

By: Moody

H.B. No. 2260

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an advisory council to research and make recommendations on the use of assessment instruments in public schools.

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

SECTION 1. Chapter 39, Education Code, is amended by adding Subchapter A to read as follows:

SUBCHAPTER A. ASSESSMENT INSTRUMENT ADVISORY COUNCIL

Sec. 39.001. DEFINITIONS. In this subchapter:

(1) "Assessment instrument" means a test required to be adopted or developed under Section 39.023.

(2) "Council" means the assessment instrument advisory council.

(3) "Design" means the development of content and reliability testing and validation of an assessment instrument.

(4) "Funding" means all mechanisms involving the granting, withholding, accumulating, spending, appropriating, or designating of state, federal, and private money, including mechanisms connecting money to student test scores or involving contracting, outsourcing, or other public-private partnerships.

Sec. 39.002. ASSESSMENT INSTRUMENT ADVISORY COUNCIL. (a) The assessment instrument advisory council is established to identify strategic priorities for and make recommendations on:

(1) the best practices for evidence-centered

1 assessment instrument design and implementation;

2 (2) teacher and administrator training regarding
3 assessment instruments;

4 (3) the proper use of student scores on assessment
5 instruments;

6 (4) student preparation for assessment instruments;
7 and

8 (5) the funding of assessment instruments.

9 (b) The council is composed of:

10 (1) the commissioner;

11 (2) the commissioner of higher education;

12 (3) three members appointed by the commissioner who:

13 (A) are educational research or implementation
14 scientists, psychometricians, or assessment experts; and

15 (B) have distinguished experience in
16 evidence-centered assessment instrument design, educational
17 research, or implementation science; and

18 (4) 31 members appointed by the commissioner in the
19 manner described by Subsection (c).

20 (c) In making appointments required by Subsection (b)(4),
21 the commissioner shall appoint one member who is a classroom
22 teacher in a public school from each senate district on the
23 nomination of the senator representing the district.

24 (d) In making nominations under Subsection (c), senators
25 shall nominate persons who have distinguished experience in:

26 (1) developing and implementing public school reform
27 strategies; and

1 (2) designing or administering assessment instruments
2 or classroom-based assessments or appraisals of student
3 performance.

4 Sec. 39.003. TERMS. Members of the council serve terms of
5 two years and may be reappointed for additional terms.

6 Sec. 39.004. PRESIDING OFFICER. The commissioner serves as
7 the presiding officer of the council.

8 Sec. 39.005. COMPENSATION AND REIMBURSEMENT. A member of
9 the council is not entitled to compensation for service on the
10 council but is entitled to reimbursement for actual and necessary
11 expenses incurred in performing council duties.

12 Sec. 39.006. COUNCIL STAFF AND COSTS. (a) Except as
13 otherwise provided, staff members of the agency, with the
14 assistance of the Texas Higher Education Coordinating Board, shall
15 provide administrative support for the council.

16 (b) Costs of the administrative and operational expenses of
17 the council shall be provided by appropriation to the agency for
18 that purpose and by gifts, grants, and donations solicited and
19 accepted by the agency for that purpose.

20 Sec. 39.007. COUNCIL BUSINESS. (a) The commissioner shall
21 make reasonable efforts to schedule meetings and other business of
22 the council outside the time during which the school districts of
23 council members appointed under Section 39.002(b)(4) are providing
24 instruction for students.

25 (b) Council meetings and other business may, as the
26 commissioner considers appropriate to minimize costs and increase
27 accessibility, be conducted by or incorporate telephone,

electronic means, or another manner of remote communication.

