

By: Guillen

H.B. No. 65

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration to public school students in certain
3 grades of state-administered assessment instruments.

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

5 SECTION 1. Section 21.4551(b), Education Code, is amended
6 to read as follows:

7 (b) A reading academy developed under this section must
8 include training in:

9 (1) ~~[for a teacher providing instruction in reading to
10 students at the seventh or eighth grade level.]~~

11 ~~[(A) administration of the reading instrument
12 required by Section 28.006(c-1); and~~

13 ~~[(B) interpretation of the results of the reading
14 instrument required by Section 28.006(c-1) and strategies, based on
15 scientific research regarding effective reading instruction, for
16 long-term intensive intervention to target identified student
17 needs in word recognition, vocabulary, fluency, and comprehension;~~

18 ~~[(2)]~~ for a teacher providing instruction in reading
19 to students at the sixth, seventh, or eighth grade level:

20 (A) strategies to be implemented in English
21 language arts and other subject areas for multisyllable word
22 reading, vocabulary development, and comprehension of expository
23 and narrative text;

24 (B) an adaptation framework that enables

1 teachers to respond to differing student strengths and needs,
2 including adaptations for students of limited English proficiency
3 or students receiving special education services under Subchapter
4 A, Chapter 29;

5 (C) collaborative strategies to increase active
6 student involvement and motivation to read; and

7 (D) other areas identified by the commissioner as
8 essential components of reading instruction; and

9 (2) [~~(3)~~] for a teacher providing instruction in
10 mathematics, science, or social studies to students at the sixth,
11 seventh, or eighth grade level:

12 (A) strategies for incorporating reading
13 instruction into the curriculum for the subject area taught by the
14 teacher; and

15 (B) other areas identified by the commissioner.

16 SECTION 2. Sections 28.0211(a) and (f), Education Code, are
17 amended to read as follows:

18 (a) Except as provided by Subsection (b) or (e), a student
19 may not be promoted to[+]

20 [~~(1)~~] the sixth grade program to which the student
21 would otherwise be assigned if the student does not perform
22 satisfactorily on the fifth grade mathematics and reading
23 assessment instruments under Section 39.023[~~, or~~

24 [~~(2) the ninth grade program to which the student~~
25 ~~would otherwise be assigned if the student does not perform~~
26 ~~satisfactorily on the eighth grade mathematics and reading~~
27 ~~assessment instruments under Section 39.023].~~

1 (f) A school district shall provide to a student who, after
2 three attempts, has failed to perform satisfactorily on an
3 assessment instrument specified under Subsection (a) accelerated
4 instruction during the next school year as prescribed by an
5 educational plan developed for the student by the student's grade
6 placement committee established under Subsection (c). The district
7 shall provide that accelerated instruction regardless of whether
8 the student has been promoted or retained. The educational plan
9 must be designed to enable the student to perform at the appropriate
10 grade level by the conclusion of the school year. During the school
11 year, the student shall be monitored to ensure that the student is
12 progressing in accordance with the plan. The district shall
13 administer to the student the assessment instrument for the grade
14 level in which the student is placed or the assessment instrument
15 required under Section 39.023(a-4), as applicable, at the time the
16 district regularly administers the assessment instruments for that
17 school year.

18 SECTION 3. Section 39.023, Education Code, is amended by
19 amending Subsections (a) and (a-1) and adding Subsections (a-3),
20 (a-4), (a-5), (a-6), (a-7), and (a-8) to read as follows:

21 (a) The agency shall adopt or develop appropriate
22 criterion-referenced assessment instruments designed to assess
23 essential knowledge and skills in reading, writing, mathematics,
24 social studies, and science. Except as provided by Subsection
25 (a-2), all students, other than students assessed under Subsection
26 (b) or (1) or exempted under Section 39.027, shall be assessed in:

27 (1) mathematics, [~~annually~~] in grades three, five, and

1 ~~[through]~~ seven without the aid of technology ~~[and in grade eight~~
2 ~~with the aid of technology on any assessment instrument that~~
3 ~~includes algebra];~~

4 (2) reading, ~~[annually]~~ in grades three, five, and
5 seven ~~[through eight];~~

6 (3) writing, including spelling and grammar, in grades
7 four and seven;

8 (4) social studies, in grade eight;

9 (5) science, in grades five and eight; and

10 (6) any other subject and grade required by federal
11 law.

12 (a-1) The agency shall develop assessment instruments
13 required under Subsections (a), (a-3), (a-4), and (a-5) ~~[Subsection~~
14 ~~(a)]~~ in a manner that allows, to the extent practicable:

15 (1) the score a student receives to provide reliable
16 information relating to a student's satisfactory performance for
17 each performance standard under Section 39.0241; and

18 (2) an appropriate range of performances to serve as a
19 valid indication of growth in student achievement.

20 (a-3) A student shall be assessed in grade four in a subject
21 for which an assessment instrument is administered under Subsection
22 (a) in grade three if, on the final assessment instrument in that
23 subject administered under Subsection (a) to the student in grade
24 three during the preceding school year, the student did not achieve
25 a scale score equal to or greater than the scale score that
26 indicates satisfactory performance on that assessment instrument,
27 as determined by the commissioner under Section 39.0241(a).

1 (a-4) A student promoted for performing at grade level on an
2 alternate assessment instrument under Section 28.0211(b) or by a
3 grade placement committee under Section 28.0211(e) shall be
4 assessed in grade six in a subject for which an assessment
5 instrument is administered under Subsection (a)(1) or (2) in grade
6 five if, on the final assessment instrument in that subject
7 administered under Subsection (a) to the student in grade five
8 during the preceding school year, the student did not achieve a
9 scale score equal to or greater than the scale score that indicates
10 satisfactory performance on that assessment instrument, as
11 determined by the commissioner under Section 39.0241(a).

12 (a-5) A student shall be assessed in grade eight in a
13 subject for which an assessment instrument is administered under
14 Subsection (a)(1) or (2) in grade seven if, on the final assessment
15 instrument in that subject administered under Subsection (a) to the
16 student in grade seven during the preceding school year, the
17 student did not achieve a scale score equal to or greater than the
18 scale score that indicates satisfactory performance on that
19 assessment instrument, as determined by the commissioner under
20 Section 39.0241(a).

21 (a-6) A student assessed in mathematics under Subsection
22 (a-3), (a-4), or (a-5) shall be assessed without the aid of
23 technology.

24 (a-7) The results of an assessment instrument administered
25 under Subsection (a-3), (a-4), or (a-5) may not be included as a
26 student achievement indicator under Section 39.053 or any other
27 provision.

1 (a-8) If there is a conflict between this section and
2 federal law as a result of forgoing under this section certain
3 administration of assessment instruments to students who have
4 recently performed successfully on assessment instruments
5 assessing the same subject, the commissioner shall seek a waiver
6 from the application of conflicting federal law.

7 SECTION 4. Section 39.054(b-1), Education Code, is amended
8 to read as follows:

9 (b-1) Consideration of the effectiveness of district
10 programs under Section 39.052(b)(2)(B) or (C):

11 (1) must:

12 (A) be based on data collected through the Public
13 Education Information Management System (PEIMS) for purposes of
14 accountability under this chapter; and

15 (B) include the results of assessments required
16 under Sections 39.023(a), (b), (c), and (1) [Section 39.023]; and

17 (2) may be based on the results of a special
18 accreditation investigation conducted under Section 39.057.

19 SECTION 5. Sections 28.006(c-1) and (g-1), Education Code,
20 are repealed.

21 SECTION 6. This Act applies beginning with the 2013-2014
22 school year.

23 SECTION 7. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.