

By: Reynolds

H.B. No. 1056

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~~

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

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

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

16 (a) The commissioner shall adopt rules requiring a student
17 participating in the recommended or advanced high school program to
18 be administered each end-of-course assessment instrument listed in
19 Section 39.023(c) and requiring a student participating in the
20 minimum high school program to be administered an end-of-course
21 assessment instrument listed in Section 39.023(c) only for a course
22 in which the student is enrolled and for which an end-of-course
23 assessment instrument is administered. ~~[A student is required to~~
24 ~~achieve, in each subject in the foundation curriculum under Section~~
25 ~~28.002(a)(1), a cumulative score that is at least equal to the~~
26 ~~product of the number of end-of-course assessment instruments~~
27 ~~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.]~~

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

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

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

9 (1) English III;

10 (2) [and] Algebra II; and

11 (3) biology, chemistry, or physics ~~[end-of-course~~
12 ~~assessment instruments to graduate under the recommended high~~
13 ~~school program].~~

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

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

20 (A) English III; and

21 (B) Algebra II; and

22 (2) achieve a score that meets or exceeds the score
23 determined by the commissioner under Section 39.0241(a) on
24 end-of-course assessment instruments for biology, chemistry, or
25 physics ~~[in order to graduate under the advanced high school~~
26 ~~program].~~

27 (a-4) To graduate under the minimum high school program, a

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

- 4 (1) English III;
- 5 (2) Algebra I; and
- 6 (3) biology, chemistry, or physics.

7 (a-5) The admission, review, and dismissal committee of a
8 student in a special education program under Subchapter A, Chapter
9 29, shall determine whether, to receive a high school diploma, the
10 student is required to achieve satisfactory performance on
11 end-of-course assessment instruments.

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

23 (b-2) If a school district determines that a student, on
24 completion of grade 11, is unlikely to achieve the ~~[cumulative]~~
25 score requirement under this section ~~[requirements]~~ for one or more
26 end-of-course assessment instruments as necessary ~~[subjects~~
27 ~~prescribed by Subsection (a)]~~ for receiving a high school diploma,

1 the district shall require the student to enroll in a corresponding
 2 content-area college preparatory course for which an end-of-course
 3 assessment instrument has been adopted, if available. A student
 4 who enrolls in a college preparatory course described by this
 5 subsection shall be administered an end-of-course assessment
 6 instrument for the course, with the end-of-course assessment
 7 instrument scored on a scale as determined by the commissioner [~~not~~
 8 ~~to exceed 20 percent of the cumulative score requirements required~~
 9 ~~to graduate as determined under Subsection (a)~~]. A student may use
 10 the student's score on the end-of-course assessment instrument for
 11 the college preparatory course towards satisfying the [~~cumulative~~
 12 score requirement under this section [~~requirements prescribed by~~
 13 ~~Subsection (a)~~].

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

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

21 Sec. 39.0262. LIMITATION ON INSTRUCTIONAL DAYS FOR STUDENT
 22 PREPARATION FOR OR ADMINISTRATION OF [~~DISTRICT-REQUIRED~~
 23 ASSESSMENT INSTRUMENTS [~~IN CERTAIN SUBJECT AREAS~~]. (a) A [~~In a~~
 24 ~~subject area for which assessment instruments are administered~~
 25 ~~under Section 39.023, a~~] school district may not administer
 26 assessment instruments required under Section 39.023 or locally
 27 required assessment instruments designed to prepare students for

1 state-administered assessment instruments to any student on more
2 than 10 percent of the instructional days in any school year. [~~A
3 campus-level planning and decision-making committee established
4 under Section 11.251 may limit the administration of locally
5 required assessment instruments under this subsection to 10 percent
6 or a lower percentage of the instructional days in any school year.~~]

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

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

14 SECTION 5. Section 39.025, Education Code, as amended by
15 this Act, applies only to students entering the ninth grade during
16 the 2013-2014 school year or a later school year. For students
17 entering a grade above ninth grade during the 2013-2014 school
18 year, Section 39.025, Education Code, as that section existed
19 before amendment by this Act, applies, and that section is
20 continued in effect for that purpose.

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.