

1-1 By: Patrick, et al. S.B. No. 1724  
 1-2 (In the Senate - Filed March 8, 2013; March 11, 2013, read  
 1-3 first time and referred to Committee on Education; March 25, 2013,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 9, Nays 0; March 25, 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 COMMITTEE SUBSTITUTE FOR S.B. No. 1724 By: Patrick

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to end-of-course assessment instruments administered to  
 1-21 public high school students and other measures of secondary-level  
 1-22 performance.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 29.081, Education Code, is amended by  
 1-25 adding Subsections (b-1), (b-2), and (b-3) to read as follows:

1-26 (b-1) Each district shall offer additional accelerated  
 1-27 instruction to each student in any subject in which that student has  
 1-28 failed an end-of-course assessment that the student is required to  
 1-29 pass in order to graduate before the next scheduled test  
 1-30 administration without any cost to the student.

1-31 (b-2) A district which is required to provide accelerated  
 1-32 instruction under Subsection (b-1) shall separately budget  
 1-33 sufficient funds, including funds under Section 42.152, for that  
 1-34 purpose. A district may not budget funds received under Section  
 1-35 42.152 for any other purpose until it has adopted a budget to  
 1-36 support additional accelerated instruction under Subsection (b-1).

1-37 (b-3) A district shall evaluate the effectiveness of  
 1-38 accelerated instruction programs under Subsection (b-1) and hold a  
 1-39 public hearing once each year to consider the results.

1-40 SECTION 2. Subsections (c) and (c-3), Section 39.023,  
 1-41 Education Code, are amended to read as follows:

1-42 (c) The agency shall also adopt end-of-course assessment  
 1-43 instruments for secondary-level courses in Algebra I, ~~[Algebra II,~~  
 1-44 ~~geometry]~~ biology, ~~[chemistry, physics,~~ English I, English II,  
 1-45 ~~[English III, world geography, world history,~~ and United States  
 1-46 history. The Algebra I ~~[, Algebra II, and geometry]~~ end-of-course  
 1-47 assessment instrument ~~[instruments]~~ must be administered with the  
 1-48 aid of technology. The English I and English II end-of-course  
 1-49 assessment instruments must each assess essential knowledge and  
 1-50 skills in both reading and writing in the same assessment  
 1-51 instrument. A school district shall comply with State Board of  
 1-52 Education rules regarding administration of the assessment  
 1-53 instruments listed in this subsection ~~[and shall adopt a policy~~  
 1-54 ~~that requires a student's performance on an end-of-course~~  
 1-55 ~~assessment instrument for a course listed in this subsection in~~  
 1-56 ~~which the student is enrolled to account for 15 percent of the~~  
 1-57 ~~student's final grade for the course. If a student retakes an~~  
 1-58 ~~end-of-course assessment instrument for a course listed in this~~  
 1-59 ~~subsection, as provided by Section 39.025, a school district is not~~  
 1-60 ~~required to use the student's performance on the subsequent~~

2-1 ~~administration or administrations of the assessment instrument to~~  
 2-2 ~~determine the student's final grade for the course].~~ If a student  
 2-3 is in a special education program under Subchapter A, Chapter 29,  
 2-4 the student's admission, review, and dismissal committee shall  
 2-5 determine whether any allowable modification is necessary in  
 2-6 administering to the student an assessment instrument required  
 2-7 under this subsection. The State Board of Education shall  
 2-8 administer the assessment instruments. The State Board of  
 2-9 Education shall adopt a schedule for the administration of  
 2-10 end-of-course assessment instruments that complies with the  
 2-11 requirements of Subsection (c-3).

2-12 (c-3) In adopting a schedule for the administration of  
 2-13 assessment instruments under this section, the State Board of  
 2-14 Education shall require:

2-15 (1) assessment instruments administered under  
 2-16 Subsection (a) to be administered on a schedule so that the first  
 2-17 assessment instrument is administered at least two weeks later than  
 2-18 the date on which the first assessment instrument was administered  
 2-19 under Subsection (a) during the 2006-2007 school year; and

2-20 (2) the spring administration of end-of-course  
 2-21 assessment instruments under Subsection (c) to occur in each school  
 2-22 district not earlier than the first full week in May, except that  
 2-23 the spring administration of the end-of-course assessment  
 2-24 instruments in English I ~~and~~ English II ~~, and English III~~ must  
 2-25 be permitted to occur at an earlier date.

