

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Aycock

H.B. No. 2349

A BILL TO BE ENTITLED

AN ACT

relating to public school assessment, performance standards, and course requirements.

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

SECTION 1. Section 28.025(c-5), Education Code, is amended to read as follows:

(c-5) A student may earn a performance acknowledgment on the student's diploma and transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:

(1) for outstanding performance:

(A) in a dual credit course;

(B) in bilingualism and biliteracy;

(C) on a college advanced placement test or international baccalaureate examination; ~~[or]~~

(D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

(E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process ~~[the PSAT, the ACT-Plan, the SAT, or the ACT]; or~~

(2) for earning a state recognized or nationally or

1 internationally recognized business or industry certification or  
2 license.

3 SECTION 2. Section 39.023, Education Code, is amended by  
4 adding Subsection (e-1) to read as follows:

5 (e-1) The agency may defer releasing assessment instrument  
6 questions and answer keys as required by Subsection (e) to the  
7 extent necessary to develop additional assessment instruments.

8 SECTION 3. Subchapter B, Chapter 39, Education Code, is  
9 amended by adding Section 39.02315 to read as follows:

10 Sec. 39.02315. REPORTING RESULTS OF ASSESSMENT INSTRUMENTS  
11 FOR OUT-OF-STATE TRANSFER STUDENTS. (a) For assessment  
12 instruments required to be administered under Section 39.023, the  
13 agency shall adopt procedures to ensure that the results of the  
14 assessment instruments administered to students who transfer from a  
15 school district in another state to a school district in this state  
16 are reported to each school district separately from the results of  
17 assessment instruments administered to other students.

18 (b) The commissioner by rule shall:

19 (1) ensure that the results of assessment instruments  
20 administered to students who transfer from a school district in  
21 another state to a school district in this state reported under  
22 Subsection (a) are properly identified in agency systems that  
23 report and track academic performance of students; and

24 (2) adopt procedures for reporting and tracking data  
25 relating to students who transfer from a school district in another  
26 state to a school district in this state.

27 SECTION 4. Sections 39.025(a), (f), and (g), Education

1 Code, are amended to read as follows:

2 (a) The commissioner shall adopt rules requiring a student  
3 in the foundation high school program under Section 28.025 to be  
4 administered an ~~[each]~~ end-of-course assessment instrument listed  
5 in Section 39.023(c) only for a course in which the student is  
6 enrolled and for which an end-of-course assessment instrument is  
7 administered. A student is required to achieve a scale score that  
8 indicates satisfactory performance, as determined by the  
9 commissioner under Section 39.0241(a), on each end-of-course  
10 assessment instrument administered to the student ~~[listed under~~  
11 ~~Section 39.023(c)]~~. For each scale score required under this  
12 subsection that is not based on a 100-point scale scoring system,  
13 the commissioner shall provide for conversion, in accordance with  
14 commissioner rule, of the scale score to an equivalent score based  
15 on a 100-point scale scoring system. A student may not receive a  
16 high school diploma until the student has performed satisfactorily  
17 on end-of-course assessment instruments in the manner provided  
18 under this subsection. This subsection does not require a student  
19 to demonstrate readiness to enroll in an institution of higher  
20 education.

21 (f) The commissioner shall by rule adopt a transition plan  
22 to implement the amendments made by Chapter 1312 (S.B. No. 1031),  
23 Acts of the 80th Legislature, Regular Session, 2007, replacing  
24 general subject assessment instruments administered at the high  
25 school level with end-of-course assessment instruments. The rules  
26 must provide for the end-of-course assessment instruments adopted  
27 under Section 39.023(c) to be administered beginning with students

1 entering the ninth grade during the 2011-2012 school year. During  
2 the period under which the transition to end-of-course assessment  
3 instruments is made:

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

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

17 [~~(3) the agency may defer releasing assessment~~  
18 ~~instrument questions and answer keys as required by Section~~  
19 ~~39.023(c) to the extent necessary to develop additional assessment~~  
20 ~~instruments].~~

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

27 SECTION 5. Section 130.008, Education Code, is amended by

1 amending Subsection (f) and adding Subsection (g) to read as  
2 follows:

3 (f) Except as provided by Subsection (g) [~~this section~~], a  
4 public school student may not enroll in more than three courses  
5 under this section at a junior college if the [~~junior college does~~  
6 ~~not have a~~] service area of another junior college [~~that~~] includes  
7 the student's high school.

8 (g) A public school student may enroll in a greater number  
9 of courses than provided by Subsection (f) if:

10 (1) each junior college and the school district in  
11 which the student is enrolled authorize by agreement the student's  
12 enrollment; or

13 (2) the [A] student is enrolled at an early college  
14 high school [~~may enroll in a greater number of courses to the extent~~  
15 ~~approved by the commissioner of education~~].

16 SECTION 6. The following provisions of the Education Code  
17 are repealed:

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

21 SECTION 7. This Act applies beginning with the 2015-2016  
22 school year.

23 SECTION 8. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect on the 91st day after the last day of the

H.B. No. 2349

1 legislative session.

ADOPTED

MAY 27 2015

*Atty. Gen.*  
Secretary of the Senate

By: \_\_\_\_\_

H.B. No. 2349

Substitute the following for H.B. No. 2349:

By: *Seliger*

C.S.H.B. No. 2349

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AN ACT

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(E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process ~~[the PSAT, the ACT-Plan, the SAT, or the ACT]~~; or

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1 internationally recognized business or industry certification or  
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13 agency shall adopt procedures to ensure that the results of the  
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15 school district in another state to a school district in this state  
16 are reported to each school district separately from the results of  
17 assessment instruments administered to other students.