Sec. 39.008. STRATEGIC PLAN. (a) The council shall adopt a strategic plan under this subchapter to:

(1) investigate and evaluate the design, implementation, use of student scores, teacher and administrator training, and student preparation strategies associated with existing assessment instruments;

(2) investigate and evaluate funding of existing assessment instruments;

(3) specify strategies for the design and implementation of assessment instruments for public schools;

(4) specify strategies for the use of student scores on assessment instruments;

(5) specify strategies for teacher and administrator training associated with assessment instruments;

(6) specify strategies, including limitations, for curricular and procedural student preparation for assessment instruments;

(7) specify strategies for the funding of assessment instruments; and

(8) identify key objectives for appropriate research and program evaluation conducted as provided by this subchapter.

(b) The commissioner and the commissioner of higher education shall adopt rules as necessary to administer the strategic plan adopted by the council under this section.

(c) The commissioner and the commissioner of higher education shall consider the strategic plan in spending money,

1 awarding grants, or entering into contracts in connection with a
2 program relating to assessment instruments.

3 Sec. 39.009. OUTSIDE CONSULTATION; USE OF FUNDS; GIFTS AND
4 GRANTS. (a) The commissioner or the commissioner of higher
5 education, as appropriate, and the council may coordinate and
6 consult with private and nonprofit entities that have expertise
7 related to evidence-centered assessment instruments.

8 (b) The commissioner or the commissioner of higher
9 education, as appropriate, may expend funds appropriated for
10 assessment instruments for the council to fund an investigation,
11 evaluation, or other expense related to the development of a
12 strategic plan, recommendation, or report under this subchapter.

13 (c) The commissioner or the commissioner of higher
14 education, as appropriate, may accept gifts, grants, or donations
15 to fund an investigation, evaluation, or other expense related to
16 the development of a strategic plan, recommendation, or report
17 under this subchapter.

18 Sec. 39.010. COUNCIL RECOMMENDATIONS. (a) Based on the
19 strategic plan adopted under this subchapter, the council shall
20 make recommendations to the commissioner or the commissioner of
21 higher education, as applicable, for the use of federal and state
22 funds appropriated or received for assessment instruments,
23 including grants.

24 (b) The council shall include recommendations under this
25 section for best practices and key elements of proper:

26 (1) assessment instrument design;

27 (2) assessment instrument implementation;

1 (3) use of student scores on assessment instruments;
2 (4) training initiatives for teachers and
3 administrators associated with assessment instruments;
4 (5) initiatives, including limitations, for
5 curricular and procedural student preparation for assessment
6 instruments;
7 (6) funding of assessment instruments; and
8 (7) powers, duties, structure, and future initiatives
9 of the council.

10 (c) The commissioner or the commissioner of higher
11 education, as applicable, shall consider the council's
12 recommendations and based on those recommendations may award grants
13 to school districts, open-enrollment charter schools, institutions
14 of higher education, regional education service centers, and
15 nonprofit organizations to meet the goals of the council's
16 strategic plan, including establishing pilot programs and imposing
17 additional reporting requirements.

18 (d) The commissioner or the commissioner of higher
19 education, as applicable:

20 (1) is not required under this section to allocate
21 funds to a program or initiative recommended by the council; and

22 (2) may not initiate a program funded under this
23 section that does not conform to the recommended use of funds as
24 provided under Subsections (a) and (b).

25 Sec. 39.011. REPORTS. (a) Not later than December 1 of each
26 even-numbered year, the agency shall prepare and deliver a report
27 to the legislature describing any statutory changes the council

1 considers appropriate to improve any matter associated with
2 assessment instruments.

3 (b) The report under Subsection (a) may include
4 recommendations intended for release to the United States
5 Department of Education or other entities of the federal
6 government.

7 Sec. 39.012. RULES. The commissioner and the commissioner
8 of higher education shall adopt rules as necessary to administer
9 this subchapter and any programs under the authority of the
10 commissioner or the commissioner of higher education and the
11 council under this subchapter.

12 SECTION 2. As soon as practicable after the effective date
13 of this Act, the commissioner of education shall appoint members of
14 the assessment instrument advisory council as required by Section
15 39.002, Education Code, as added by this Act.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2013.