Section
16 39.0241(a). A student must achieve a minimum score as determined by
17 the commissioner to be within a reasonable range of the scale score
18 under Section 39.0241(a) on an end-of-course assessment instrument
19 for the score to count towards the student's cumulative score. For
20 purposes of this subsection, a student's cumulative score is
21 determined using the student's highest score on each end-of-course
22 assessment instrument administered to the student. A student may
23 not receive a high school diploma until the student has performed
24 satisfactorily on the end-of-course assessment instruments in the
25 manner provided under this subsection. This subsection does not
26 require a student to demonstrate readiness to enroll in an
27 institution of higher education.

1 (a-4) The commissioner shall adopt rules to establish
2 uniform requirements for students participating in the minimum high
3 school program to be administered appropriate end-of-course
4 assessment instruments listed in Section 39.023(c). The rules must
5 provide for the uniform requirements for administration of
6 end-of-course assessment instruments adopted under this subsection
7 to apply to students participating in the minimum high school
8 program and entering the ninth grade beginning with the 2012-2013
9 school year.

10 SECTION 5. Subchapter C, Chapter 39, Education Code, is
11 amended by adding Section 39.0541 to read as follows:

12 Sec. 39.0541. PRELIMINARY NOTICE OF PERFORMANCE RATING.
13 The commissioner shall adopt rules to provide for sending, as soon
14 as practicable, a preliminary notice to:

15 (1) each school district regarding the district's
16 accreditation status under Section 39.052 and performance rating
17 under Section 39.054; and

18 (2) each campus regarding the campus's performance
19 rating under Section 39.054.

20 SECTION 6. Section 39.109, Education Code, is amended to
21 read as follows:

22 Sec. 39.109. ACQUISITION OF PROFESSIONAL SERVICES. (a) If
23 a district or campus is required under this chapter to acquire
24 professional services, including a monitor, conservator,
25 management team, campus intervention team, technical assistance
26 team, or other professional services described by Subsection (b),
27 the commissioner or the district, as appropriate, shall make a

1 reasonable effort to acquire those services from available,
2 qualified professionals employed by the district.

3 **(b)** In addition to other interventions and sanctions
4 authorized under this subchapter, the commissioner may order a
5 school district or campus to acquire professional services at the
6 expense of the district or campus to address the applicable
7 financial, assessment, data quality, program, performance, or
8 governance deficiency. The commissioner's order may require the
9 district or campus to:

10 (1) select or be assigned an external auditor, data
11 quality expert, professional authorized to monitor district
12 assessment instrument administration, or curriculum or program
13 expert; or

14 (2) provide for or participate in the appropriate
15 training of district staff or board of trustees members in the case
16 of a district, or campus staff, in the case of a campus.

17 SECTION 7. Not later than January 1, 2012, the commissioner
18 shall adopt rules to establish uniform requirements for students
19 participating in the minimum high school program to be administered
20 appropriate end-of-course assessment instruments as provided by
21 Section 39.025(a-4), as added by this Act.

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