

1-1 By: Ratliff, et al. (Senate Sponsor - Patrick) H.B. No. 2836  
 1-2 (In the Senate - Received from the House May 1, 2013;  
 1-3 May 9, 2013, read first time and referred to Committee on  
 1-4 Education; May 20, 2013, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 May 20, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2836 By: Patrick

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the administration of certain state assessment  
 1-22 instruments to public school students and to a study of the  
 1-23 essential knowledge and skills of the required public school  
 1-24 curriculum and of certain state assessment instruments.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 39.023, Education Code, is amended by  
 1-27 adding Subsections (a-3), (a-4), and (a-5) to read as follows:

1-28 (a-3) Before an assessment instrument adopted or developed  
 1-29 under Subsection (a) may be administered under that subsection, the  
 1-30 assessment instrument must, on the basis of empirical evidence, be  
 1-31 determined to be valid and reliable by an entity that is independent  
 1-32 of the agency and of any other entity that developed the assessment  
 1-33 instrument.

1-34 (a-4) An assessment instrument adopted or developed under  
 1-35 Subsection (a) must be designed so that a majority of students will  
 1-36 be able to complete the assessment instrument within 180 minutes.

1-37 (a-5) The amount of time allowed for administration of an  
 1-38 assessment instrument adopted or developed under Subsection (a) may  
 1-39 not exceed eight hours, and the administration may occur on only one  
 1-40 day.

1-41 SECTION 2. Subchapter B, Chapter 39, Education Code, is  
 1-42 amended by adding Section 39.0236 to read as follows:

1-43 Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND  
 1-44 ASSESSMENT INSTRUMENTS. (a) An advisory committee shall be  
 1-45 established to conduct a study regarding the essential knowledge  
 1-46 and skills of the required curriculum and assessment instruments  
 1-47 administered under Section 39.023 to students in grades three  
 1-48 through eight. The committee must be composed of:

1-49 (1) four members of the senate education committee  
 1-50 appointed by the lieutenant governor and four members of the house  
 1-51 public education committee appointed by the speaker of the house of  
 1-52 representatives;

1-53 (2) two members of the public appointed by the  
 1-54 lieutenant governor;

1-55 (3) two members of the public appointed by the speaker  
 1-56 of the house of representatives; and

1-57 (4) two members of the State Board of Education  
 1-58 appointed by the chair of the board.

1-59 (b) The study must evaluate:

1-60 (1) the number and scope of the essential knowledge

2-1 and skills of each subject area of the required curriculum under  
2-2 Section 28.002 and whether the number or scope should be limited;  
2-3 (2) the number and subjects of assessment instruments  
2-4 under Section 39.023 that should be administered to students in  
2-5 grades three through eight; and

2-6 (3) whether assessment instruments described by  
2-7 Subdivision (2) should assess only essential knowledge and skills  
2-8 or should also assess supporting standards.

2-9 (c) Not later than October 1, 2014, the committee shall  
2-10 prepare and submit to the governor, each member of the legislature,  
2-11 the commissioner, and the State Board of Education a report that  
2-12 includes the results of the study and recommendations regarding  
2-13 each issue evaluated under Subsection (b).

2-14 (d) This section expires June 1, 2015.

2-15 SECTION 3. Subchapter B, Chapter 39, Education Code, is  
2-16 amended by adding Section 39.0263 to read as follows:

2-17 Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED  
2-18 BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR  
2-19 STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) In this section,  
2-20 "benchmark assessment instrument" means a district-required  
2-21 assessment instrument designed to prepare students for a  
2-22 corresponding state-administered assessment instrument.

2-23 (b) Except as provided by Subsection (c), a school district  
2-24 may not administer to any student more than two benchmark  
2-25 assessment instruments to prepare the student for a corresponding  
2-26 state-administered assessment instrument.

2-27 (c) The prohibition prescribed by this section does not  
2-28 apply to the administration of a college preparation assessment  
2-29 instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT,  
2-30 an advanced placement test, an international baccalaureate  
2-31 examination, a formative assessment used by a teacher to adjust  
2-32 ongoing teaching and learning, or an independent classroom  
2-33 examination designed or adopted and administered by a classroom  
2-34 teacher.

2-35 (d) A parent of or person standing in parental relation to a  
2-36 student who has special needs, as determined in accordance with  
2-37 commissioner rule, may request administration to the student of  
2-38 additional benchmark assessment instruments.

2-39 SECTION 4. Section 39.0301, Education Code, is amended by  
2-40 adding Subsection (a-1) to read as follows:

2-41 (a-1) In establishing procedures for the administration of  
2-42 assessment instruments under Subsection (a)(1), the commissioner  
2-43 shall ensure that the procedures are designed to minimize  
2-44 disruptions to school operations and the classroom environment. In  
2-45 implementing the procedures established for the administration of  
2-46 assessment instruments under Subsection (a)(1), a school district  
2-47 shall minimize disruptions to school operations and the classroom  
2-48 environment.

2-49 SECTION 5. This Act applies beginning with the 2013-2014  
2-50 school year.

2-51 SECTION 6. This Act takes effect immediately if it receives  
2-52 a vote of two-thirds of all the members elected to each house, as  
2-53 provided by Section 39, Article III, Texas Constitution. If this  
2-54 Act does not receive the vote necessary for immediate effect, this  
2-55 Act takes effect September 1, 2013.

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