

Amend CSHB 515 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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 (e); and

(2) for secondary-level courses.

(c) In adopting procedures to identify additional alternative assessment instruments under Subsection (a), the commissioner shall provide that the additional alternative assessment instruments may only be used after the expiration of:

(1) any contract in existence on September 1, 2017, between the agency and an entity for services to develop or administer assessment instruments required by Section 39.023; or

(2) the renewal of a contract described by Subdivision (1).

(d) 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.

(e) 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 \_\_\_\_\_. Not later than September 1, 2019, 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(e), Education Code, as added by this Act, or a written notification that a waiver is not required.