18 (b) The commissioner by rule shall:

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20 administered to students who transfer from a school district in  
21 another state to a school district in this state reported under  
22 Subsection (a) are properly identified in agency systems that  
23 report and track academic performance of students; and

24 (2) adopt procedures for reporting and tracking data  
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8 indicates satisfactory performance, as determined by the  
9 commissioner under Section 39.0241(a), on each end-of-course  
10 assessment instrument administered to the student [~~listed under~~  
11 ~~Section 39.023(c)~~]. For each scale score required under this  
12 subsection that is not based on a 100-point scale scoring system,  
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17 [~~(3) the agency may defer releasing assessment~~  
18 ~~instrument questions and answer keys as required by Section~~  
19 ~~39.023(e) to the extent necessary to develop additional assessment~~  
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21 (g) Rules adopted under Subsection (f) must require that  
22 each student who will be subject to the requirements of Subsection  
23 (a) is entitled to notice of the specific requirements applicable  
24 to the student. Notice under this subsection must be provided not  
25 later than the date the student enters the eighth grade.  
26 [~~Subsection (f) and this subsection expire September 1, 2015.~~]

27 SECTION 5. The following provisions of the Education Code

1 are repealed:

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

5 SECTION 6. This Act applies beginning with the 2015-2016  
6 school year.

7 SECTION 7. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect on the 91st day after the last day of the  
12 legislative session.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 28, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2349** by Aycock (Relating to public school assessment, performance standards, and course requirements.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would make certain changes to performance acknowledgements on student diplomas and transcripts, and would limit end-of-course (EOC) requirements and scale score requirements to certain courses. The bill would allow for the deferment of question and answer keys for assessment instruments until additional assessment instruments could be developed.

The bill would require the Commissioner of Education to ensure that assessment results for students who transferred from another state are identified and tracked; and to adopt procedures for reporting and tracking data relating to students who transferred from out of state.

The Texas Education Agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

The bill would take effect on September 1, 2015, or immediately if passed within the necessary voting margins, and would apply beginning with school year 2015-16.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency, 781 Higher Education Coordinating Board

**LBB Staff:** UP, SD, JBi, AM, AW, ED

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2349** by Aycock (relating to public school assessment, performance standards, and course requirements.), **Committee Report 2nd House, Substituted**

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**Source Agencies:** 701 Central Education Agency, 781 Higher Education Coordinating Board

**LBB Staff:** UP, JBi, AM, AW, ED

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 18, 2015**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2349** by Aycock (Relating to public school assessment, performance standards, and course requirements.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would make certain changes to performance acknowledgements on student diplomas and transcripts, and would limit end-of-course (EOC) requirements and scale score requirements to certain courses. The bill would allow for the deferment of question and answer keys for assessment instruments until additional assessment instruments could be developed. The bill would limit public school students to three courses in a junior college outside of the service area of their high school, with certain exemptions.

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The Texas Education Agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

The bill would take effect on September 1, 2015, or immediately if passed within the necessary voting margins, and would apply beginning with school year 2015-16.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency, 781 Higher Education Coordinating Board

**LBB Staff:** UP, JBi, AM, AW, ED

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 16, 2015**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2349** by Aycock (relating to public school assessment, performance standards, and course requirements.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would make certain changes to performance acknowledgements on student diplomas and transcripts, and would limit end-of-course (EOC) requirements and scale score requirements to certain courses. The bill would allow for the deferment of question and answer keys for assessment instruments until additional assessment instruments could be developed. The bill would limit public school students to three courses in a junior college outside of the service area of their high school, with certain exemptions.

The bill would take effect on September 1, 2015, or immediately if passed within the necessary voting margins, and would apply beginning with school year 2015-16.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency, 781 Higher Education Coordinating Board

**LBB Staff:** UP, JBi, AM, AW, ED

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 23, 2015**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2349** by Aycock (Relating to public school assessment, performance standards, and course requirements.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB2349, As Introduced: a negative impact of (\$2,100,000) through the biennium ending August 31, 2017.
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**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$2,100,000)
2017	\$0
2018	\$0
2019	\$0
2020	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
2016	(\$2,100,000)
2017	\$0
2018	\$0
2019	\$0
2020	\$0

**Fiscal Analysis**

The bill would make certain changes to performance acknowledgements on student diplomas and transcripts, and would limit end-of-course (EOC) requirements and scale score requirements to certain courses.

The bill would eliminate the ability of the Texas Education Agency to defer the release of assessment instrument question and answer keys as needed to develop assessment instruments.



The bill would limit public school students to three courses in a junior college outside of the service area of their high school, with certain exemptions.

The bill would take effect on September 1, 2015, or immediately if passed within the necessary voting margins, and would apply beginning with school year 2015-16.

### **Methodology**

The bill would eliminate the ability of the Texas Education Agency (TEA) to defer release of assessment instrument question and answer keys, including those for two newly developed State of Texas Assessment of Academic Readiness (STAAR) tests. According to TEA, the agency does not have sufficient test bank items for the STAAR Mathematics assessment in grade 3 through 8 and STAAR Alternate 2 assessment since both assessments are currently undergoing required modification and development.

This analysis assumes TEA would be required to accelerate item development to replace the released items for the STAAR Mathematics and STAAR Alternate 2 assessments, generating the anticipated state cost of \$2.1 million in fiscal year 2016. According to information provided by TEA, accelerated item development would be \$1.05 million per test. The agency indicates this would be a one-time cost due to existing statute, which requires annual release of assessment instruments except for tests under development or modification.

This analysis assumes costs based on the current state assessment contract. To the extent that assessment costs change with a new contract, costs may vary.

This analysis assumes that costs associated with other provisions of the bill could be absorbed within the agency's existing resources.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency, 781 Higher Education Coordinating Board

**LBB Staff:** UP, JBi, AM, AW, ED