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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: George Savender

1 Amend C.S.H.B. No. 5 (house committee report) as follows:

2 (1) On page 2, line 20, strike "28.014(a), (c), and (f)" and
3 substitute "28.014(a) and (f)".

4 (2) On page 3, line 2, strike "end-of-course" and substitute
5 "[~~end-of-course~~]".

6 (3) On page 3, lines 3 and 4, strike "or an end-of-course
7 assessment instrument adopted under Section 39.023(c-2)".

8 (4) On page 3, strike lines 7-21.

9 (5) On page 8, line 19, strike "end-of-course" and
10 substitute "[~~end-of-course~~]".

11 (6) On page 18, line 1, strike "end-of-course" and
12 substitute "[~~end-of-course~~]".

13 (7) Strike page 21, line 24, through page 34, line 11, and
14 substitute the following:

15 SECTION _____. (a) Sections 39.023(a), (b), (c), (c-3), and
16 (n), Education Code, are amended to read as follows:

17 (a) The agency shall adopt the Iowa Test of Basic Skills
18 (ITBS) [~~or develop appropriate criterion-referenced assessment~~
19 ~~instruments designed~~] to assess essential knowledge and skills in
20 reading, writing, mathematics, social studies, and science. All
21 [~~Except as provided by Subsection (a-2), all~~] students, other than
22 students assessed under Subsection (b) or (l) or exempted under
23 Section 39.027, shall be assessed annually in grades three through
24 eight using that assessment instrument[+

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

28 [~~(2) reading, annually in grades three through eight,~~

29 [~~(3) writing, including spelling and grammar, in~~

1 ~~grades four and seven,~~
2 ~~[(4) social studies, in grade eight,~~
3 ~~[(5) science, in grades five and eight,]~~ and in
4 ~~[(6)]~~ any other subject and grade as required by
5 federal law.

6 (b) The agency shall develop or adopt appropriate
7 ~~[criterion-referenced]~~ alternative assessment instruments to be
8 administered to each student in a special education program under
9 Subchapter A, Chapter 29, for whom the ~~[an]~~ assessment instrument
10 adopted under Subsection (a), even with allowable accommodations,
11 would not provide an appropriate measure of student achievement, as
12 determined by the student's admission, review, and dismissal
13 committee.

14 (c) The agency shall administer to students in grade 11 the
15 American College Test (ACT) or the Scholastic Assessment Test (SAT)
16 and the SAT Subject Test in Biology. A student may select whether
17 to be administered the American College Test (ACT) or the
18 Scholastic Assessment Test (SAT) and the SAT Subject Test in
19 Biology ~~[also adopt end-of-course assessment instruments for~~
20 ~~secondary-level courses in Algebra I, Algebra II, geometry,~~
21 ~~biology, chemistry, physics, English I, English II, English III,~~
22 ~~world geography, world history, and United States history. The~~
23 ~~Algebra I, Algebra II, and geometry end-of-course assessment~~
24 ~~instruments must be administered with the aid of technology].~~ A
25 school district shall comply with State Board of Education rules
26 regarding administration of the assessment instruments listed in
27 this subsection ~~[and shall adopt a policy that requires a student's~~
28 ~~performance on an end-of-course assessment instrument for a course~~
29 ~~listed in this subsection in which the student is enrolled to~~
30 ~~account for 15 percent of the student's final grade for the~~
31 ~~course. If a student retakes an end-of-course assessment~~

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

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

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

22 [~~(2) the spring administration of end-of-course~~
23 ~~assessment instruments under Subsection (c) to occur in each school~~
24 ~~district not earlier than the first full week in May, except that~~
25 ~~the spring administration of the end-of-course assessment~~
26 ~~instruments in English I, English II, and English III must be~~
27 ~~permitted to occur at an earlier date].~~

28 (n) This subsection applies only to a student who is
29 determined to have dyslexia or a related disorder and who is an
30 individual with a disability under 29 U.S.C. Section 705(20) and
31 its subsequent amendments. The agency shall adopt or develop

1 appropriate [~~criterion-referenced~~] assessment instruments
2 designed to assess the ability of and to be administered to each
3 student to whom this subsection applies for whom the assessment
4 instruments adopted under Subsection (a), even with allowable
5 modifications, would not provide an appropriate measure of student
6 achievement, as determined by the committee established by the
7 board of trustees of the district to determine the placement of
8 students with dyslexia or related disorders. The committee shall
9 determine whether any allowable modification is necessary in
10 administering to a student an assessment instrument required under
11 this subsection. The assessment instruments required under this
12 subsection shall be administered on the same schedule as the
13 assessment instruments administered under Subsection (a).

