

1-1 By: Patrick, Seliger S.B. No. 135  
 1-2 (In the Senate - Filed November 28, 2012; January 29, 2013,  
 1-3 read first time and referred to Committee on Education;  
 1-4 February 4, 2013, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; February 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Patrick	X			
1-8 Lucio	X			
1-9 Campbell	X			
1-10 Duncan	X			
1-11 Paxton	X			
1-12 Seliger	X			
1-13 Taylor	X			
1-14 Van de Putte			X	
1-15 West			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the use of a public school student's performance on an  
 1-20 end-of-course assessment instrument in determining the student's  
 1-21 final grade for the course.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subsections (c) and (f), Section 28.014,  
 1-24 Education Code, are amended to read as follows:

1-25 (c) The agency, in consultation with the Texas Higher  
 1-26 Education Coordinating Board, shall adopt an end-of-course  
 1-27 assessment instrument for each course developed under this section  
 1-28 to ensure the rigor of the course. A school district shall, in  
 1-29 accordance with State Board of Education rules, administer the  
 1-30 end-of-course assessment instrument to a student enrolled in a  
 1-31 course developed under this section. A [Each school] district may  
 1-32 ~~[shall]~~ adopt a policy that requires a student's performance on the  
 1-33 end-of-course assessment instrument to account for not more than 15  
 1-34 percent of the student's final grade for the course. A student's  
 1-35 performance on an end-of-course assessment instrument administered  
 1-36 under this subsection may be used, on a scale of 0-40, in  
 1-37 calculating whether the student satisfies the graduation  
 1-38 requirements established under Section 39.025.

1-39 (f) To the extent applicable, the commissioner shall draw  
 1-40 from curricula and instructional materials developed under Section  
 1-41 ~~[Sections]~~ 28.008 ~~[and 61.0763]~~ in developing a course and related  
 1-42 instructional materials under this section. Not later than  
 1-43 September 1, 2010, the State Board of Education shall adopt  
 1-44 essential knowledge and skills for each course developed under this  
 1-45 section. The State Board of Education shall make each course  
 1-46 developed under this section and the related instructional  
 1-47 materials available to school districts not later than the  
 1-48 2014-2015 school year. ~~[As required by Subsection (c), a school~~  
 1-49 ~~district shall adopt a policy requiring a student's performance on~~  
 1-50 ~~an end-of-course assessment instrument administered under that~~  
 1-51 ~~subsection to account for 15 percent of the student's grade for a~~  
 1-52 ~~course developed under this section not later than the 2014-2015~~  
 1-53 ~~school year.]~~ This subsection expires September 1, 2015.

1-54 SECTION 2. Subsection (c), Section 39.023, Education Code,  
 1-55 is amended to read as follows:

1-56 (c) The agency shall also adopt end-of-course assessment  
 1-57 instruments for secondary-level courses in Algebra I, Algebra II,  
 1-58 geometry, biology, chemistry, physics, English I, English II,  
 1-59 English III, world geography, world history, and United States  
 1-60 history. The Algebra I, Algebra II, and geometry end-of-course  
 1-61 assessment instruments must be administered with the aid of

2-1 technology. A school district shall comply with State Board of  
2-2 Education rules regarding administration of the assessment  
2-3 instruments listed in this subsection and may [~~shall~~] adopt a  
2-4 policy that requires a student's performance on an end-of-course  
2-5 assessment instrument for a course listed in this subsection in  
2-6 which the student is enrolled to account for not more than 15  
2-7 percent of the student's final grade for the course. [~~If a student  
2-8 retakes an end-of-course assessment instrument for a course listed  
2-9 in this subsection, as provided by Section 39.025, a school  
2-10 district is not required to use the student's performance on the  
2-11 subsequent administration or administrations of the assessment  
2-12 instrument to determine the student's final grade for the course.~~]  
2-13 If a student is in a special education program under Subchapter A,  
2-14 Chapter 29, the student's admission, review, and dismissal  
2-15 committee shall determine whether any allowable modification is  
2-16 necessary in administering to the student an assessment instrument  
2-17 required under this subsection. The State Board of Education shall  
2-18 administer the assessment instruments. The State Board of  
2-19 Education shall adopt a schedule for the administration of  
2-20 end-of-course assessment instruments that complies with the  
2-21 requirements of Subsection (c-3).

2-22 SECTION 3. This Act applies beginning with the 2013-2014  
2-23 school year.

2-24 SECTION 4. This Act takes effect immediately if it receives  
2-25 a vote of two-thirds of all the members elected to each house, as  
2-26 provided by Section 39, Article III, Texas Constitution. If this  
2-27 Act does not receive the vote necessary for immediate effect, this  
2-28 Act takes effect September 1, 2013.

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