

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: VanDeaver, Isaac, Deshotel, Ashby,  
Huberty, et al.

H.B. No. 515

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to assessment of public school students and providing  
3 accelerated instruction and eliminating performance requirements  
4 based on performance on certain assessment instruments.

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

6 SECTION 1. The heading to Section 28.0211, Education Code,  
7 is amended to read as follows:

8 Sec. 28.0211. ACCELERATED LEARNING COMMITTEE [~~SATISFACTORY~~  
9 ~~PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED~~]; ACCELERATED  
10 INSTRUCTION.

11 SECTION 2. Section 28.0211, Education Code, is amended by  
12 amending Subsections (a), (a-1), (a-3), (c), (f), (i), (k), and (n)  
13 and adding Subsections (f-1) and (f-2) to read as follows:

14 (a) A district shall establish an accelerated learning  
15 committee described by Subsection (c) for each student who does not  
16 perform satisfactorily on:

17 (1) the third grade mathematics or reading assessment  
18 instrument under Section 39.023;

19 (2) [Except as provided by Subsection (b) or (c), a  
20 student may not be promoted to:

21 [(1) the sixth grade program to which the student  
22 would otherwise be assigned if the student does not perform  
23 satisfactorily on] the fifth grade mathematics or [~~and~~] reading  
24 assessment instrument [~~instruments~~] under Section 39.023; or

1           (3) [~~(2)~~ the ninth grade program to which the student  
2 would otherwise be assigned if the student does not perform  
3 satisfactorily on] the eighth grade mathematics or [~~and~~] reading  
4 assessment instrument [~~instruments~~] under Section 39.023.

5           (a-1) Each time a student fails to perform satisfactorily on  
6 an assessment instrument administered under Section 39.023(a) in  
7 the third, fourth, fifth, sixth, seventh, or eighth grade, the  
8 school district in which the student attends school shall provide  
9 to the student accelerated instruction in the applicable subject  
10 area. Accelerated instruction may require participation of the  
11 student before or after normal school hours, [~~and~~] may include  
12 participation at times of the year outside normal school  
13 operations, and may be provided to the student during the  
14 subsequent school year.

15           (a-3) The commissioner shall provide guidelines to  
16 districts on research-based best practices and effective  
17 strategies that a district may use in developing an accelerated  
18 instruction program. The commissioner may provide to districts  
19 available resources concerning research-based best practices and  
20 effective strategies that a district may use in developing an  
21 accelerated instruction program.

22           (c) [~~Each time a student fails to perform satisfactorily on~~  
23 ~~an assessment instrument specified under Subsection (a), the school~~  
24 ~~district in which the student attends school shall provide to the~~  
25 ~~student accelerated instruction in the applicable subject area,~~  
26 ~~including reading instruction for a student who fails to perform~~  
27 ~~satisfactorily on a reading assessment instrument.] After a~~

1 student fails to perform satisfactorily on an assessment instrument  
2 specified under Subsection (a) [~~a second time~~], an accelerated  
3 learning [~~a grade placement~~] committee shall be established [~~to~~  
4 ~~prescribe the accelerated instruction the district shall provide to~~  
5 ~~the student before the student is administered the assessment~~  
6 ~~instrument the third time~~]. The accelerated learning [~~grade~~  
7 ~~placement~~] committee shall be composed of the principal or the  
8 principal's designee, the student's parent or guardian, and the  
9 teacher of the subject of an assessment instrument on which the  
10 student failed to perform satisfactorily. The district shall  
11 notify the parent or guardian of the time and place for convening  
12 the accelerated learning [~~grade placement~~] committee and the  
13 purpose of the committee. [~~An accelerated instruction group~~  
14 ~~administered by a school district under this section may not have a~~  
15 ~~ratio of more than 10 students for each teacher.~~]

16 (f) An accelerated learning [~~A school district shall~~  
17 ~~provide to a student who, after three attempts, has failed to~~  
18 ~~perform satisfactorily on an assessment instrument specified under~~  
19 ~~Subsection (a) accelerated instruction during the next school year~~  
20 ~~as prescribed by an educational plan developed for the student by~~  
21 ~~the student's grade placement~~] committee described by [~~established~~  
22 ~~under~~] Subsection (c) shall:

