

By: Huberty, Isaac, et al.

H.B. No. 743

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the essential knowledge and skills of the required  
3 public school curriculum and to certain state-adopted or  
4 state-developed assessment instruments for public school students.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 39.023, Education Code, is amended by  
7 adding Subsections (a-11), (a-12), (a-13), and (a-14) to read as  
8 follows:

9 (a-11) Before an assessment instrument adopted or developed  
10 under Subsection (a) may be administered under that subsection, the  
11 assessment instrument must, on the basis of empirical evidence, be  
12 determined to be valid and reliable by an entity that is independent  
13 of the agency and of any other entity that developed the assessment  
14 instrument.

15 (a-12) The agency shall ensure that an assessment  
16 instrument adopted or developed under Subsection (a) is designed to  
17 primarily assess the essential knowledge and skills identified by  
18 the State Board of Education under Section 28.002 of the subject and  
19 for the grade level for which the assessment instrument is  
20 administered. Only to the extent necessary or helpful for  
21 diagnostic or reporting purposes, the assessment instrument may  
22 also assess supporting knowledge or skills that are introduced or  
23 referenced in the subject and for the grade level for which the  
24 assessment instrument is administered but that are identified as

1 essential knowledge or skills primarily of a different subject or  
2 for a different grade level.

3 (a-13) An assessment instrument adopted or developed under  
4 Subsection (a) must be designed so that:

5 (1) if administered to students in grades three  
6 through five, 85 percent of students will be able to complete the  
7 assessment instrument within 120 minutes; and

8 (2) if administered to students in grades six through  
9 eight, 85 percent of students will be able to complete the  
10 assessment instrument within 180 minutes.

11 (a-14) The amount of time allowed for administration of an  
12 assessment instrument adopted or developed under Subsection (a) may  
13 not exceed eight hours, and the administration may occur on only one  
14 day.

15 SECTION 2. Subchapter B, Chapter 39, Education Code, is  
16 amended by adding Section 39.0236 to read as follows:

17 Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND  
18 ASSESSMENT INSTRUMENTS. (a) The agency shall conduct a study  
19 regarding the essential knowledge and skills of the required  
20 curriculum identified by the State Board of Education under Section  
21 28.002 and assessment instruments administered under Section  
22 39.023.

23 (b) The study must evaluate:

24 (1) the number and scope of the essential knowledge  
25 and skills of each subject of the required curriculum under Section  
26 28.002, with each essential knowledge or skill identified as a  
27 readiness or supporting standard, and whether the number or scope

1 should be limited;

2 (2) the number and subjects of assessment instruments  
3 under Section 39.023 that are required to be administered to  
4 students in grades three through eight; and

5 (3) how assessment instruments described by  
6 Subdivision (2) assess standards essential for student success and  
7 whether the assessment instruments should also assess supporting  
8 standards, including analysis of:

9 (A) the portion of the essential knowledge and  
10 skills capable of being accurately assessed;

11 (B) the appropriate skills that can be assessed  
12 within the testing parameters under current law; and

13 (C) how current standards compare to those  
14 parameters.

15 (c) Not later than March 1, 2016, the agency shall prepare  
16 and submit to the State Board of Education a report concerning the  
17 results of the study under Subsection (b). Not later than May 1,  
18 2016, the State Board of Education shall review the study and shall  
19 submit to the governor and each member of the legislature the  
20 agency's report and board recommendations regarding each issue  
21 evaluated under Subsection (b).

22 (d) This section expires June 1, 2017.

23 SECTION 3. Subchapter B, Chapter 39, Education Code, is  
24 amended by adding Section 39.0381 to read as follows:

25 Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER  
26 CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule shall  
27 develop a comprehensive methodology for auditing and monitoring

1 performance under contracts for services to develop or administer  
2 assessment instruments required by Section 39.023 to verify  
3 compliance with contractual obligations.

4 (b) The agency shall ensure that all new and renewed  
5 contracts described by Subsection (a) include a provision that the  
6 agency or a designee of the agency may conduct periodic contract  
7 compliance reviews, without advance notice, to monitor vendor  
8 performance.

9 (c) The agency shall adopt rules to administer this section.

10 SECTION 4. Section 39.053, Education Code, is amended by  
11 adding Subsection (c-3) to read as follows:

12 (c-3) The indicator of student achievement under Subsection  
13 (c)(1) may not include student performance as to supporting  
14 knowledge or skills as described by Section 39.023(a-12).

15 SECTION 5. This Act applies beginning with the 2015-2016  
16 school year.

17 SECTION 6. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2015.