2-26 SECTION 3. Subsections (a), (a-1), (a-2), (b), and (b-2),  
 2-27 Section 39.025, Education Code, are amended to read as follows:

2-28 (a) The commissioner shall adopt rules requiring a student  
 2-29 ~~[participating]~~ in the foundation ~~[recommended or advanced]~~ high  
 2-30 school program under Section 28.025 to be administered each  
 2-31 end-of-course assessment instrument listed in Section 39.023(c)  
 2-32 ~~[and requiring a student participating in the minimum high school~~  
 2-33 ~~program to be administered an end-of-course assessment instrument~~  
 2-34 ~~listed in Section 39.023(c) only for a course in which the student~~  
 2-35 ~~is enrolled and for which an end-of-course assessment instrument is~~  
 2-36 ~~administered].~~ A student is required to achieve ~~[, in each subject~~  
 2-37 ~~in the foundation curriculum under Section 28.002(a)(1), a~~  
 2-38 ~~cumulative score that is at least equal to the product of the number~~  
 2-39 ~~of end-of-course assessment instruments administered to the~~  
 2-40 ~~student in that subject and]~~ a scale score that indicates  
 2-41 satisfactory performance, as determined by the commissioner under  
 2-42 Section 39.0241(a), on each end-of-course assessment instrument  
 2-43 listed under Section 39.023(c). ~~[A student must achieve a minimum~~  
 2-44 ~~score as determined by the commissioner to be within a reasonable~~  
 2-45 ~~range of the scale score under Section 39.0241(a) on an~~  
 2-46 ~~end-of-course assessment instrument for the score to count towards~~  
 2-47 ~~the student's cumulative score. For purposes of this subsection, a~~  
 2-48 ~~student's cumulative score is determined using the student's~~  
 2-49 ~~highest score on each end-of-course assessment instrument~~  
 2-50 ~~administered to the student.]~~ A student may not receive a high  
 2-51 school diploma until the student has performed satisfactorily on  
 2-52 the end-of-course assessment instruments in the manner provided  
 2-53 under this subsection. This subsection does not require a student  
 2-54 to demonstrate readiness to enroll in an institution of higher  
 2-55 education.

2-56 (a-1) The commissioner by rule shall determine a method by  
 2-57 which a student's satisfactory performance on an advanced placement  
 2-58 test, international baccalaureate examination, an SAT Subject  
 2-59 Test, or another assessment instrument determined by the  
 2-60 commissioner to be at least as rigorous as an end-of-course  
 2-61 assessment instrument adopted under Section 39.023(c) may be used  
 2-62 as a factor in determining whether the student satisfies the  
 2-63 requirements of Subsection (a) ~~[, including the cumulative score~~  
 2-64 ~~requirement of that subsection].~~ The commissioner by rule may  
 2-65 determine a method by which a student's satisfactory performance on  
 2-66 a Preliminary Scholastic Assessment Test (PSAT) ~~[assessment]~~ or a  
 2-67 preliminary American College Test (ACT) ~~[assessment]~~ may be used as  
 2-68 a factor in determining whether the student satisfies the  
 2-69 requirements of Subsection (a).