23 (1) develop an educational plan for the student that  
24 provides the necessary accelerated instruction for the student to  
25 achieve appropriate grade level performance; and

26 (2) provide other assistance to the student in  
27 accordance with a policy adopted by the district board of trustees

1 prescribing the role of accelerated learning committees in that  
2 district. [~~The district shall provide that accelerated instruction~~  
3 ~~regardless of whether the student has been promoted or retained.~~]

4 (f-1) The educational plan developed under Subsection  
5 (f)(1) must be designed to enable the student to perform at the  
6 appropriate grade level by the conclusion of the subsequent school  
7 year. During the school year, the student shall be monitored to  
8 ensure that the student is progressing in accordance with the plan.  
9 The district shall administer to the student the assessment  
10 instrument for the grade level in which the student is placed at the  
11 time the district regularly administers the assessment instruments  
12 for that school year.

13 (f-2) If a student who fails to perform satisfactorily on an  
14 assessment instrument specified under Subsection (a) fails in the  
15 subsequent school year to perform satisfactorily on an assessment  
16 instrument in the same subject, the superintendent of the district  
17 or the superintendent's designee shall meet with the student's  
18 accelerated learning committee to:

19 (1) identify the reason the student did not perform  
20 satisfactorily; and

21 (2) determine, in order to ensure the student performs  
22 satisfactorily on the assessment instrument at the next opportunity  
23 for the student to be administered the assessment instrument,  
24 whether:

25 (A) the educational plan developed for the  
26 student under Subsection (f) must be modified to provide the  
27 necessary accelerated instruction for that student; and

1                    (B) any additional resources are required for  
2 that student.

3            (i) The admission, review, and dismissal committee of a  
4 student who participates in a district's special education program  
5 under Subchapter A [~~B~~], Chapter 29, and who does not perform  
6 satisfactorily on an assessment instrument specified under  
7 Subsection (a) and administered under Section 39.023(a) or (b)  
8 shall determine[+]

9                    [~~(1)~~] the manner in which the student will participate  
10 in an accelerated instruction program under this section[+, and

11                    [~~(2) whether the student will be promoted or retained~~  
12 ~~under this section]~~.

13            (k) The commissioner shall adopt rules as necessary to  
14 implement this section[~~, including rules concerning when school~~  
15 ~~districts shall administer assessment instruments required under~~  
16 ~~this section and which administration of the assessment instruments~~  
17 ~~will be used for purposes of Section 39.054]~~.

18            (n) A student who fails to perform satisfactorily on an  
19 assessment instrument specified under Subsection (a) and is  
20 promoted to the next grade level [~~by a grade placement committee~~  
21 ~~under this section]~~ must be assigned at that next grade level in  
22 each subject in which the student failed to perform satisfactorily  
23 on an assessment instrument specified under Subsection (a) to a  
24 teacher who meets all state and federal qualifications to teach  
25 that subject and grade.

26            SECTION 3. Section 28.025(c), Education Code, is amended to  
27 read as follows:

1 (c) A person may receive a diploma if the person is eligible  
2 for a diploma under Section 28.0251. In other cases, a student may  
3 graduate and receive a diploma only if:

4 (1) the student successfully completes the curriculum  
5 requirements identified by the State Board of Education under  
6 Subsection (a) and complies with Sections 39.02304 and [Section]  
7 39.025; or

8 (2) the student successfully completes an  
9 individualized education program developed under Section 29.005.

10 SECTION 4. Section 39.023(a), Education Code, as effective  
11 September 1, 2017, is amended to read as follows:

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

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

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

22 (3) writing, including spelling and grammar, in grades  
23 four and seven; and

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

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

26 ~~[(6) any other subject and grade required by federal~~

27 ~~law].~~

1 SECTION 5. Section 39.023(c), Education Code, is amended to  
2 read as follows:

3 (c) The agency shall also adopt end-of-course assessment  
4 instruments for secondary-level courses in Algebra I, biology,  
5 English I, and English II~~[, and United States history]~~. The  
6 Algebra I end-of-course assessment instrument must be administered  
7 with the aid of technology. The English I and English II  
8 end-of-course assessment instruments must each assess essential  
9 knowledge and skills in both reading and writing in the same  
10 assessment instrument and must provide a single score. A school  
11 district shall comply with State Board of Education rules regarding  
12 administration of the assessment instruments listed in this  
13 subsection. If a student is in a special education program under  
14 Subchapter A, Chapter 29, the student's admission, review, and  
15 dismissal committee shall determine whether any allowable  
16 modification is necessary in administering to the student an  
17 assessment instrument required under this subsection. The agency  
18 ~~[State Board of Education]~~ shall administer the assessment  
19 instruments. The commissioner, with input from school districts,  
20 ~~[State Board of Education]~~ shall adopt a schedule for the  
21 administration of end-of-course assessment instruments that  
22 complies with the requirements of Subsection (c-3).

