

Amend CSHB 5 (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Section 39.026, Education Code, is amended to read as follows:

Sec. 39.026. LOCAL OPTION. (a) In addition to the assessment instruments adopted by the agency and administered by the State Board of Education, a school district may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. A norm-referenced assessment instrument adopted under this section must be economical, nationally recognized, and state-approved.

(b) This subsection applies only to administration of assessment instruments to students at the third, fourth, fifth, sixth, seventh, or eighth grade level. Notwithstanding any other provision of this title, the board of trustees of a school district may provide for limiting administration to district students of assessment instruments required under Section 39.023 to only those subjects and only at those grade levels required by federal law.

(c) This subsection applies only to administration of assessment instruments to students at the third, fourth, fifth, sixth, seventh, or eighth grade level. Notwithstanding any other provision of this title, subject to approval by the commissioner, the board of trustees of a school district may adopt and provide for administration of an economical criterion-referenced assessment instrument in place of any assessment instrument required under Section 39.023 that is adopted by the agency.

(d) If there is a conflict between this section and federal law or regulations, the agency shall seek a waiver from the application of conflicting federal law or regulations.

(e) The commissioner may adopt rules as necessary to administer this section.

(b) This section applies beginning with the 2013-2014 school year.