

By: Villarreal

H.B. No. 596

A BILL TO BE ENTITLED

AN ACT

relating to state assessment of public school students.

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

SECTION 1. Sections 28.014(c) and (f), Education Code, are amended to read as follows:

(c) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. A [Each school] district may ~~[shall]~~ adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for not more than 15 percent of the student's final grade for the course. A student's performance on an end-of-course assessment instrument administered under this subsection may be used, on a scale of 0-40, in calculating whether the student satisfies the graduation requirements established under Section 39.025.

(f) To the extent applicable, the commissioner shall draw from curricula and instructional materials developed under Section ~~[Sections]~~ 28.008 ~~[and 61.0763]~~ in developing a course and related instructional materials under this section. Not later than September 1, 2010, the State Board of Education shall adopt

1 essential knowledge and skills for each course developed under this  
 2 section. The State Board of Education shall make each course  
 3 developed under this section and the related instructional  
 4 materials available to school districts not later than the  
 5 2014-2015 school year. ~~[As required by Subsection (c), a school~~  
 6 ~~district shall adopt a policy requiring a student's performance on~~  
 7 ~~an end-of-course assessment instrument administered under that~~  
 8 ~~subsection to account for 15 percent of the student's grade for a~~  
 9 ~~course developed under this section not later than the 2014-2015~~  
 10 ~~school year.]~~ This subsection expires September 1, 2015.

11 SECTION 2. Section 39.023(c), Education Code, is amended to  
 12 read as follows:

13 (c) The agency shall also adopt end-of-course assessment  
 14 instruments for secondary-level courses in Algebra I, Algebra II,  
 15 geometry, biology, chemistry, physics, English I, English II,  
 16 English III, world geography, world history, and United States  
 17 history. The Algebra I, Algebra II, and geometry end-of-course  
 18 assessment instruments must be administered with the aid of  
 19 technology. A school district shall comply with State Board of  
 20 Education rules regarding administration of the assessment  
 21 instruments listed in this subsection and may ~~[shall]~~ adopt a  
 22 policy that requires a student's performance on an end-of-course  
 23 assessment instrument for a course listed in this subsection in  
 24 which the student is enrolled to account for not more than 15  
 25 percent of the student's final grade for the course. ~~[If a student~~  
 26 ~~retakes an end-of-course assessment instrument for a course listed~~  
 27 ~~in this subsection, as provided by Section 39.025, a school~~

~~district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course.]~~

If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

SECTION 3. Section 39.025, Education Code, is amended by amending Subsections (a), (a-1), (a-2), (a-3), (b), (b-2), and (e) and adding Subsections (a-4) and (a-5) to read as follows:

(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. ~~[A student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that~~

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

(a-1) The commissioner by rule shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, or another assessment instrument determined by the commissioner to be at least as rigorous as an end-of-course assessment instrument adopted under Section 39.023(c) may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student~~[, including the cumulative score requirement of that subsection]~~. The commissioner by rule may determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) assessment or a preliminary American College Test (ACT) assessment

may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student.

(a-2) To graduate under the recommended high school program ~~[In addition to the cumulative score requirements under Subsection (a)]~~, a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

- (1) English III;
- (2) ~~and~~ Algebra II;
- (3) biology, chemistry, or physics; and
- (4) world geography, world history, or United States history ~~[end-of-course assessment instruments to graduate under the recommended high school program]~~.

(a-3) To graduate under the advanced high school program ~~[In addition to the cumulative score requirements under Subsection (a)]~~, a student must:

(1) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a-1) on end-of-course assessment instruments for the following:

- (A) English III; and
- (B) Algebra II; and
- (2) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

- (A) biology, chemistry, or physics; and
- (B) world geography, world history, or United

1 States history ~~[in order to graduate under the advanced high school~~  
2 ~~program]~~.

3 (a-4) To graduate under the minimum high school program, a  
4 student must achieve a score that meets or exceeds the score  
5 determined by the commissioner under Section 39.0241(a) on  
6 end-of-course assessment instruments for the following:

7 (1) English III;

8 (2) Algebra I;

9 (3) biology, chemistry, or physics; and

10 (4) world geography, world history, or United States  
11 history.

12 (a-5) The admission, review, and dismissal committee of a  
13 student in a special education program under Subchapter A, Chapter  
14 29, shall determine whether, to receive a high school diploma, the  
15 student is required to achieve satisfactory performance on  
16 end-of-course assessment instruments.

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

(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the ~~[cumulative]~~ score requirement under this section ~~[requirements]~~ for one or more end-of-course assessment instruments as necessary ~~[subjects prescribed by Subsection (a)]~~ for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner ~~[not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)]~~. A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the ~~[cumulative]~~ score requirement under this section ~~[requirements prescribed by Subsection (a)]~~.

(e) The commissioner shall establish a required performance level for an assessment instrument adopted under Subsection (d) that is at least as rigorous as the performance level required to be met under Subsection (a-2), (a-3), or (a-4), as applicable to the student ~~[(a)]~~.

SECTION 4. Section 39.0262, Education Code, is amended to read as follows:

Sec. 39.0262. LIMITATION ON INSTRUCTIONAL DAYS FOR STUDENT PREPARATION FOR OR ADMINISTRATION OF ~~[DISTRICT-REQUIRED]~~

ASSESSMENT INSTRUMENTS ~~[IN CERTAIN SUBJECT AREAS]~~. (a) A ~~[In a subject area for which assessment instruments are administered under Section 39.023, a]~~ school district may not administer assessment instruments required under Section 39.023 or locally required assessment instruments designed to prepare students for state-administered assessment instruments to any student on more than 10 percent of the instructional days in any school year. ~~[A campus-level planning and decision-making committee established under Section 11.251 may limit the administration of locally required assessment instruments under this subsection to 10 percent or a lower percentage of the instructional days in any school year.]~~

(b) The prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, an advanced placement test, or an international baccalaureate examination ~~[, or an assessment instrument administered under Section 39.023]~~.

(c) The commissioner may adopt rules as necessary to administer this section.

SECTION 5. Section 39.202, Education Code, is amended to read as follows:

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 under this subchapter. In establishing the recognized and exemplary ratings, the commissioner shall adopt criteria for the ratings that include ~~[, 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), 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), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A); and~~

~~[(2) other]~~ factors for determining sufficient student attainment of postsecondary readiness. The criteria may not include consideration of student performance on assessment instruments administered under Section 39.023.

SECTION 6. Section 39.025, Education Code, as amended by this Act, applies only to students entering the ninth grade during the 2013-2014 school year or a later school year. For students entering a grade above ninth grade during the 2013-2014 school year, Section 39.025, Education Code, as that section existed before amendment by this Act, applies, and that section is continued in effect for that purpose.

SECTION 7. This Act applies beginning with the 2013-2014 school year.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2013.