23 SECTION 6. Section 39.023(c-3), Education Code, effective  
24 September 1, 2017, is amended to read as follows:

25 (c-3) The commissioner, with input from school districts,  
26 shall adopt ~~[In adopting]~~ a schedule for the administration of  
27 assessment instruments under this section that~~[, the State Board of~~

1 ~~Education shall require]:~~

2 (1) minimizes the disruption of classroom instruction  
3 ~~[assessment instruments administered under Subsection (a) to be~~  
4 ~~administered on a schedule so that the first assessment instrument~~  
5 ~~is administered at least two weeks later than the date on which the~~  
6 ~~first assessment instrument was administered under Subsection (a)~~  
7 ~~during the 2006-2007 school year]; and~~

8 (2) maximizes available instruction time by  
9 scheduling the spring administration of ~~[end-of-course]~~ assessment  
10 instruments ~~[under Subsection (c)]~~ to occur as close to the end of  
11 the semester as possible ~~[in each school district not earlier than~~  
12 ~~the first full week in May, except that the spring administration of~~  
13 ~~the end-of-course assessment instruments in English I and English~~  
14 ~~II must be permitted to occur at an earlier date].~~

15 SECTION 7. Section 39.023(e), Education Code, as effective  
16 September 1, 2017, is amended to read as follows:

17 (e) At least ~~[Under rules adopted by the State Board of~~  
18 ~~Education,~~] every third year, the agency shall release the  
19 questions and answer keys to each assessment instrument  
20 administered under Subsection (a), (b), (c), (d), or (l), excluding  
21 any assessment instrument administered to a student for the purpose  
22 of retaking the assessment instrument, after the last time the  
23 instrument is administered for that school year. To ensure a valid  
24 bank of questions for use each year, the agency is not required to  
25 release a question that is being field-tested and was not used to  
26 compute the student's score on the instrument. The agency shall  
27 also release~~[, under board rule,~~] each question that is no longer

1 being field-tested and that was not used to compute a student's  
2 score. [~~During the 2014-2015 and 2015-2016 school years, the~~  
3 ~~agency shall release the questions and answer keys to assessment~~  
4 ~~instruments as described by this subsection each year.~~]

5 SECTION 8. Section 39.02301, Education Code, is amended by  
6 amending Subsections (a), (b), (h), and (j) and adding Subsection  
7 (k) to read as follows:

8 (a) The [~~During the 2015-2016 school year, the~~] agency, in  
9 coordination with the entity that has been contracted to develop or  
10 implement assessment instruments under Section 39.023, shall  
11 conduct a study to develop a writing assessment method as an  
12 alternative to the writing assessment instruments required under  
13 Sections 39.023(a) and (c). The writing assessment method must be  
14 designed to assess:

15 (1) a student's mastery of the essential knowledge and  
16 skills in writing through timed writing samples;

17 (2) improvement of a student's writing skills from the  
18 beginning of the school year to the end of the school year;

19 (3) a student's ability to follow the writing process  
20 from rough draft to final product; and

21 (4) a student's ability to produce more than one type  
22 of writing style.

23 (b) The [~~During the 2016-2017 and 2017-2018 school years,~~  
24 ~~the~~] agency shall establish a pilot program as provided by this  
25 section to implement in designated school districts the writing  
26 assessment method developed under Subsection (a).

