

Amend Amendment No. 39 to CSHB 21 by adding the following appropriately numbered items to the amendment to read as follows:

(____) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0225 to read as follows:

Sec. 39.0225. STATE FUNDING CONTINGENT OF ADMINISTRATION OF CERTAIN ASSESSMENT INSTRUMENTS. To be eligible to receive formula funding under this title, a school district must administer the assessment instruments required under Section 39.023 or an additional alternative assessment instrument authorized under Section 39.040.

SECTION _____. Section 39.023(a), Education Code, as effective September 1, 2017, is amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, ~~[writing,~~ mathematics, ~~[social studies,~~ and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (1) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;
and

(3) ~~[writing, including spelling and grammar, in grades four and seven,~~

~~[(4) social studies, in grade eight,~~

~~[(5)] science, in grades five and eight[, and~~

~~[(6) any other subject and grade required by federal law].~~

SECTION _____. Section 39.023(c), Education Code, is amended to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in reading, mathematics, and science only as necessary to comply with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered

~~only as necessary to meet the minimum requirements of that Act [Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing in the same assessment instrument and must provide a single score]. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments adopted under [~~listed in~~] this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. [The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).]~~

SECTION _____. Section 39.023(c-3), Education Code, as effective September 1, 2017, is amended to read as follows:

(c-3) The State Board of Education, with input from school districts, shall adopt [~~In adopting~~] a schedule for the administration of assessment instruments under this section that minimizes the disruption of classroom instruction [~~, the State Board of Education shall require:~~

~~[(1) assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; and~~

~~[(2) the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I and English II must be permitted to occur at an earlier date].~~

SECTION _____. Section 39.023, Education Code, is amended by

adding Subsection (q) to read as follows:

(q) Notwithstanding any provision of this section or other law, if changes made to the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) reduce the number or frequency of assessment instruments required to be administered to students, the State Board of Education shall adopt rules reducing the number or frequency of assessment instruments administered to students under state law, and the commissioner shall ensure that students are not assessed in subject areas or in grades that are no longer required to meet the minimum requirements of that Act.

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.040 to read as follows:

Sec. 39.040. ALTERNATIVE ASSESSMENT INSTRUMENTS. (a) The commissioner by rule shall adopt procedures to identify nationally recognized, norm-referenced assessment instruments as additional alternative assessment instruments that may be used to evaluate student achievement for purposes of complying with accountability requirements under this chapter.

(b) Additional alternative assessment instruments identified as provided by Subsection (a) may be used:

(1) for grades three through eight, provided that the commissioner obtains any necessary waiver from the application of any conflicting federal law or regulation as provided by Subsection (d); and

(2) for secondary-level courses.

(c) The procedures adopted to identify all additional alternative assessment instruments under Subsection (a) must be consistent with the federal procedures required by the Every Student Succeeds Act (20 U.S.C. Section 6311) for state approval of nationally recognized high school academic assessment instruments that are available for local selection, including requiring each additional alternative assessment instrument identified to be aligned with the essential knowledge and skills for the appropriate grade level in the subject assessed.

(d) For purposes of using additional alternative assessment instruments in grades three through eight, the commissioner shall seek a waiver from the application of any conflicting federal law or

regulation as a result of the use of multiple assessment instruments for assessing students in the same grade.

SECTION _____. Section 39.203(c), Education Code, is amended to read as follows:

(c) In addition to the distinction designations described by Subsections (a) and (b), a campus that satisfies the criteria developed under Section 39.204 shall be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in reading [~~English language arts~~], mathematics, or science[~~, or social studies~~].

SECTION _____. Not later than September 1, 2018, the commissioner of education shall:

(1) adopt rules regarding alternative assessment instruments as required by Section 39.040, Education Code, as added by this Act; and

(2) request from the United States Department of Education a waiver from the application of any conflicting federal law or regulation as required by Section 39.040(d), Education Code, as added by this Act, or a written notification that a waiver is not required.

(____) Renumber subsequent SECTIONS of the bill accordingly.

(____) On page 20, between lines 16 and 17, insert the following appropriately numbered subdivision in SECTION 24:

(____) Section 39.02301;

(____) Renumber subsequent subdivisions of SECTION 24 accordingly.