

BILL ANALYSIS

C.S.H.B. 1164
By: VanDeaver
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Public school students in Texas are required to be assessed in writing in grades four and seven and are also subject to English end-of-course testing requirements in high school. Recently enacted legislation required English end-of-course tests to assess both reading and writing. Evidence shows that one of the unintended consequences of that legislation is that the English end-of-course tests are overly long and onerous on students, with a significant number of students failing to pass the tests, even after multiple attempts. Extensive testimony was presented during the interim demonstrating serious problems with the tests, including expert educator testimony asserting that the required tests are not properly aligned with nationally recognized tests used to determine college readiness. Educators, superintendents, and parents testified that the format of the tests narrows curriculum, has the opposite effect of what is intended, and is detrimental to the development of quality writing skills. C.S.H.B. 1164 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1164 amends the Education Code to require each school district to evaluate student achievement in writing by assessing students in grades four and seven and at the end of English I and English II secondary-level courses in accordance with the essential knowledge and skills for writing. The bill authorizes a district to use any method the district determines appropriate for assessing students, including portfolio assessment. The bill requires a student assessed at the end of an English I or English II secondary-level course to demonstrate performance that indicates the student has successfully achieved the essential knowledge and skills in writing for the course as determined by standards established by the board of trustees of the school district the student attends and prohibits a student from receiving a high school diploma until the student has demonstrated satisfactory performance in that manner. The bill requires the school district a student attends to provide to the student's parent or person standing in parental relation to the student written notice of the student's writing performance. The bill requires each school district each school year to prepare a report of the performance of students assessed in writing as required by the bill, specifies the information required to be included in the report, and requires the report to be filed with the board of trustees of the school district and posted on the district's website. The bill specifies that for a local writing assessment required by these bill provisions, a school district is subject only to the notice and reporting requirements provided by these bill provisions.

C.S.H.B. 1164 requires a Job Corps diploma program to provide for the evaluation of student achievement in writing consistent with the bill's requirements for school districts for English I and English II secondary-level courses, to provide for notice and reporting of student performance consistent with the bill's requirements for school districts, and to require that students enrolled in the program satisfy the program's writing assessment requirements before the student receives a diploma. The bill expands the required components of a reciprocity agreement between Texas and certain other states regarding military personnel and dependents transferring to Texas public schools to include procedures for permitting a student to satisfy the bill's requirements for a local writing assessment at the end of an English I or English II secondary-level course through successful performance under a method of assessment in another state determined by the school district in which the student attends to be comparable to or at least as rigorous as the method of assessment used by that district.

C.S.H.B. 1164 includes among the requirements that a student enrolled in a three-year high school diploma plan pilot program must meet to be entitled to a high school diploma demonstrating performance that indicates that the student has successfully achieved the essential knowledge and skills in writing, as determined by standards established by the board of trustees of the school district, for each English I or English II secondary-level course in which the student is enrolled. The bill requires the writing knowledge and skills of a student participating in a high school equivalency program, with certain exceptions, to have been assessed for the appropriate English I or English II secondary-level course before the student enters the program and requires the assessment of the student for such knowledge and skills for each appropriate course during the period the student is enrolled in the program. The bill prohibits such a student from taking the high school equivalency examination until the student has been so assessed. The bill extends the eligibility of a person who is under 26 years of age to enroll in a dropout recovery program to a student who has failed to demonstrate satisfactory performance under a required local writing assessment for an English I or English II secondary-level course.

C.S.H.B. 1164 includes among the requirements that a student, other than a student with an individualized education program, must meet in order to graduate and receive a diploma from a Texas Juvenile Justice Department (TJJD) educational program that the student comply with the bill's provisions relating to a local writing assessment for an English I or English II secondary-level course, including by demonstrating satisfactory performance under the method of assessment required by the school district granting the student academic course requirements for high school graduation for such a course that the student successfully completes in TJJD educational programs. The bill authorizes TJJD to issue a certificate of course-work completion to a student who fails to comply with those bill provisions but who complies with other applicable curriculum requirements. The bill requires a juvenile justice alternative education program to provide for the evaluation of and to assess student achievement in writing in applicable grades and courses consistent with the bill's requirements for school districts and to provide for notice and reporting of student performance consistent with the bill's requirements for school districts.

C.S.H.B. 1164 replaces the requirement that the Texas Education Agency (TEA) adopt or develop statewide standardized tests designed to assess essential knowledge and skills in writing with the requirement that TEA, not later than September 1, 2016, adopt or develop statewide standardized tests designed to assess essential knowledge and skills in English language arts. The bill replaces the requirement that the end-of-course tests for English I and English II assess essential knowledge and skills in writing with the requirement that such tests assess essential knowledge and skills in language arts. The bill's provisions apply beginning with the 2016–2017 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1164 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 18.005(c), Education Code, is amended to read as follows:

(c) A Job Corps diploma program shall:

(1) develop educational programs specifically designed for persons eligible for enrollment in a Job Corps training program established by the United States Department of Labor;

(2) coordinate educational programs and services in the diploma program with programs and services provided by the United States Department of Labor and other federal and state agencies and local political subdivisions and by persons who provide programs and services under contract with the United States Department of Labor;

(3) provide a course of instruction that includes the required curriculum under Subchapter A, Chapter 28;

(4) require that students enrolled in the diploma program satisfy the requirements of Sections 18.0055 and [Section] 39.025 before receiving a diploma under this chapter; and

(5) comply with a requirement imposed under this title or a rule adopted under this title relating to the Public Education Information Management System (PEIMS) to the extent necessary to determine compliance with this chapter, as determined by the commissioner.

