

By: Strama

H.B. No. 659

A BILL TO BE ENTITLED

AN ACT

relating to state assessment instruments administered in public schools.

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. Each school district shall adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's second semester ~~[final]~~ grade for the course in accordance with commissioner rule adopted under Section 39.023(c-7). ~~[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

1 ~~[Sections]~~ 28.008 ~~[and 61.0763]~~ in developing a course and related  
2 instructional materials under this section. Not later than  
3 September 1, 2010, the State Board of Education shall adopt  
4 essential knowledge and skills for each course developed under this  
5 section. The State Board of Education shall make each course  
6 developed under this section and the related instructional  
7 materials available to school districts not later than the  
8 2014-2015 school year. ~~[As required by Subsection (c), a school~~  
9 ~~district shall adopt a policy requiring a student's performance on~~  
10 ~~an end-of-course assessment instrument administered under that~~  
11 ~~subsection to account for 15 percent of the student's grade for a~~  
12 ~~course developed under this section not later than the 2014-2015~~  
13 ~~school year.]~~ This subsection expires September 1, 2015.

14 SECTION 2. Section 39.023, Education Code, is amended by  
15 amending Subsections (c), (c-3), (e), and (h) and adding Subsection  
16 (c-7) to read as follows:

17 (c) The agency shall also adopt end-of-course assessment  
18 instruments for secondary-level courses in Algebra I, Algebra II,  
19 geometry, biology, chemistry, physics, English I, English II,  
20 English III, world geography, world history, and United States  
21 history. The Algebra I, Algebra II, and geometry end-of-course  
22 assessment instruments must be administered with the aid of  
23 technology. A school district shall comply with State Board of  
24 Education rules regarding administration of the assessment  
25 instruments listed in this subsection and shall adopt a policy that  
26 requires a student's performance on an end-of-course assessment  
27 instrument for a course listed in this subsection in which the

1 student is enrolled to account for 15 percent of the student's  
2 second semester [~~final~~] grade for the course. If a student retakes  
3 an end-of-course assessment instrument for a course listed in this  
4 subsection, as provided by Section 39.025, a school district is not  
5 required to use the student's performance on the subsequent  
6 administration or administrations of the assessment instrument to  
7 determine the student's [~~final~~] grade for the course. If a student  
8 is in a special education program under Subchapter A, Chapter 29,  
9 the student's admission, review, and dismissal committee shall  
10 determine whether any allowable modification is necessary in  
11 administering to the student an assessment instrument required  
12 under this subsection. The State Board of Education shall  
13 administer the assessment instruments. The State Board of  
14 Education shall adopt a schedule for the administration of  
15 end-of-course assessment instruments that complies with the  
16 requirements of Subsection (c-3).

17 (c-3) In adopting a schedule for the administration of  
18 assessment instruments under this section, the State Board of  
19 Education shall require:

20 (1) assessment instruments administered under  
21 Subsection (a) to be administered on a schedule so that the first  
22 assessment instrument is administered at least two weeks later than  
23 the date on which the first assessment instrument was administered  
24 under Subsection (a) during the 2006-2007 school year; and

25 (2) the spring administration of end-of-course  
26 assessment instruments under Subsection (c) to occur in each school  
27 district during the final [~~not earlier than the first full~~] week of

1 the school year [~~in May~~], except that the spring administration of  
2 the end-of-course assessment instruments in English I Writing,  
3 English II Writing, and English III Writing must be permitted to  
4 occur at an earlier date.

5 (c-7) The commissioner by rule shall:

6 (1) adopt a statewide standardized procedure to  
7 convert and use end-of-course assessment instrument performance  
8 for purposes of determining course grades in a manner that provides  
9 uniformity across school districts throughout this state; and

10 (2) require each school district to use the procedure  
11 adopted under Subdivision (1) in determining second semester course  
12 grades as provided by Subsection (c) and Section 28.014(c).

13 (e) Under rules adopted by the State Board of Education,  
14 each [~~every third~~] year, the agency shall release the questions and  
15 answer keys to each assessment instrument administered under  
16 Subsection (a), (b), (c), (d), or (l), excluding any assessment  
17 instrument administered to a student for the purpose of retaking  
18 the assessment instrument, after the last time the instrument is  
19 administered for that school year. To ensure a valid bank of  
20 questions for use each year, the agency is not required to release a  
21 question that is being field-tested and was not used to compute the  
22 student's score on the instrument. The agency shall also release,  
23 under board rule, each question that is no longer being  
24 field-tested and that was not used to compute a student's score.

25 (h) The agency shall notify school districts and campuses of  
26 the results of assessment instruments administered under this  
27 section [~~at the earliest possible date determined by the State~~

1 ~~Board of Education but~~] not later than the 21st day after the date  
2 the assessment instrument is administered [~~beginning of the~~  
3 ~~subsequent school year~~].

4 SECTION 3. Section 39.0234, Education Code, is amended to  
5 read as follows:

6 Sec. 39.0234. ADMINISTRATION OF ASSESSMENT INSTRUMENTS BY  
7 COMPUTER. (a) The agency shall ensure that assessment instruments  
8 required under Section 39.023 are capable of being administered by  
9 computer. Except as provided by Subsection (b), the [~~The~~]  
10 commissioner may not require a school district or open-enrollment  
11 charter school to administer an assessment instrument by computer.

