

By: Flynn

H.B. No. 44

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a moratorium on administering assessment instruments to
3 public school students under the public school accountability
4 system.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 39, Education Code, is
7 amended by adding Section 39.0221 to read as follows:

8 Sec. 39.0221. TEMPORARY MORATORIUM ON ADMINISTERING
9 ASSESSMENT INSTRUMENTS. (a) The agency shall:

10 (1) develop a plan for school districts to suspend the
11 administration of assessment instruments under Section 39.023 for
12 the 2013-2014 and 2014-2015 school years;

13 (2) determine whether implementation of a plan under
14 Subdivision (1) would result in the loss of any federal education
15 funding under the No Child Left Behind Act of 2001 (20 U.S.C.
16 Section 6301 et seq.) or other federal law; and

17 (3) advise districts regarding any potential loss of
18 federal education funding.

19 (b) The superintendent of a school district may suspend
20 district administration of assessment instruments under Section
21 39.023 for the 2013-2014 and 2014-2015 school years if the
22 suspension is:

23 (1) approved by the board of trustees of the district;

24 and

1 (2) consistent with the plan developed by the agency
2 under Subsection (a).

3 (c) The superintendent of a school district may apply funds
4 the superintendent identifies as savings from expenditures that
5 would otherwise be required for assessment instruments or the
6 administration of assessment instruments only to:

7 (1) the retention of teachers or other district
8 personnel with direct student contact and involvement; or

9 (2) consumable resources requested by classroom
10 teachers for classroom instruction.

11 (d) The amount of state funding a school district receives
12 each school year is not contingent on a superintendent's decision
13 under this section concerning the administration of assessment
14 instruments under Section 39.023 for the 2013-2014 and 2014-2015
15 school years.

16 (e) This section expires September 1, 2015.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2013.