

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 21 2011

Atay Spaul
Secretary of the Senate

By: Hochberg/Patrick

H.B. No. 2135

Substitute the following for H.B. No. 2135:

By: Seliger

C.S. H.B. No. 2135

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of end-of-course and other
3 assessment instruments to certain public school students enrolled
4 below the high 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 intended for
24 students above the student's grade level and will be administered

1 an assessment instrument adopted or developed under Section
2 39.023(a) that aligns with the curriculum for the course in which
3 the student is enrolled; or

4 (2) is enrolled in a course in the subject for which
5 the student will receive high school academic credit and will be
6 administered an end-of-course assessment instrument adopted under
7 Section 39.023(c) for the course.

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

13 SECTION 3. Section 39.023, Education Code, is amended by
14 amending Subsection (a) and adding Subsection (a-2) to read as
15 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. Except as provided by Subsection
20 (a-2), all [All] students, other than [except] students assessed
21 under Subsection (b) or (1) or exempted under Section 39.027, shall
22 be assessed in:

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

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

27 (3) writing, including spelling and grammar, in grades

1 four and seven;

2 (4) social studies, in grade eight;

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

4 (6) any other subject and grade required by federal
5 law.

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

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

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

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

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

1 school level.

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

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

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

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

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2135 by Hochberg (Relating to the administration of end-of-course and other assessment instruments to certain public school students enrolled below the high school level.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would stipulate that a student in grades 5 or 8 who is enrolled in a course intended for students above the student's grade level or for high school credit for which the student will be assessed through an assessment instrument aligned to the curriculum of the course or an end of course assessment is not required to be assessed using the grade 5 or 8 state assessment for the same subject.

The bill would specify that the performance of students in grades 5 or 8 who are enrolled in a course intended for students above their grade level or a course for high school credit on a state assessment for that course would be included in the aggregated performance on state assessments of other students in their grade levels for purposes of the accountability system.

The bill would create a campus distinction designation related to the rate of satisfactory performance on end of course assessments by students below grade nine.

Local Government Impact

School districts would be required to administer only an EOC assessment or other aligned assessment to a student in a grade level below high school who was completing a course in a subject for high school credit or a course otherwise intended for students above the student's grade level and being administered an EOC assessment instrument or other aligned assessment in that subject, instead of both the EOC assessment and the grade-level assessment in the subject.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, SD, LXH, JGM, JSc

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2135 by Hochberg (Relating to the administration of end-of-course and other assessment instruments to certain public school students enrolled below the high school level.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would stipulate that a student in grades 5 or 8 who is enrolled in a course intended for students above the student's grade level or for high school credit for which the student will be assessed through an assessment instrument aligned to the curriculum of the course or an end of course assessment is not required to be assessed using the grade 5 or 8 state assessment for the same subject.

The bill would specify that the performance of students in grades 5 or 8 who are enrolled in a course intended for students above their grade level or a course for high school credit on a state assessment for that course would be included in the aggregated performance on state assessments of other students in their grade levels for purposes of the accountability system.

The bill would create a campus distinction designation related to the rate of satisfactory performance on end of course assessments by students below grade nine.

Local Government Impact

School districts would be required to administer only an EOC assessment or other aligned assessment to a student in a grade level below high school who was completing a course in a subject for high school credit or a course otherwise intended for students above the student's grade level and being administered an EOC assessment instrument or other aligned assessment in that subject, instead of both the EOC assessment and the grade-level assessment in the subject.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JSc

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2135 by Hochberg (Relating to the administration of end-of-course assessment instruments to public school students enrolled below the high school level.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would stipulate that a student in grades 5 or 8 who is enrolled in a course for high school credit for which the student will be assessed through an end of course assessment is not required to be assessed using the grade 5 or 8 state assessment for the same subject.

The bill would specify that the performance of students in grades 5 or 8 who are enrolled in a course for high school credit on an end of course assessment would be included in the aggregated performance on state assessments of other students in their grade levels for purposes of the accountability system.

The bill would create a campus distinction designation related to the rate of satisfactory performance on end of course assessments by students below grade nine.

Local Government Impact

School districts would be required to administer only an EOC assessment to a student in a grade level below high school who was completing a course in a subject for high school credit and being administered an EOC assessment instrument in that subject, instead of both the EOC assessment and the grade-level assessment in the subject.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JSc

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 14, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2135 by Hochberg (Relating to the administration of end-of-course assessment instruments to public school students enrolled below the high school level.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would stipulate that a student in grades 5 or 8 who is enrolled in a course for high school credit for which the student will be assessed through an end of course assessment is not required to be assessed using the grade 5 or 8 state assessment for the same subject.

The bill would specify that the performance of students in grades 5 or 8 who are enrolled in a course for high school credit on an end of course assessment would be included in the aggregated performance on state assessments of other students in their grade levels for purposes of the accountability system.

The bill would create a campus distinction designation related to the rate of satisfactory performance on end of course assessments by students below grade nine.

Local Government Impact

School districts would be required to administer only an EOC assessment to a student in a grade level below high school who was completing a course in a subject for high school credit and being administered an EOC assessment instrument in that subject, instead of both the EOC assessment and the grade-level assessment in the subject.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JSc

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 10, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2135 by Hochberg (Relating to certain assessment requirements for public school students.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would stipulate that a student in grades 5 or 8 who is enrolled in a course for high school credit for which the student will be assessed through an end of course assessment is not required to be assessed using the grade 5 or 8 state assessment for the same subject.

The bill would specify that the performance of students in grades 5 or 8 who are enrolled in a course for high school credit on an end of course assessment would be included in the aggregated performance on state assessments of other students in their grade levels for purposes of the accountability system.

The bill would create a campus distinction designation related to the rate of satisfactory performance on end of course assessments.

Local Government Impact

School districts would be required to administer only an EOC assessment to a student in a grade level below high school who was completing a course in a subject for high school credit and being administered an EOC assessment instrument in that subject, instead of both the EOC assessment and the grade-level assessment in the subject.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JSc