

**House Bill 743**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

- (1) if administered to students in grades three through five, 85 percent of students will be able to complete the assessment instrument within 120 minutes; and
- (2) if administered to students in grades six through eight, 85 percent of students will be able to complete the assessment instrument within 180 minutes.

SENATE VERSION (IE)

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

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

No equivalent provision.

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

- (1) if administered to students in grades three through five, 85 percent of students will be able to complete the assessment instrument within 90 minutes; and [FA1(1)]
- (2) if administered to students in grades six through eight, 85 percent of students will be able to complete the assessment instrument within 150 minutes. [FA1(2)]

CONFERENCE

**House Bill 743**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(b) The study must evaluate:

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

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

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

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

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

SENATE VERSION (IE)

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

SECTION 2. Same as House version.

CONFERENCE

**House Bill 743**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(C) how current standards compare to those parameters.  
(c) Not later than March 1, 2016, the agency shall prepare and submit to the State Board of Education a report concerning the results of the study under Subsection (b). Not later than May 1, 2016, the State Board of Education shall review the study and shall submit to the governor and each member of the legislature the agency's report and board recommendations regarding each issue evaluated under Subsection (b).  
(d) This section expires June 1, 2017.

No equivalent provision.

SENATE VERSION (IE)

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

(b) The agency shall:

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

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

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

CONFERENCE

**House Bill 743**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

administration.

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

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

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

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

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

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

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

SECTION 4. Same as House version.

No equivalent provision.

SECTION 5. Same as House version.

**House Bill 743**  
Senate Amendments  
Section-by-Section Analysis

HOUSE 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 September 1, 2015.

SENATE VERSION (IE)

SECTION 6. Same as House version.

CONFERENCE