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H.B. No. 2836

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the administration of certain state-adopted or
3 state-developed assessment instruments to public school students.

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

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

8 (a) The agency shall adopt or develop appropriate
9 criterion-referenced assessment instruments designed to assess
10 essential knowledge and skills in reading, ~~[writing,~~ mathematics,
11 social studies, and science. Except as provided by Subsection
12 (a-2), all students, other than students assessed under Subsection
13 (b) or (1) or exempted under Section 39.027, shall be assessed in:

14 (1) mathematics, annually in grades three through
15 seven without the aid of technology and in grade eight with the aid
16 of technology on any assessment instrument that includes algebra;

17 (2) reading, annually in grades three through eight;

18 (3) ~~[writing, including spelling and grammar, in
19 grades four and seven,~~

20 ~~[(4)]~~ social studies, in grade eight;

21 (4) ~~[(5)]~~ science, in grades five and eight; and

22 (5) ~~[(6)]~~ any other subject and grade required by
23 federal law.

24 (a-3) Before an assessment instrument adopted or developed

1 under Subsection (a) may be administered under that subsection, the
2 assessment instrument must, on the basis of empirical evidence, be
3 determined to be valid and reliable by an entity that is independent
4 of the agency and of any other entity that developed the assessment
5 instrument.

6 (a-4) The agency shall ensure that an assessment instrument
7 adopted or developed under Subsection (a) is designed to primarily
8 assess the essential knowledge and skills identified by the State
9 Board of Education under Section 28.002 of the subject and for the
10 grade level for which the assessment instrument is administered.
11 Only to the extent necessary or helpful for diagnostic or reporting
12 purposes, the assessment instrument may also assess supporting
13 knowledge or skills that are introduced or referenced in the
14 subject and for the grade level for which the assessment instrument
15 is administered but that are identified as essential knowledge or
16 skills primarily of a different subject or for a different grade
17 level.

18 (a-5) An assessment instrument adopted or developed under
19 Subsection (a) must be designed so that:

20 (1) if administered to students in grades three
21 through five, 85 percent of students will be able to complete the
22 assessment instrument within 120 minutes; and

23 (2) if administered to students in grades six through
24 eight, 85 percent of students will be able to complete the
25 assessment instrument within 180 minutes.

26 (a-6) The amount of time allowed for administration of an
27 assessment instrument adopted or developed under Subsection (a) may

1 not exceed eight hours, and the administration may occur on only one
2 day.

3 SECTION 2. Subchapter B, Chapter 39, Education Code, is
4 amended by adding Section 39.0263 to read as follows:

5 Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED
6 BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR
7 STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) In this section,
8 "benchmark assessment instrument" means a district-required
9 assessment instrument designed to prepare students for a
10 corresponding state-administered assessment instrument.

11 (b) Except as provided by Subsection (c), a school district
12 may not administer to any student more than two benchmark
13 assessment instruments to prepare the student for a corresponding
14 state-administered assessment instrument.

15 (c) The prohibition prescribed by this section does not
16 apply to the administration of a college preparation assessment
17 instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT,
18 an advanced placement test, an international baccalaureate
19 examination, or an independent classroom examination designed or
20 adopted and administered by a classroom teacher.

21 (d) A parent of or person standing in parental relation to a
22 student who has special needs, as determined in accordance with
23 commissioner rule, may request administration to the student of
24 additional benchmark assessment instruments.

25 SECTION 3. Section 39.053, Education Code, is amended by
26 adding Subsection (c-1) to read as follows:

27 (c-1) The indicator of student achievement under Subsection

1 (c)(1) may not include student performance as to supporting
2 knowledge or skills as described by Section 39.023(a-4).

3 SECTION 4. This Act applies beginning with the 2013-2014
4 school year.

5 SECTION 5. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2013.