



HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Moody

1 Amend C.S.H.B. No. 5 (house committee report) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. (a) Chapter 39, Education Code, is amended by  
5 adding Subchapter A to read as follows:

6 SUBCHAPTER A. ASSESSMENT INSTRUMENT ADVISORY COUNCIL

7 Sec. 39.001. DEFINITIONS. In this subchapter:

8 (1) "Assessment instrument" means a test required to  
9 be adopted or developed under Section 39.023.

10 (2) "Council" means the assessment instrument  
11 advisory council.

12 (3) "Design" means the development of content and  
13 reliability testing and validation of an assessment instrument.

14 (4) "Funding" means all mechanisms involving the  
15 granting, withholding, accumulating, spending, appropriating, or  
16 designating of state, federal, and private money, including  
17 mechanisms connecting money to student test scores or involving  
18 contracting, outsourcing, or other public-private partnerships.

19 Sec. 39.002. ASSESSMENT INSTRUMENT ADVISORY COUNCIL. (a)  
20 The assessment instrument advisory council is established to  
21 identify strategic priorities for and make recommendations on:

22 (1) the best practices for evidence-centered  
23 assessment instrument design and implementation;

24 (2) teacher and administrator training regarding  
25 assessment instruments;

26 (3) the proper use of student scores on assessment  
27 instruments;

28 (4) student preparation for assessment instruments;

29 and

1           (5) the funding of assessment instruments.

2           (b) The council is composed of:

3           (1) the commissioner of education;

4           (2) the commissioner of higher education;

5           (3) three members appointed by the commissioner of  
6 education who:

7           (A) are educational research or implementation  
8 scientists, psychometricians, or assessment experts; and

9           (B) have distinguished experience in  
10 evidence-centered assessment instrument design, educational  
11 research, or implementation science; and

12           (4) 31 members appointed by the commissioner of  
13 education in the manner described by Subsection (c).

14           (c) In making appointments required by Subsection (b)(4),  
15 the commissioner of education shall appoint one member who is a  
16 classroom teacher in a public school from each senate district on  
17 the nomination of the senator representing the district.

18           (d) In making nominations under Subsection (c), senators  
19 shall nominate persons who have distinguished experience in:

20           (1) developing and implementing public school reform  
21 strategies; and

22           (2) designing or administering assessment instruments  
23 or classroom-based assessments or appraisals of student  
24 performance.

25           Sec. 39.003. TERMS. Members of the council serve terms of  
26 two years and may be reappointed for additional terms.

27           Sec. 39.004. PRESIDING OFFICER. The commissioner of  
28 education serves as the presiding officer of the council.

29           Sec. 39.005. COMPENSATION AND REIMBURSEMENT. A member of  
30 the council is not entitled to compensation for service on the  
31 council but is entitled to reimbursement for actual and necessary

1 expenses incurred in performing council duties.

2 Sec. 39.006. COUNCIL STAFF AND COSTS. (a) Except as  
3 otherwise provided, staff members of the agency, with the  
4 assistance of the Texas Higher Education Coordinating Board, shall  
5 provide administrative support for the council.

6 (b) Costs of the administrative and operational expenses of  
7 the council shall be provided by appropriation to the agency for  
8 that purpose and by gifts, grants, and donations solicited and  
9 accepted by the agency for that purpose.

10 Sec. 39.007. COUNCIL BUSINESS. (a) The commissioner of  
11 education shall make reasonable efforts to schedule meetings and  
12 other business of the council outside the time during which the  
13 school districts of council members appointed under Section  
14 39.002(b)(4) are providing instruction for students.

15 (b) Council meetings and other business may, as the  
16 commissioner of education considers appropriate to minimize costs  
17 and increase accessibility, be conducted by or incorporate  
18 telephone, electronic means, or another manner of remote  
19 communication.