No equivalent provision.

SECTION 2. Chapter 18, Education Code, is amended by adding Section 18.0055 to read as follows:

Sec. 18.0055. LOCAL ASSESSMENT REQUIRED: WRITING. A Job Corps diploma program shall provide for the evaluation of student achievement in writing consistent with the requirements provided for school districts under Section 39.0264 for courses listed under Section 39.0264(b). A Job Corps diploma program shall provide for notice and reporting of performance of students assessed consistent with the requirements under Section 39.0264.

No equivalent provision.

SECTION 3. Section 25.005(b), Education Code, is amended to read as follows:

(b) A reciprocity agreement must:

(1) address procedures for:

(A) transferring student records;

(B) awarding credit for completed course work; and

(C) permitting a student to satisfy the requirements of:

(i) Section 39.025 through successful performance on comparable end-of-course or other exit-level assessment instruments administered in another state; and

(ii) Section 39.0264(b) through successful performance under a method of assessment in another state determined by the school district in which the student attends to be comparable to or at least as rigorous as the method of assessment used by that district; and

(2) include appropriate criteria developed by the agency.

No equivalent provision.

SECTION 4. Sections 28.025(b-4), (b-7), (c), and (d), Education Code, are amended to read as follows:

(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be:

(1) administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025; and

(2) for an applicable course described by Subsection (b-1)(1), assessed as provided by Section 39.0264(b).

(b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822. Notwithstanding Subsection (b-15) or (c) of this section, Section 39.025 or 39.0264(b), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section 61.822, as certified by the institution in accordance with

commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.

(c) A person may receive a diploma if the person is eligible for a diploma under Section 28.0251. In other cases, a student may graduate and receive a diploma only if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections [Section] 39.025 and 39.0264(b); or

(2) the student successfully completes an individualized education program developed under Section 29.005.

(d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section 39.025 or 39.0264(b). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

No equivalent provision.

SECTION 5. Section 28.0255(g), Education Code, is amended to read as follows:

(g) A student is entitled to a high school diploma if the student:

(1) successfully complies with the curriculum requirements specified under Subsection (e); ~~and~~

(2) performs satisfactorily, as determined by the commissioner under Subsection (h), on end-of-course assessment instruments listed under Section 39.023(c) for courses in which the student was enrolled; and

(3) demonstrates performance that indicates that the student has successfully achieved the essential knowledge and skills in writing, as determined by standards established by the board of trustees of the school district, for each course listed under

Section 39.0264(b) in which the student is enrolled.

No equivalent provision.

SECTION 6. Section 29.087(f), Education Code, is amended to read as follows:

(f) A student participating in a program authorized by this section, other than a student ordered to participate under Subsection (d)(1), must have taken the appropriate end-of-course assessment instruments specified by Section 39.023(c) and been assessed for the appropriate courses as provided by Section 39.0264(b) before entering the program and must take each appropriate end-of-course assessment instrument administered during the period in which the student is enrolled in the program and be assessed for each appropriate course as provided by Section 39.0264(b) during the period in which the student is enrolled in the program. Except for a student ordered to participate under Subsection (d)(1), a student participating in the program may not take the high school equivalency examination unless the student has taken the assessment instruments required by this subsection and been assessed for the appropriate courses as provided by Section 39.0264(b) as required by this subsection.

No equivalent provision.

SECTION 7. Section 29.402(b), Education Code, is amended to read as follows:

(b) A person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the person:

- (1) must complete not more than three course credits to complete the curriculum requirements for the foundation high school program for high school graduation; or
- (2) has failed to:
 - (A) perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007; or
 - (B) demonstrate satisfactory performance under an assessment required by Section 39.0264(b).

No equivalent provision.

SECTION 8. Section 30.021(e), Education Code, is amended to read as follows:

(e) The school shall cooperate with public and private agencies and organizations

serving students and other persons with visual impairments in the planning, development, and implementation of effective educational and rehabilitative service delivery systems associated with educating students with visual impairments. To maximize and make efficient use of state facilities, funding, and resources, the services provided in this area may include conducting a cooperative program with other agencies to serve students who have graduated from high school by completing all academic requirements applicable to students in regular education, excluding satisfactory performance under Sections [Section] 39.025 and 39.0264(b), who are younger than 22 years of age on September 1 of the school year and who have identified needs related to vocational training, independent living skills, orientation and mobility, social and leisure skills, compensatory skills, or remedial academic skills.

