

Amend HB 5 on third reading as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. (a) Section 33.0812(a), Education Code, is amended to read as follows:

(a) The State Board of Education by rule shall prohibit participation in a University Interscholastic League area, regional, or state competition:

(1) on Monday through Thursday of the school week in which the primary administration of assessment instruments under Section 39.023(a), (c), (c-2), or (1) occurs; or

(2) if the primary administration of the assessment instruments is completed before Thursday of the school week, beginning on Monday and ending on the last school day on which the assessment instruments are administered.

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

(2) In the recital to amended Section 39.023, Education Code, between "(c)" and "(c-3)", insert "(c-2)".

(3) In amended Section 39.023(c), Education Code, strike the last sentence of the subsection and substitute the following: The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments specified in this subsection and Subsection (c-2) that complies with the requirements of Subsection (c-3).

(4) In amended Section 39.023, Education Code, after Subsection (c), insert the following:

(c-2) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra II and English III, which shall be administered to a student at the student's option. The Algebra II end-of-course assessment instrument must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the Algebra II and English III end-of-course assessment instruments. [~~The agency may adopt end-of-course assessment instruments for courses not listed in Subsection (c).~~] A student's performance on an end-of-course assessment instrument adopted

under this subsection is not subject to the performance requirements established under Subsection (c) or Section 39.025.

(5) Strike amended Section 39.023(c-3), Education Code, and substitute the following:

(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education [~~shall require~~]:

(1) shall require assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; [~~and~~]

(2) shall require the spring administration of end-of-course assessment instruments under Subsection (c) or the end-of-course assessment instrument in Algebra II under Subsection (c-2) to occur in each school district during the latest practicable [~~not earlier than the first full~~] week as determined by the commissioner, but not earlier than the third full week in May, except that the spring administration of the end-of-course assessment instruments in [~~English I,~~] English II Writing [~~, and English III~~] must be permitted to occur at an earlier date; and

(3) shall permit the spring administration of the end-of-course assessment instruments in English III Writing under Subsection (c-2) to occur earlier than the third full week in May.

(6) In the recital to amended Section 39.0233, Education Code, strike "Section 39.0233(a), Education Code, is amended" and substitute "Sections 39.0233(a) and (b), Education Code, are amended".

(7) In amended Section 39.0233, Education Code, strike Subsections (a) and substitute the following:

(a) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Sections [~~Section~~] 39.023(c) and (c-2) to be used for purposes of Section 51.3062. The questions adopted under this subsection must be developed in a manner consistent with any

college readiness standards adopted under Sections 39.233 [~~39.113~~] and 51.3062.

(b) In addition to the questions adopted under Subsection (a), the agency shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Sections [~~Section~~] 39.023(c) and (c-2) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A school district shall notify a student who performs at a high level on the questions adopted under this subsection and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A school district may not require a student to perform at a particular level on the questions adopted under this subsection in order to be eligible to enroll in an advanced high school course.

(8) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. (a) Section 39.024(b), Education Code, is amended to read as follows:

(b) The agency and the Texas Higher Education Coordinating Board shall ensure that the Algebra II and English III end-of-course assessment instruments adopted [~~required~~] under Section 39.023(c-2) [~~39.023(c)~~] are developed to be capable of, beginning with the 2011-2012 school year, measuring college readiness.

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

SECTION _____. (a) Section 39.0241(a-2), Education Code, is amended to read as follows:

(a-2) For the purpose of establishing performance across grade levels, the commissioner shall establish:

(1) the performance standards for the Algebra II and English III end-of-course assessment instruments, as provided under Section 39.024(b) and under Subsection (a);

(2) the performance standards for the Algebra I and English II end-of-course assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the Algebra I and English II end-of-course

assessment instruments with student performance on the Algebra II and English III assessment instruments;

~~(3) [the performance standards for the English I end-of-course assessment instrument, as determined based on studies under Section 39.0242 that correlate student performance on the English I end-of-course assessment instrument with student performance on the English II assessment instrument,~~

~~[(4)]~~ the performance standards for the grade eight assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the grade eight assessment instruments with student performance on the Algebra I and English II [~~±~~] end-of-course assessment instruments in the same content area; and

(4) [~~(5)~~] the performance standards on the assessment instruments in each of grades three through seven, as determined based on studies under Section 39.0242 that correlate student performance in the same content area on the assessment instrument for each grade with student performance on the assessment instrument in the succeeding grade.

