

By: Johnson of Harris

H.B. No. 3778

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and administration of certain assessment instruments in primary and secondary education.

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

SECTION 1. Sections 39.023(c) and (c-3), Education Code, are amended to read as follows:

(c) Each school year a school district shall administer to students in the 11th grade one or more Texas Success Initiative (TSI) assessment instruments in reading, writing, and mathematics approved by the Texas Higher Education Coordinating Board under Section 51.3062(c), except that the commissioner may permit a district to instead administer the Scholastic Assessment Test (SAT) or the American College Test (ACT) if the commissioner determines that administration of the alternate assessment instrument is necessary. The agency shall also adopt end-of-course assessment instruments for secondary-level courses in 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 instrument [~~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 listed in this

1 subsection. If a student is in a special education program under  
2 Subchapter A, Chapter 29, the student's admission, review, and  
3 dismissal committee shall determine whether any allowable  
4 modification is necessary in administering to the student an  
5 assessment instrument required under this subsection. The State  
6 Board of Education shall administer the assessment instruments.  
7 The State Board of Education shall adopt a schedule for the  
8 administration of [~~end-of-course~~] assessment instruments under  
9 this subsection that complies with the requirements of Subsection  
10 (c-3).

11 (c-3) In adopting a schedule for the administration of  
12 assessment instruments under this section, the State Board of  
13 Education shall require:

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

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

25 SECTION 2. Section 39.0238, Education Code, is amended to  
26 read as follows:

27 (a) In addition to other assessment instruments adopted and

1 developed under this subchapter, the agency shall adopt or develop  
2 appropriate postsecondary readiness assessment instruments for  
3 Algebra II, English II, and English III that a school district may  
4 administer at the district's option.

5 SECTION 3. Section 39.0241(a), Education Code, is amended  
6 to read as follows:

7 (a) The commissioner shall determine the level of  
8 performance considered to be satisfactory on the assessment  
9 instruments. The commissioner shall consult with the commissioner  
10 of the Higher Education Coordinating Board and the chairperson of  
11 the Texas Workforce Commission in determining the level of student  
12 performance that is considered satisfactory for the Texas Success  
13 Initiative (TSI) assessment instruments or alternate assessment  
14 instruments administered under Section 39.023(c).

15 SECTION 4. Sections 39.025(a), (a-1), (b), and (b-1),  
16 Education Code, are amended to read as follows:

17 (a) The commissioner shall adopt rules requiring a student  
18 in the foundation high school program under Section 28.025 to be  
19 administered each ~~[an end-of-course]~~ assessment instrument listed  
20 in Section 39.023(c), except that a student is not required to  
21 complete an assessment instrument for a course in which the student  
22 is not enrolled ~~[only for a course in which the student is enrolled~~  
23 ~~and for which an end-of-course assessment instrument is~~  
24 ~~administered]~~. A student is required to achieve a scale score that  
25 indicates satisfactory performance, as determined by the  
26 commissioner under Section 39.0241(a), on each ~~[end-of-course]~~  
27 assessment instrument administered to the student. For each scale

1 score required under this subsection that is not based on a  
2 100-point scale scoring system, the commissioner shall provide for  
3 conversion, in accordance with commissioner rule, of the scale  
4 score to an equivalent score based on a 100-point scale scoring  
5 system. A student may not receive a high school diploma until the  
6 student has performed satisfactorily on ~~[end-of-course]~~ assessment  
7 instruments in the manner provided under this subsection. This  
8 subsection does not require a student to demonstrate readiness to  
9 enroll in an institution of higher education.

10 (a-1) A student enrolled in a college preparatory  
11 mathematics or English language arts course under Section 28.014  
12 who satisfies the Texas Success Initiative (TSI) college readiness  
13 benchmarks prescribed by the Texas Higher Education Coordinating  
14 Board under Section 51.3062(f) on an assessment instrument  
15 designated by the Texas Higher Education Coordinating Board under  
16 Section 51.3062(c) administered at the end of the college  
17 preparatory mathematics or English language arts course satisfies  
18 the requirements concerning and is exempt from the administration  
19 of the Algebra I or the English I ~~[and English II]~~ end-of-course  
20 assessment instruments, as applicable, as prescribed by Section  
21 39.023(c), even if the student did not perform satisfactorily on a  
22 previous administration of the applicable end-of-course assessment  
23 instrument. A student who fails to perform satisfactorily on the  
24 assessment instrument designated by the Texas Higher Education  
25 Coordinating Board under Section 51.3062(c) administered as  
26 provided by this subsection may retake that assessment instrument  
27 for purposes of this subsection or may take the appropriate

1 end-of-course assessment instrument.

2 (b) Each time an [~~end-of-course~~] assessment instrument  
3 adopted under Section 39.023(c) is administered, a student who  
4 failed to achieve a score requirement under Subsection (a) may  
5 retake the assessment instrument. A student is not required to  
6 retake a course as a condition of retaking an [~~end-of-course~~]  
7 assessment instrument.