3-1 (a-2) In addition to the ~~[cumulative]~~ score requirements on  
 3-2 the end-of-course assessment instruments required for graduation  
 3-3 under Subsection (a), to graduate under the foundation high school  
 3-4 program with a distinguished achievement endorsement, a student  
 3-5 must achieve a scale score on an advanced placement test, an  
 3-6 international baccalaureate examination, the Scholastic Assessment  
 3-7 Test (SAT), an SAT Subject Test, the American College Test (ACT), or  
 3-8 another nationally recognized assessment instrument that indicates  
 3-9 readiness to enroll in an institution of higher education, as  
 3-10 determined by the commissioner. The commissioner may not permit  
 3-11 the use of performance on an end-of-course assessment instrument  
 3-12 adopted under Section 39.023(c) to satisfy the requirement under  
 3-13 this subsection ~~[meets or exceeds the score determined by the~~  
 3-14 ~~commissioner under Section 39.0241(a) for English III and Algebra~~  
 3-15 ~~II end-of-course assessment instruments to graduate under the~~  
 3-16 ~~recommended high school program].~~

3-17 (b) Each time an end-of-course assessment instrument  
 3-18 adopted under Section 39.023(c) is administered, a student who  
 3-19 failed to achieve a ~~[minimum]~~ score requirement under Subsection  
 3-20 (a) may ~~[shall]~~ retake the assessment instrument. ~~[A student who~~  
 3-21 ~~fails to perform satisfactorily on an Algebra II or English III~~  
 3-22 ~~end-of-course assessment instrument under the college readiness~~  
 3-23 ~~performance standard, as provided under Section 39.024(b), may~~  
 3-24 ~~retake the assessment instrument.]~~ Any other student may retake an  
 3-25 end-of-course assessment instrument for any reason. A student is  
 3-26 not required to retake a course as a condition of retaking an  
 3-27 end-of-course assessment instrument.

3-28 (b-2) If a school district determines that a student, on  
 3-29 completion of grade 11, is unlikely to achieve the ~~[cumulative]~~  
 3-30 score requirement under this section ~~[requirements]~~ for one or more  
 3-31 end-of-course assessment instruments ~~[subjects]~~ prescribed under  
 3-32 ~~[by]~~ Subsection (a) for receiving a high school diploma, the  
 3-33 district shall require the student to enroll in a corresponding  
 3-34 content-area college preparatory course for which an end-of-course  
 3-35 assessment instrument has been adopted, if available. A student  
 3-36 who enrolls in a college preparatory course described by this  
 3-37 subsection shall be administered an end-of-course assessment  
 3-38 instrument for the course, with the end-of-course assessment  
 3-39 instrument scored on a scale as determined by the commissioner ~~[not~~  
 3-40 ~~to exceed 20 percent of the cumulative score requirements required~~  
 3-41 ~~to graduate as determined under Subsection (a)].~~ A student may use  
 3-42 the student's score on the end-of-course assessment instrument for  
 3-43 the college preparatory course towards satisfying the ~~[cumulative]~~  
 3-44 score requirement under this section ~~[requirements prescribed by~~  
 3-45 ~~Subsection (a)].~~

3-46 SECTION 4. The following sections of the Education Code are  
 3-47 repealed:

- 3-48 (1) Subsections (b), (c), (d), (e), (f), (g), (h), and
- 3-49 (i), Section 39.024;
- 3-50 (2) Subsection (a-2), Section 39.0241;
- 3-51 (3) Section 39.0242;
- 3-52 (4) Subsection (a-3), Section 39.025; and
- 3-53 (5) Subsection (q-1), Section 51.3062.

3-54 SECTION 5. Section 39.025, Education Code, as amended by  
 3-55 this Act, as related to reducing end-of-course testing  
 3-56 requirements, applies only to students who have entered or will  
 3-57 enter the ninth grade during the 2011-2012 school year or a later  
 3-58 school year.

3-59 SECTION 6. This Act applies beginning with the 2013-2014  
 3-60 school year.

3-61 SECTION 7. (a) Subject to Subsection (b) of this section,  
 3-62 this Act takes effect immediately if it receives a vote of  
 3-63 two-thirds of all the members elected to each house, as provided by  
 3-64 Section 39, Article III, Texas Constitution. If this Act does not  
 3-65 receive the vote necessary for immediate effect, this Act takes  
 3-66 effect September 1, 2013.

3-67 (b) This Act takes effect as provided by Subsection (a) of  
 3-68 this section only if Senate Bill No. 3, Acts of the 83rd  
 3-69 Legislature, Regular Session, 2013, becomes law. If that bill does

4-1 not become law, this Act has no effect.

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