

BILL ANALYSIS

C.S.H.B. 2349
By: Aycock
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent legislation made sweeping changes to the Education Code relating to public school assessment, performance standards, and course requirements. C.S.H.B. 2349 seeks to implement a series of related follow-up adjustments.

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. 2349 amends the Education Code to replace the criterion for which a student may earn a performance acknowledgment on the student's diploma and transcript for outstanding performance on the PSAT, the ACT-Plan, the SAT, or the ACT with criterion for outstanding performance on an established, valid, reliable, and nationally norm-referenced test used by colleges and universities as part of their undergraduate admissions process or on a preliminary college preparation test with the same characteristics used to measure a student's progress toward readiness for college and the workplace. The bill adds as a criterion the student earning a state recognized business or industry certification or license.

C.S.H.B. 2349 limits the requirement adopted by the commissioner of education that a student be administered each end-of-course test to an end-of-course test for a course in which the student is enrolled and for which an end-of-course test is administered. The bill removes language limiting the Texas Education Agency's authority to defer releasing standardized test questions and answer keys, to the extent necessary to develop additional tests, to the period under which the transition from general subject tests administered at the high school level to end-of-course tests is made. The bill removes a provision setting an expiration date of September 1, 2015, for certain provisions relating to the commissioner's adoption by rule of a plan for that transition.

C.S.H.B. 2349 changes a condition under which a public school student may not enroll in more than three courses at a junior college for joint high school and junior college credit from a condition under which the junior college does not have a service area that includes the student's high school to a condition under which the service area of another junior college includes the student's high school. The bill authorizes a public school student to enroll in a greater number of courses if each junior college and the school district in which the student is enrolled authorize by agreement the student's enrollment.

C.S.H.B. 2349 repeals provisions relating to requiring a school district to require a student who on completion of grade 11 is unlikely to achieve the score requirement for one or more end-of-course tests to enroll in a corresponding content-area college preparatory course for which an end-of-course test has been adopted; to authorizing the student's score on that test to be used towards satisfying the end-of-course test score requirement for receiving a high school diploma; and to requiring the State Board of Education to establish a level of performance on the special-purpose questions included in an end-of-course test that indicates a student's college readiness. The bill's provisions apply beginning with the 2015–2016 school year.

C.S.H.B. 2349 repeals the following provisions of the Education Code:

- Section 39.023(o)
- Section 39.0233(c)
- Section 39.025(b-2)

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2349 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 28.025(c-5), Education Code, is amended.	SECTION 1. Same as introduced version.
No equivalent provision.	SECTION 2. Section 39.023, Education Code, is amended by adding Subsection (e-1) to read as follows: <u>(e-1) The agency may defer releasing assessment instrument questions and answer keys as required by Subsection (e) to the extent necessary to develop additional assessment instruments.</u>
SECTION 2. Sections 39.025(a) and (f), Education Code, are amended to read as follows: (a) The commissioner shall adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered <u>an [each] end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered.</u> A student is required to achieve a scale score that indicates satisfactory performance, as determined by	SECTION 3. Sections 39.025(a), (f), and (g), Education Code, are amended to read as follows: (a) The commissioner shall adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered <u>an [each] end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered.</u> A student is required to achieve a scale score that indicates satisfactory performance, as determined by

the commissioner under Section 39.0241(a), on each end-of-course assessment instrument administered to the student [~~listed under Section 39.023(e)~~]. For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.

(f) The commissioner shall by rule adopt a transition plan to implement the amendments made by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007, replacing general subject assessment instruments administered at the high school level with end-of-course assessment instruments. The rules must provide for the end-of-course assessment instruments adopted under Section 39.023(c) to be administered beginning with students entering the ninth grade during the 2011-2012 school year. During the period under which the transition to end-of-course assessment instruments is made:

(1) for students entering a grade above the ninth grade during the 2011-2012 school year, the commissioner shall retain, administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section 39.023(a) or (c), as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and

(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on each required assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007[; and

~~[(3) the agency may defer releasing assessment instrument questions and answer~~

the commissioner under Section 39.0241(a), on each end-of-course assessment instrument administered to the student [~~listed under Section 39.023(e)~~]. For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.

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(1) for students entering a grade above the ninth grade during the 2011-2012 school year, the commissioner shall retain, administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section 39.023(a) or (c), as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and

(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on each required assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007[; and

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~~keys as required by Section 39.023(e) to the extent necessary to develop additional assessment instruments].~~

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~~(g) Rules adopted under Subsection (f) must require that each student who will be subject to the requirements of Subsection (a) is entitled to notice of the specific requirements applicable to the student. Notice under this subsection must be provided not later than the date the student enters the eighth grade. [Subsection (f) and this subsection expire September 1, 2015.]~~

SECTION 3. Section 130.008, Education Code, is amended.

SECTION 4. Same as introduced version.

SECTION 4. The following provisions of the Education Code are repealed:

SECTION 5. The following provisions of the Education Code are repealed:

- (1) Section 39.023(o);
- (2) Section 39.0233(c);
- (3) Sections 39.025(b-2) and (g); and
- (4) Section 39.0262.

- (1) Section 39.023(o);
- (2) Section 39.0233(c); and
- (3) Section 39.025(b-2).

SECTION 5. This Act applies beginning with the 2015–2016 school year.

SECTION 6. Same as introduced version.

SECTION 6. 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 on the 91st day after the last day of the legislative session.

SECTION 7. Same as introduced version.