No equivalent provision.

SECTION 9. Sections 30.104(b) and (c), Education Code, are amended to read as follows:

(b) A student may graduate and receive a diploma from a Texas Juvenile Justice Department [~~Youth Commission~~] educational program if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Section 28.025(a) and complies with:

(A) Section 39.025; and

(B) Section 39.0264(b), including by demonstrating satisfactory performance under the method of assessment required by the school district granting the student academic course requirements for high school graduation for a course listed in Section 39.0264(b) that the student successfully completes in Texas Juvenile Justice Department educational programs; or
(2) the student successfully completes the curriculum requirements under Section 28.025(a) as modified by an individualized education program developed under Section 29.005.

(c) A Texas Juvenile Justice Department [~~Youth Commission~~] educational program may issue a certificate of course-work completion to a student who successfully completes the curriculum requirements identified by the State Board of Education

under Section 28.025(a) but who fails to comply with Section 39.025 or 39.0264(b).

No equivalent provision.

SECTION 10. Section 37.011, Education Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) A juvenile justice alternative education program must focus on English language arts, mathematics, science, social studies, and self-discipline. Each school district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer assessment instruments under Subchapter B, Chapter 39, shall assess students in applicable grades and courses as provided by Subsection (d-1), and shall offer a high school equivalency program. The juvenile board or the board's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified by this subsection.

(d-1) A juvenile justice alternative education program shall provide for the evaluation of student achievement in writing consistent with the requirements provided for school districts under Section 39.0264. A juvenile justice alternative education program shall provide for notice and reporting of performance of students assessed consistent with the requirements under Section 39.0264.

SECTION 1. Section 39.023(a), Education Code, as effective until on or before September 1, 2015, is amended.

SECTION 2. Section 39.023(a), Education Code, as effective on or before September 1, 2015, is amended.

SECTION 3. Section 39.023(a), Education Code, as effective September 1, 2017, is amended.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. Same as introduced version.

SECTION 4. Section 39.023, Education Code, is amended by amending Subsection (c) and adding Subsection (q) to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and language arts [writing] in the same assessment instrument and must provide a single score. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(q) A writing sample submitted by a student in connection with an assessment instrument administered under this section may not be used to assess the student's writing for purposes of accountability under this chapter or for purposes of grade promotion or graduation criteria.

The assessment of a student's writing is governed by Section 39.0264.

SECTION 5. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0264 to read as follows:

Sec. 39.0264. LOCAL ASSESSMENT REQUIRED: WRITING. To evaluate student achievement in writing, each school district shall assess students in grades four and seven and at the end of English I and English II secondary-level courses in accordance with the essential knowledge and skills for writing. A district may use any method the district determines appropriate for assessing students under this

SECTION 14. Section 39.023, Education Code, is amended by amending Subsection (c) and adding Subsection (q) to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and language arts [writing] in the same assessment instrument and must provide a single score. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(q) The assessment of a student's writing is governed by Section 39.0264.

SECTION 15. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0264 to read as follows:

Sec. 39.0264. LOCAL ASSESSMENT REQUIRED: WRITING. (a) To evaluate student achievement in writing, each school district shall assess students in grades four and seven and at the end of English I and English II secondary-level courses in accordance with the essential knowledge and skills for writing. A district may use any method the district determines appropriate for assessing students under this

section, including portfolio assessment.

section, including portfolio assessment.

(b) A student assessed at the end of an English I or English II secondary-level course is required to demonstrate performance that indicates the student has successfully achieved the essential knowledge and skills in writing for the course as determined by standards established by the board of trustees of the school district the student attends. A student may not receive a high school diploma until the student has demonstrated satisfactory performance in the manner provided by this subsection.

(c) The school district a student attends shall provide written notice of the performance of a student assessed as required under this section to the student's parent or person standing in parental relation to the student.

(d) Each school year, each school district shall prepare a report of the performance of students assessed as required by this section. The report must include information regarding the aggregate student performance in each grade or course required by this section:

(1) for the district; and

(2) for each campus in the district.

(e) The report prepared under Subsection (d) must be:

(1) filed with the board of trustees of the school district; and

(2) posted on the district's Internet website.

(f) For an assessment required by this section, a school district is subject only to the notice and reporting requirements provided by this section.

No equivalent provision.

SECTION 16. Section 39.034(d), Education Code, is amended to read as follows:

(d) The agency shall determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on, as applicable:

(1) the grade five assessment instruments;

(2) the grade eight assessment instruments;

and

(3) the end-of-course assessment instruments required under Section 39.023 [~~this subchapter for graduation~~].

SECTION 6. Not later than September 1, 2016, the Texas Education Agency shall adopt or develop appropriate criterion-referenced assessment instruments designed

SECTION 17. Same as introduced version.

to assess essential knowledge and skills in English language arts as required by Section 39.023, Education Code, as amended by this Act.

SECTION 7. This Act applies beginning with the 2016-2017 school year.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 18. Same as introduced version.

SECTION 19. Same as introduced version.