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HOUSE OF REPRESENTATIVES

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BY: ANDERSON OF DALLAS

FLOOR AMENDMENT NO. _____

1 Amend C.S.H.B. 21 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

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

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

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

18 (2) for secondary-level courses.

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

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

26 (2) the renewal of a contract described by Subdivision
27 (1).

28 (d) The procedures adopted to identify all additional
29 alternative assessment instruments under Subsection (a) must be

1 consistent with the federal procedures required by the Every
2 Student Succeeds Act (20 U.S.C. Section 6311) for state approval of
3 nationally recognized high school academic assessment instruments
4 that are available for local selection, including requiring each
5 additional alternative assessment instrument identified to be
6 aligned with the essential knowledge and skills for the appropriate
7 grade level in the subject assessed.

8 (e) For purposes of using additional alternative assessment
9 instruments in grades three through eight, the commissioner shall
10 seek a waiver from the application of any conflicting federal law or
11 regulation as a result of the use of multiple assessment
12 instruments for assessing students in the same grade.

13 SECTION _____. As soon as practicable after the effective
14 date of this Act, the commissioner of education shall:

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

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