27 (h) [~~Not later than September 1, 2016, the agency shall~~

1 ~~prepare and deliver to the governor, the lieutenant governor, the~~  
2 ~~speaker of the house of representatives, and the presiding officer~~  
3 ~~of each legislative standing committee with primary jurisdiction~~  
4 ~~over primary and secondary education a report covering the study of~~  
5 ~~the development of the writing assessment method under Subsection~~  
6 ~~(a).]~~ Not later than September 1 of each even-numbered year [~~in~~  
7 ~~2017 and 2018~~], the agency shall prepare and deliver to the  
8 governor, the lieutenant governor, the speaker of the house of  
9 representatives, and the presiding officer of each legislative  
10 standing committee with primary jurisdiction over primary and  
11 secondary education a report that:

12 (1) evaluates the implementation and progress of the  
13 pilot program under this section; and

14 (2) makes recommendations regarding the continuation  
15 or expansion of the pilot program.

16 (j) Not later than September 1, 2021, the agency, with input  
17 from school districts participating in the pilot program, shall  
18 modify the method for assessing students in writing in grades four  
19 and seven and in English I and English II secondary-level courses,  
20 based on the writing assessment method developed under this  
21 section.

22 (k) This section expires September 1, 2021 [~~2019~~].

23 SECTION 9. Subchapter B, Chapter 39, Education Code, is  
24 amended by adding Section 39.02304 to read as follows:

25 Sec. 39.02304. CIVICS TEST. (a) The commissioner shall  
26 adopt rules requiring a school district to administer a civics test  
27 to a student in the foundation high school program under Section

1 28.025. A student may not receive a high school diploma until the  
2 student has performed satisfactorily on the civics test.

3 (b) The civics test must consist of all of the questions on  
4 the civics test administered by the United States Citizenship and  
5 Immigration Services as part of the naturalization process under  
6 the federal Immigration and Nationality Act (8 U.S.C. Section 1101  
7 et seq.). The questions must be presented in a multiple-choice  
8 format.

9 (c) To perform satisfactorily on the civics test, a student  
10 must answer at least 70 percent of the questions correctly.

11 (d) A school district shall administer the civics test to a  
12 student when the school counselor or the teacher of the United  
13 States history course in which the student is enrolled, if  
14 applicable, determines that the student is prepared for the test.

15 (e) The admission, review, and dismissal committee of a  
16 student in a special education program under Subchapter A, Chapter  
17 29, shall determine:

18 (1) whether any allowable modification is necessary in  
19 administering the civics test to the student to appropriately  
20 measure the student's achievement; and

21 (2) if the committee determines that the civics test,  
22 even with allowable modifications, would not provide an appropriate  
23 measure of the student's achievement, whether the student is  
24 required to achieve satisfactory performance on the civics test to  
25 receive a high school diploma.

26 (f) The commissioner shall adopt rules regarding the  
27 administration of the civics test. The rules:

1           (1) must require:

2                   (A) the test to be administered electronically in  
3 the presence of a teacher, teacher's aide, proctor, or campus  
4 testing coordinator and be scored by that person or by the school  
5 district; and

6                   (B) the results of the test to be submitted to the  
7 agency not later than the last instructional day of the school year  
8 in which the test is administered; and

9           (2) may not:

10                   (A) restrict the high school grade level at which  
11 a student may take the civics test; or

12                   (B) limit the number of attempts a student may  
13 make to perform satisfactorily on the test.

14           (g) For purposes of the public school accountability  
15 system, a reference in this code to an assessment instrument under  
16 Section 39.023(c) includes the civics test. Performance at the  
17 level required under Subsection (c) of this section is considered  
18 satisfactory performance for purposes of Section 39.0241(a), and  
19 the commissioner shall determine the level of performance  
20 considered to indicate college readiness for purposes of Section  
21 39.0241(a-1). To the extent of a conflict between this section and  
22 any other provision of law, this section controls.

23           SECTION 10. Section 39.025, Education Code, is amended by  
24 amending Subsections (c-1) and (f) and adding Subsection (f-1) to  
25 read as follows:

26           (c-1) A school district may not administer a general subject  
27 ~~[an]~~ assessment instrument required for graduation administered

1 under this section as this section existed before September 1, 2007  
2 [~~1999~~]. A school district may administer to a student who failed to  
3 perform satisfactorily on an assessment instrument described by  
4 this subsection an alternate assessment instrument designated by  
5 the commissioner. The commissioner shall determine the level of  
6 performance considered to be satisfactory on an alternate  
7 assessment instrument. [~~The district may not administer to the~~  
8 ~~student an assessment instrument or a part of an assessment~~  
9 ~~instrument that assesses a subject that was not assessed in an~~  
10 ~~assessment instrument required for graduation administered under~~  
11 ~~this section as this section existed before September 1, 1999.~~] The  
12 commissioner shall make available to districts information  
13 necessary to administer the alternate assessment instrument  
14 authorized by this subsection. The commissioner's determination  
15 regarding designation of an appropriate alternate assessment  
16 instrument under this subsection and the performance required on  
17 the assessment instrument is final and may not be appealed.