8 (b-1) A school district shall provide each student who fails  
9 to perform satisfactorily as determined by the commissioner under  
10 Section 39.0241(a) on an [~~end-of-course~~] assessment instrument  
11 with accelerated instruction in the subject assessed by the  
12 assessment instrument.

13 SECTION 5. Subchapter B, Chapter 39, Education Code, is  
14 amended by adding Section 39.02341 to read as follows:

15 Sec. 39.02341. COMPUTER ADAPTIVE TESTING; PILOT PROGRAM.

16 (a) In this section, "computer adaptive testing" means a type of  
17 assessment using algorithms or similar methods designed to adapt  
18 the length and complexity of the assessment to the abilities and  
19 performance of the person taking the assessment, with the goal of  
20 increasing the efficiency, accuracy, and security of the  
21 assessment.

22 (b) During the 2018-2019 and 2019-2020 school years, the  
23 agency, in coordination with the Texas Higher Education  
24 Coordinating Board and any entity that has been contracted to  
25 develop or implement assessment instruments under Section 39.023,  
26 shall establish a pilot program as provided by this section to  
27 implement in designated school districts a system of computer

1 adaptive testing for the assessment of students in grades three  
2 through eight.

3 (c) The agency shall designate school districts to  
4 participate in the pilot program as provided by this subsection.  
5 The pilot program must include at least one large urban district,  
6 one medium-sized district, and one rural district. Each district  
7 included must have a student enrollment that is representative of  
8 diverse demographics and socioeconomic backgrounds.

9 (d) Not later than September 1, 2020, the agency shall  
10 prepare and deliver to the governor, the lieutenant governor, the  
11 speaker of the house of representatives, and the presiding officer  
12 of each legislative standing committee with primary jurisdiction  
13 over primary and secondary education a report that:

14 (1) evaluates the implementation and progress of the  
15 pilot program under this section; and

16 (2) makes recommendations regarding the continuation  
17 or expansion of the pilot program.

18 (e) The agency shall adopt rules as necessary to administer  
19 this section.

20 (f) This section expires January 1, 2021.

21 SECTION 6. Section 18.006(b), Education Code, is amended to  
22 read as follows:

23 (b) In addition to other factors determined to be  
24 appropriate by the commissioner, the accountability system must  
25 include consideration of:

26 (1) student performance on the [~~end-of-course~~]  
27 assessment instruments required by Section 39.023(c); and

1           (2) dropout rates, including dropout rates and diploma  
2 program completion rates for the grade levels served by the diploma  
3 program.

4           SECTION 7. Section 28.014(a), Education Code, is amended to  
5 read as follows:

6           (a) Each school district shall partner with at least one  
7 institution of higher education to develop and provide courses in  
8 college preparatory mathematics and English language arts. The  
9 courses must be designed:

10           (1) for students at the 12th grade level whose  
11 performance on:

12                   (A) an ~~[end-of-course]~~ assessment instrument  
13 required under Section 39.023(c) is not considered at least  
14 satisfactory academic performance ~~[does not meet college readiness~~  
15 ~~standards]~~; or

16                   (B) coursework, a college entrance examination,  
17 or an assessment instrument designated under Section 51.3062(c)  
18 indicates that the student is not ready to perform entry-level  
19 college coursework; and

20           (2) to prepare students for success in entry-level  
21 college courses.

22           SECTION 8. Sections 29.081(b) and (b-1), Education Code,  
23 are amended to read as follows:

24           (b) Each district shall provide accelerated instruction to  
25 a student enrolled in the district who has taken an ~~[end-of-course]~~  
26 assessment instrument administered under Section 39.023(c) and has  
27 not performed satisfactorily on the assessment instrument or who is

1 at risk of dropping out of school.

2 (b-1) Each school district shall offer before the next  
3 scheduled administration of the assessment instrument, without  
4 cost to the student, additional accelerated instruction to each  
5 student in any subject in which the student failed to perform  
6 satisfactorily on an [~~end-of-course~~] assessment instrument  
7 required for graduation.

8 SECTION 9. Section 39.034(d), Education Code, is amended to  
9 read as follows:

10 (d) The agency shall determine the necessary annual  
11 improvement required each year for a student to be prepared to  
12 perform satisfactorily on, as applicable:

- 13 (1) the grade five assessment instruments;  
14 (2) the grade eight assessment instruments; and  
15 (3) the [~~end-of-course~~] assessment instruments  
16 required under this subchapter for graduation.

17 SECTION 10. Section 39.203(d), Education Code, is amended  
18 to read as follows:

19 (d) In addition to the distinction designations otherwise  
20 described by this section, the commissioner may award a distinction  
21 designation for outstanding performance in advanced middle or  
22 junior high school student achievement to a campus with a  
23 significant number of students below grade nine who perform  
24 satisfactorily on an [~~end-of-course~~] assessment instrument  
25 administered under Section 39.023(c).

26 SECTION 11. This Act applies beginning with the 2018-2019  
27 school year.



1           SECTION 12. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all members elected to each house,  
3 as provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2017.