20 Sec. 39.008. STRATEGIC PLAN. (a) The council shall adopt a  
21 strategic plan under this subchapter to:

22 (1) investigate and evaluate the design,  
23 implementation, use of student scores, teacher and administrator  
24 training, and student preparation strategies associated with  
25 existing assessment instruments;

26 (2) investigate and evaluate funding of existing  
27 assessment instruments;

28 (3) specify strategies for the design and  
29 implementation of assessment instruments for public schools;

30 (4) specify strategies for the use of student scores  
31 on assessment instruments;

1           (5) specify strategies for teacher and administrator  
2 training associated with assessment instruments;

3           (6) specify strategies, including limitations, for  
4 curricular and procedural student preparation for assessment  
5 instruments;

6           (7) specify strategies for the funding of assessment  
7 instruments; and

8           (8) identify key objectives for appropriate research  
9 and program evaluation conducted as provided by this subchapter.

10          (b) The commissioner of education and the commissioner of  
11 higher education shall adopt rules as necessary to administer the  
12 strategic plan adopted by the council under this section.

13          (c) The commissioner of education and the commissioner of  
14 higher education shall consider the strategic plan in spending  
15 money, awarding grants, or entering into contracts in connection  
16 with a program relating to assessment instruments.

17          Sec. 39.009. OUTSIDE CONSULTATION; USE OF FUNDS; GIFTS AND  
18 GRANTS. (a) The commissioner of education or the commissioner of  
19 higher education, as appropriate, and the council may coordinate  
20 and consult with private and nonprofit entities that have expertise  
21 related to evidence-centered assessment instruments.

22          (b) The commissioner of education or the commissioner of  
23 higher education, as appropriate, may expend funds appropriated for  
24 assessment instruments for the council to fund an investigation,  
25 evaluation, or other expense related to the development of a  
26 strategic plan, recommendation, or report under this subchapter.

27          (c) The commissioner of education or the commissioner of  
28 higher education, as appropriate, may accept gifts, grants, or  
29 donations to fund an investigation, evaluation, or other expense  
30 related to the development of a strategic plan, recommendation, or  
31 report under this subchapter.

1       Sec. 39.010. COUNCIL RECOMMENDATIONS. (a) Based on the  
2 strategic plan adopted under this subchapter, the council shall  
3 make recommendations to the commissioner of education or the  
4 commissioner of higher education, as applicable, for the use of  
5 federal and state funds appropriated or received for assessment  
6 instruments, including grants.

7       (b) The council shall include recommendations under this  
8 section for best practices and key elements of proper:

9           (1) assessment instrument design;

10          (2) assessment instrument implementation;

11          (3) use of student scores on assessment instruments;

12          (4) training initiatives for teachers and  
13 administrators associated with assessment instruments;

14          (5) initiatives, including limitations, for  
15 curricular and procedural student preparation for assessment  
16 instruments;

17          (6) funding of assessment instruments; and

18          (7) powers, duties, structure, and future initiatives  
19 of the council.

20       (c) The commissioner of education or the commissioner of  
21 higher education, as applicable, shall consider the council's  
22 recommendations and based on those recommendations may award grants  
23 to school districts, open-enrollment charter schools, institutions  
24 of higher education, regional education service centers, and  
25 nonprofit organizations to meet the goals of the council's  
26 strategic plan, including establishing pilot programs and imposing  
27 additional reporting requirements.

28       (d) The commissioner of education or the commissioner of  
29 higher education, as applicable:

30           (1) is not required under this section to allocate  
31 funds to a program or initiative recommended by the council; and

1           (2) may not initiate a program funded under this  
2 section that does not conform to the recommended use of funds as  
3 provided under Subsections (a) and (b).

4           Sec. 39.011. REPORTS. (a) Not later than December 1 of each  
5 even-numbered year, the agency shall prepare and deliver a report  
6 to the legislature describing any statutory changes the council  
7 considers appropriate to improve any matter associated with  
8 assessment instruments.

9           (b) The report under Subsection (a) may include  
10 recommendations intended for release to the United States  
11 Department of Education or other entities of the federal  
12 government.

13           Sec. 39.012. RULES. The commissioner of education and the  
14 commissioner of higher education shall adopt rules as necessary to  
15 administer this subchapter and any programs under the authority of  
16 the commissioner of education or the commissioner of higher  
17 education and the council under this subchapter.

18           (b) As soon as practicable after the effective date of this  
19 Act, the commissioner of education shall appoint members of the  
20 assessment instrument advisory council as required by Section  
21 39.002, Education Code, as added by this Act.