12 (b) A school district, including a disciplinary alternative  
13 education program provided by the district, or a juvenile justice  
14 alternative education program shall provide to a student eligible  
15 to retake an end-of-course assessment instrument the opportunity to  
16 retake that assessment instrument by computer at any reasonable  
17 time. The commissioner may adopt rules as necessary to administer  
18 this subsection.

19 SECTION 4. Sections 39.025(a), (a-1), (a-2), (a-3), (b),  
20 (b-2), and (e), Education Code, are amended to read as follows:

21 (a) The commissioner shall adopt rules requiring a student  
22 participating in the recommended or advanced high school program to  
23 be administered each end-of-course assessment instrument listed in  
24 Section 39.023(c) and requiring a student participating in the  
25 minimum high school program to be administered an end-of-course  
26 assessment instrument listed in Section 39.023(c) only for a course  
27 in which the student is enrolled and for which an end-of-course

1 assessment instrument is administered. [~~A student is required to~~  
2 ~~achieve, in each subject in the foundation curriculum under Section~~  
3 ~~28.002(a)(1), a cumulative score that is at least equal to the~~  
4 ~~product of the number of end-of-course assessment instruments~~  
5 ~~administered to the student in that subject and a scale score that~~  
6 ~~indicates satisfactory performance, as determined by the~~  
7 ~~commissioner under Section 39.0241(a). A student must achieve a~~  
8 ~~minimum score as determined by the commissioner to be within a~~  
9 ~~reasonable range of the scale score under Section 39.0241(a) on an~~  
10 ~~end-of-course assessment instrument for the score to count towards~~  
11 ~~the student's cumulative score. For purposes of this subsection, a~~  
12 ~~student's cumulative score is determined using the student's~~  
13 ~~highest score on each end-of-course assessment instrument~~  
14 ~~administered to the student. A student may not receive a high~~  
15 ~~school diploma until the student has performed satisfactorily on~~  
16 ~~the end-of-course assessment instruments in the manner provided~~  
17 ~~under this subsection. This subsection does not require a student~~  
18 ~~to demonstrate readiness to enroll in an institution of higher~~  
19 ~~education.]~~

20 (a-1) The commissioner by rule shall determine a method by  
21 which a student's satisfactory performance on an advanced placement  
22 test, an international baccalaureate examination, an SAT Subject  
23 Test, or another assessment instrument determined by the  
24 commissioner to be at least as rigorous as an end-of-course  
25 assessment instrument adopted under Section 39.023(c) may be used  
26 as a factor in determining whether the student satisfies the  
27 requirements of Subsection (a) and Subsection (a-2) or (a-3), as

1 applicable to the student~~[, including the cumulative score~~  
2 ~~requirement of that subsection]~~. The commissioner by rule may  
3 determine a method by which a student's satisfactory performance on  
4 a Preliminary Scholastic Assessment Test (PSAT) assessment or a  
5 preliminary American College Test (ACT) assessment may be used as a  
6 factor in determining whether the student satisfies the  
7 requirements of Subsection (a) and Subsection (a-2) or (a-3), as  
8 applicable to the student.

9 (a-2) A ~~[In addition to the cumulative score requirements~~  
10 ~~under Subsection (a), a]~~ student must achieve a score that meets or  
11 exceeds the score determined by the commissioner under Section  
12 39.0241(a) on ~~[for]~~ English II ~~[III]~~ and Algebra I ~~[II]~~  
13 end-of-course assessment instruments to graduate under the minimum  
14 or recommended high school program.

15 (a-3) A ~~[In addition to the cumulative score requirements~~  
16 ~~under Subsection (a), a]~~ student must achieve a score that meets or  
17 exceeds the score determined by the commissioner under Section  
18 39.0241(a-1) on English II ~~[III]~~ and Algebra I ~~[II]~~ end-of-course  
19 assessment instruments in order to graduate under the advanced high  
20 school program.

21 (b) Each time an end-of-course assessment instrument is  
22 administered, a student who failed to achieve the ~~[a minimum]~~ score  
23 requirement under Subsection (a-2) or (a-3) may ~~[Subsection (a)~~  
24 ~~shall]~~ retake the assessment instrument. ~~[A student who fails to~~  
25 ~~perform satisfactorily on an Algebra II or English III~~  
26 ~~end-of-course assessment instrument under the college readiness~~  
27 ~~performance standard, as provided under Section 39.024(b), may~~

1 ~~retake the assessment instrument.~~] Any other student may retake an  
2 end-of-course assessment instrument for any reason. A student is  
3 not required to retake a course as a condition of retaking an  
4 end-of-course assessment instrument.

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

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



1           SECTION 5. Not later than January 1, 2014, the commissioner  
2 of education shall by rule adopt a statewide standardized procedure  
3 for converting and using end-of-course assessment instrument  
4 performance for purposes of determining course grades as provided  
5 by Section 28.014(c), Education Code, as amended by this Act, and  
6 Section 39.023(c-7), Education Code, as added by this Act.

7           SECTION 6. (a) This Act applies beginning with the  
8 2013-2014 school year.

9           (b) Section 39.025, Education Code, as amended by this Act,  
10 applies only to students who have entered or will enter the ninth  
11 grade during the 2011-2012 school year or a later school year.

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