

By: Ratliff, Farney, King of Hemphill,
Patrick, Huberty

H.B. No. 2836

Substitute the following for H.B. No. 2836:

By: Rodriguez of Bexar

C.S.H.B. No. 2836

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirements for and use of certain
3 state-administered assessment instruments administered to public
4 school students.

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

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

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

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

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

19 (3) writing, including spelling and grammar, in grade
20 ~~[grades] four [and seven];~~

21 (4) ~~[social studies, in grade eight,~~

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

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

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

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

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

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

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

27 (a-6) The amount of time allowed for administration of an

1 assessment instrument adopted or developed under Subsection (a) may
2 not exceed eight hours, and the administration may occur on only one
3 day.

4 SECTION 2. Section 39.053, Education Code, is amended by
5 adding Subsection (c-1) to read as follows:

6 (c-1) The indicator of student achievement under Subsection
7 (c)(1) may not include student performance as to supporting
8 knowledge or skills as described by Section 39.023(a-4).

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

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2013.