

1-1 By: Huberty, et al. (Senate Sponsor - Seliger) H.B. No. 743
 1-2 (In the Senate - Received from the House May 5, 2015;
 1-3 May 6, 2015, read first time and referred to Committee on
 1-4 Education; May 22, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 2;
 1-6 May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt		X		
1-11 Campbell	X			
1-12 Garcia	X			
1-13 Huffines	X			
1-14 Kolkhorst			X	
1-15 Rodríguez	X			
1-16 Seliger	X			
1-17 Taylor of Collin		X		
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 743 By: Seliger

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the essential knowledge and skills of the required
 1-24 public school curriculum and to certain assessment instruments for
 1-25 public school students.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 39.023, Education Code, is amended by
 1-28 adding Subsections (a-11), (a-12), and (a-13) to read as follows:

1-29 (a-11) Before an assessment instrument adopted or developed
 1-30 under Subsection (a) may be administered under that subsection, the
 1-31 assessment instrument must, on the basis of empirical evidence, be
 1-32 determined to be valid and reliable by an entity that is independent
 1-33 of the agency and of any other entity that developed the assessment
 1-34 instrument.

1-35 (a-12) An assessment instrument adopted or developed under
 1-36 Subsection (a) must be designed so that:

1-37 (1) if administered to students in grades three
 1-38 through five, 85 percent of students will be able to complete the
 1-39 assessment instrument within 120 minutes; and

1-40 (2) if administered to students in grades six through
 1-41 eight, 85 percent of students will be able to complete the
 1-42 assessment instrument within 180 minutes.

1-43 (a-13) The amount of time allowed for administration of an
 1-44 assessment instrument adopted or developed under Subsection (a) may
 1-45 not exceed eight hours, and the administration may occur on only one
 1-46 day.

1-47 SECTION 2. Subchapter B, Chapter 39, Education Code, is
 1-48 amended by adding Section 39.0236 to read as follows:

1-49 Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND
 1-50 ASSESSMENT INSTRUMENTS. (a) The agency shall conduct a study
 1-51 regarding the essential knowledge and skills of the required
 1-52 curriculum identified by the State Board of Education under Section
 1-53 28.002 and assessment instruments administered under Section
 1-54 39.023.

1-55 (b) The study must evaluate:

1-56 (1) the number and scope of the essential knowledge
 1-57 and skills of each subject of the required curriculum under Section
 1-58 28.002, with each essential knowledge or skill identified as a
 1-59 readiness or supporting standard, and whether the number or scope
 1-60 should be limited;

2-1 (2) the number and subjects of assessment instruments
2-2 under Section 39.023 that are required to be administered to
2-3 students in grades three through eight; and

2-4 (3) how assessment instruments described by
2-5 Subdivision (2) assess standards essential for student success and
2-6 whether the assessment instruments should also assess supporting
2-7 standards, including analysis of:

2-8 (A) the portion of the essential knowledge and
2-9 skills capable of being accurately assessed;

2-10 (B) the appropriate skills that can be assessed
2-11 within the testing parameters under current law; and

2-12 (C) how current standards compare to those
2-13 parameters.

2-14 (c) Not later than March 1, 2016, the agency shall prepare
2-15 and submit to the State Board of Education a report concerning the
2-16 results of the study under Subsection (b). Not later than May 1,
2-17 2016, the State Board of Education shall review the study and shall
2-18 submit to the governor and each member of the legislature the
2-19 agency's report and board recommendations regarding each issue
2-20 evaluated under Subsection (b).

2-21 (d) This section expires June 1, 2017.

2-22 SECTION 3. Sections 39.0261(b) and (c), Education Code, are
2-23 amended to read as follows:

2-24 (b) The agency shall:

2-25 (1) select and approve vendors of the specific
2-26 assessment instruments administered under this section; and

2-27 (2) provide reimbursement to a school district
2-28 for ~~pay~~ all fees associated with the administration of the
2-29 assessment instrument from funds appropriated for that purpose
2-30 ~~[allotted under the Foundation School Program, and the commissioner~~
2-31 ~~shall reduce the total amount of state funds allocated to each~~
2-32 ~~district from any source in the same manner described for a~~
2-33 ~~reduction in allotments under Section 42.253].~~

2-34 (c) The agency shall ensure that a school district is not
2-35 reimbursed ~~[vendors are not paid]~~ under Subsection (b) for the
2-36 administration of an assessment instrument to a student to whom the
2-37 assessment instrument is not actually administered. The agency may
2-38 comply with this subsection by any reasonable means, including by
2-39 creating a refund system under which a school district ~~[vendor]~~
2-40 returns any payment made for a student who registered for the
2-41 administration of an assessment instrument but did not appear for
2-42 the administration.

2-43 SECTION 4. Subchapter B, Chapter 39, Education Code, is
2-44 amended by adding Section 39.0381 to read as follows:

2-45 Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER
2-46 CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule shall
2-47 develop a comprehensive methodology for auditing and monitoring
2-48 performance under contracts for services to develop or administer
2-49 assessment instruments required by Section 39.023 to verify
2-50 compliance with contractual obligations.

2-51 (b) The agency shall ensure that all new and renewed
2-52 contracts described by Subsection (a) include a provision that the
2-53 agency or a designee of the agency may conduct periodic contract
2-54 compliance reviews, without advance notice, to monitor vendor
2-55 performance.

2-56 (c) The agency shall adopt rules to administer this section.

2-57 SECTION 5. This Act applies beginning with the 2015-2016
2-58 school year.

2-59 SECTION 6. This Act takes effect immediately if it receives
2-60 a vote of two-thirds of all the members elected to each house, as
2-61 provided by Section 39, Article III, Texas Constitution. If this
2-62 Act does not receive the vote necessary for immediate effect, this
2-63 Act takes effect September 1, 2015.

2-64 * * * * *