

By: Isaac

H.B. No. 1868

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 Sections 39.0236 and 39.0237 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, each member of the legislature, and the  
20 advisory committee established under Section 39.0237 the agency's  
21 report and board recommendations regarding each issue evaluated  
22 under Subsection (b).

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

24 Sec. 39.0237. ADVISORY COMMITTEE TO STUDY ESSENTIAL  
25 KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a) An advisory  
26 committee shall be established to review the agency study and State  
27 Board of Education recommendations under Section 39.0236. The

1 committee must be composed of:

2 (1) four members of the senate standing committee with  
3 jurisdiction over public education appointed by the lieutenant  
4 governor and four members of the house standing committee with  
5 jurisdiction over public education appointed by the speaker of the  
6 house of representatives;

7 (2) two members of the public appointed by the  
8 lieutenant governor; and

9 (3) two members of the public appointed by the speaker  
10 of the house of representatives.

11 (b) The advisory committee shall review the agency study and  
12 State Board of Education recommendations under Section 39.0236. If  
13 the advisory committee determines that the agency study is  
14 insufficient, the advisory committee may perform an additional  
15 independent study to evaluate the agency study components required  
16 under Section 39.0236(b).

17 (c) Not later than January 1, 2017, the committee shall  
18 prepare and submit to the governor, each member of the legislature,  
19 the commissioner, and the State Board of Education a report that  
20 includes, as applicable, the results of the committee's review of  
21 the agency study or the results of the committee's independent  
22 study and recommendations regarding each issue evaluated under  
23 Section 39.0236(b).

24 (d) Based on the study under Section 39.0236(b) and the  
25 advisory committee report under Subsection (c), the State Board of  
26 Education shall adopt policies and procedures to limit the number  
27 and scope of the essential knowledge and skills of each subject and

1 grade level to correspond with the readiness standards capable of  
2 being accurately assessed by applicable assessment instruments.

3 (e) This section expires June 1, 2017.

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

6 Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER  
7 CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule shall  
8 develop a comprehensive methodology for auditing and monitoring  
9 performance under contracts for services to develop or administer  
10 assessment instruments required by Section 39.023 to verify  
11 compliance with contractual obligations.

12 (b) The agency shall ensure that all new and renewed  
13 contracts described by Subsection (a) include a provision that the  
14 agency or a designee of the agency may conduct periodic contract  
15 compliance reviews, without advance notice, to monitor vendor  
16 performance.

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

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

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

23 SECTION 5. This Act applies beginning with the 2015-2016  
24 school year.

25 SECTION 6. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2015.