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

16 SECTION _____. (a) Sections 39.025(a) and (b), Education
17 Code, are amended to read as follows:

18 (a) [~~The commissioner shall adopt rules requiring a student
19 participating in the recommended or advanced high school program to
20 be administered each end-of-course assessment instrument listed in
21 Section 39.023(c) and requiring a student participating in the
22 minimum high school program to be administered an end-of-course
23 assessment instrument listed in Section 39.023(c) only for a course
24 in which the student is enrolled and for which an end-of-course
25 assessment instrument is administered.] A student is required to
26 achieve on an assessment instrument administered under Section
27 39.023(c) [~~7 in each subject in the foundation curriculum under
28 Section 28.002(a)(1), a cumulative score that is at least equal to
29 the product of the number of end-of-course assessment instruments
30 administered to the student in that subject and] a [scale] score
31 that indicates satisfactory performance in mathematics and~~~~

1 satisfactory performance in English language arts, as determined by
2 the commissioner under Section 39.0241(a). [~~A student must~~
3 ~~achieve a minimum score as determined by the commissioner to be~~
4 ~~within a reasonable range of the scale score under Section~~
5 ~~39.0241(a) on an end-of-course assessment instrument for the score~~
6 ~~to count towards the student's cumulative score. For purposes of~~
7 ~~this subsection, a student's cumulative score is determined using~~
8 ~~the student's highest score on each end-of-course assessment~~
9 ~~instrument administered to the student.] A student may not receive
10 a high school diploma until the student has performed
11 satisfactorily on the [~~end-of-course~~] assessment instruments in
12 the manner provided under this subsection. This subsection does
13 not require a student to demonstrate readiness to enroll in an
14 institution of higher education.~~

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

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

28 SECTION _____. (a) Section 39.0261(a), Education Code, is
29 amended to read as follows:

30 (a) In addition to the assessment instruments otherwise
31 authorized or required by this subchapter:

1 (1) each school year and at state cost, a school
2 district shall administer to students in the spring of the eighth
3 grade an established, valid, reliable, and nationally
4 norm-referenced preliminary college preparation assessment
5 instrument for the purpose of diagnosing the academic strengths and
6 deficiencies of students before entrance into high school; and

7 (2) each school year and at state cost, a school
8 district shall administer to students in the 10th grade an
9 established, valid, reliable, and nationally norm-referenced
10 preliminary college preparation assessment instrument for the
11 purpose of measuring a student's progress toward readiness for
12 college and the workplace[~~, and~~

13 [~~(3) high school students in the spring of the 11th~~
14 ~~grade or during the 12th grade may select and take once, at state~~
15 ~~cost, one of the valid, reliable, and nationally norm-referenced~~
16 ~~assessment instruments used by colleges and universities as part of~~
17 ~~their undergraduate admissions processes].~~

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

20 (8) On page 46, lines 18-19, strike "or on end-of-course
21 assessment instruments adopted under Section 39.023(c-2)".

22 (9) On page 46, lines 23-25, strike "or on end-of-course
23 assessment instruments adopted under Section 39.023(c-2)".

24 (10) On page 48, line 15, strike "end-of-course" and
25 substitute "[~~end-of-course~~"]".

26 (11) On page 52, strike lines 4-16.

27 (12) On page 58, line 9, strike "51.3062(p), (q), or (q-1)"
28 and substitute "51.3062(p) or[~~7~~] (q)[~~7 or (q-1)~~]".

29 (13) Strike page 68, line 26, through page 69, line 1, and
30 substitute the following:

31 (1) Section 28.014(c);

- 1 (2) Section 39.022;
- 2 (3) Sections 39.023(a-1), (a-2), (c-1), (c-2), (c-4),
3 (c-5), (c-6), (e), (f), (g), (i), and (o);
- 4 (4) Section 39.0232;
- 5 (5) Section 39.0233;
- 6 (6) Sections 39.024(b), (c), (d), (e), (f), (g), (h),
7 and (i);
- 8 (7) Section 39.0241(a-2);
- 9 (8) Section 39.0242;
- 10 (9) Sections 39.025(a-1), (a-2), (a-3), (b-1), (b-2),
11 (e-1), (f), and (g);
- 12 (10) Section 39.0822;
- 13 (11) Sections 39.0823(b) and (c); and
- 14 (12) Section 51.3062(q-1).
- 15 (14) On page 69, strike lines 6-21, and substitute the
16 following:
- 17 SECTION _____. Section 39.025, Education Code, as amended by
18 this Act, as related to reducing testing requirements applies only
19 to students who have entered or will enter the ninth grade during
20 the 2011-2012 school year or a later school year.
- 21 (15) Renumber SECTIONS of the bill accordingly.