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

SECTION _____. (a) Section 39.0242(b), Education Code, is amended to read as follows:

(b) Before the beginning of the 2011-2012 school year, the agency shall analyze the data collected under Subsection (a) to substantiate:

(1) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the grade three, four, five, six, or seven assessment instruments with satisfactory performance under the same performance standard on the assessment instruments in the same content area for the next grade level;

(2) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the grade eight assessment instruments with satisfactory performance under the same performance standard on the Algebra I and English II [~~±~~] end-of-course assessment instruments in the same

content area;

(3) ~~[the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the English I end-of-course assessment instrument with satisfactory performance under the same performance standard on the English II end-of-course assessment instrument;~~

~~[(4)]~~ the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the English II end-of-course assessment instrument with satisfactory performance under the same performance standard on the English III end-of-course assessment instrument; and

(4) ~~[(5)]~~ the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the Algebra I end-of-course assessment instrument with satisfactory performance under the same performance standard on the Algebra II end-of-course assessment instrument.

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

(9) Strike amended Section 39.025(b), Education Code, and substitute the following:

(b) Each time an end-of-course assessment instrument adopted under Section 39.023(c) is administered, a student who failed to achieve a ~~[minimum]~~ score requirement under Subsection (a) may ~~[shall]~~ retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. ~~[Any other student may retake an end-of-course assessment instrument for any reason.]~~ A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.

(10) Strike added Section 39.02611, Education Code.

(11) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. (a) Sections 39.034(a) and (c), Education Code, are amended to read as follows:

(a) The commissioner shall determine a method by which the

agency may measure annual improvement in student achievement from one school year to the next on an assessment instrument required under this subchapter or on an end-of-course assessment instrument adopted under Section 39.023(c-2).

(c) The agency shall use a student's previous years' performance data on an assessment instrument described by Subsection (a) [~~required under this subchapter~~] to determine the student's expected annual improvement. The agency shall report that expected level of annual improvement and the actual level of annual improvement achieved to the district. The report must state whether the student fell below, met, or exceeded the agency's expectation for improvement.

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

SECTION _____. (a) Section 39.035(a), Education Code, is amended to read as follows:

(a) Subject to Subsection (b), the agency may conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), (c), (c-2), (d), or (l) that is separate from the administration of the assessment instrument not more frequently than every other school year.

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

(12) Strike added Section 39.202, Education Code, and substitute the following:

Sec. 39.202. ACADEMIC [~~EXCELLENCE~~] DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall establish [~~a recognized and exemplary rating for awarding districts and campuses~~] an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness [~~under this subchapter~~]. The [~~In establishing the recognized and exemplary ratings, the~~] commissioner shall adopt criteria for the designation under this section [~~ratings~~], including:

(1) percentages of students who:

(A) performed satisfactorily, as determined under the college readiness performance standard under Section

39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (1) or on end-of-course assessment instruments adopted under Section 39.023(c-2), aggregated across grade levels by subject area; or

(B) met the standard for annual improvement, as determined by the agency under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (1) or on end-of-course assessment instruments adopted under Section 39.023(c-2), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);

(2) percentages of:

(A) students who earned a nationally or internationally recognized business or industry certification or license;

(B) students who completed a coherent sequence of career and technical courses;

(C) students who completed a dual credit course or an articulated postsecondary course provided for local credit;

(D) students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT-Plan assessment program; and

(E) students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit; and

(3) [~~(2)~~] other factors for determining sufficient student attainment of postsecondary readiness.

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

(13) In the recital to amended Section 51.3062, Education Code, and strike "by amending Subsection (i) and adding Subsections (q-2) and (q-3)" and substitute "by adding Subsection (q-3)".

(14) Strike amended Section 51.3062(i), Education Code.

(15) Strike added Section 51.3062(q-2), Education Code.

(16) In amended Section 56.3041(a)(2)(A)(ii), Education

Code, strike "Section 51.3062(p) or[~~r~~] (q)[~~, or (q-1)~~]" and substitute "Section 51.3062(p), (q), or (q-1)".

(17) Add the following appropriately numbered SECTION to read as follows:

SECTION _____. (a) Effective September 1, 2013, the following provisions of the Education Code are repealed:

- (1) Sections 29.190(b) and (e); and
- (2) Section 39.025(a-3).

(b) Effective September 1, 2014, the following provisions of the Education Code are repealed:

- (1) Section 28.002(q);
- (2) Section 28.0212(e) and (g);
- (3) Sections 28.025(b-6), (b-8), and (g);
- (4) Section 39.0822; and
- (5) Sections 39.0823(b) and (c).