18 (f) The commissioner shall by rule adopt a transition plan  
19 to implement the amendments made by Chapter 1312 (S.B. No. 1031),  
20 Acts of the 80th Legislature, Regular Session, 2007, replacing  
21 general subject assessment instruments administered at the high  
22 school level with end-of-course assessment instruments. The rules  
23 must provide for the end-of-course assessment instruments adopted  
24 under Section 39.023(c) to be administered beginning with students  
25 enrolled in [~~entering~~] the ninth grade for the first time during the  
26 2011-2012 school year. During the period under which the  
27 transition to end-of-course assessment instruments is made:

1           (1) for students entering a grade above the ninth  
2 grade during the 2011-2012 school year, the commissioner shall  
3 retain, administer, and use for purposes of accreditation and other  
4 campus and district accountability measures under this chapter the  
5 assessment instruments required by Section 39.023(a) or (c), as  
6 that section existed before amendment by Chapter 1312 (S.B.  
7 No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and

8           (2) a student subject to Subdivision (1) may not  
9 receive a high school diploma unless the student has performed  
10 satisfactorily, as determined by the commissioner under Subsection  
11 (f-1), on the SAT, the ACT, or the Texas Success Initiative (TSI)  
12 diagnostic assessment [each required assessment instrument  
13 administered under Section 39.023(c) as that section existed before  
14 amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th  
15 Legislature, Regular Session, 2007].

16           (f-1) The commissioner shall determine the level of  
17 performance considered to be satisfactory on the SAT, the ACT, and  
18 the Texas Success Initiative (TSI) diagnostic assessment for a  
19 student described by Subsection (f)(1) to qualify for a high school  
20 diploma. In determining satisfactory performance, the  
21 commissioner shall ensure that the level of performance determined  
22 under this subsection as satisfactory is equivalent to the level of  
23 performance required under Subsection (a) for satisfactory  
24 performance on an end-of-course assessment instrument.  
25 Notwithstanding Subsection (f), the commissioner is not required to  
26 retain, administer, or use assessment instruments described by  
27 Subsection (f)(1) after September 1, 2017.

1 SECTION 11. Section 39.203(c), Education Code, is amended  
2 to read as follows:

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

9 SECTION 12. Section 39.301(c), Education Code, is amended  
10 to read as follows:

11 (c) Indicators for reporting purposes must include:

12 (1) the percentage of graduating students who meet the  
13 course requirements established by State Board of Education rule  
14 for:

15 (A) the foundation high school program;

16 (B) the distinguished level of achievement under  
17 the foundation high school program; and

18 (C) each endorsement described by Section  
19 28.025(c-1);

20 (2) the results of the SAT, ACT, articulated  
21 postsecondary degree programs described by Section 61.852, and  
22 certified workforce training programs described by Chapter 311,  
23 Labor Code;

24 (3) for students who have failed to perform  
25 satisfactorily, under each performance standard under Section  
26 39.0241, on an assessment instrument required under Section  
27 39.023(a) or (c), the performance of those students on subsequent

1 assessment instruments required under those sections, aggregated  
2 by grade level and subject area;

3 (4) for each campus, the number of students,  
4 disaggregated by major student subpopulations, that take courses  
5 under the foundation high school program and take additional  
6 courses to earn an endorsement under Section 28.025(c-1),  
7 disaggregated by type of endorsement;

8 (5) the percentage of students, aggregated by grade  
9 level, provided accelerated instruction under Section 28.0211  
10 [~~28.0211(c)~~], the results of assessment instruments administered  
11 under that section, [~~the percentage of students promoted through~~  
12 ~~the grade placement committee process under Section 28.0211,~~] the  
13 subject of the assessment instrument on which each student failed  
14 to perform satisfactorily under each performance standard under  
15 Section 39.0241, and the performance of those students in the  
16 subsequent school year [~~following that promotion~~] on the assessment  
17 instruments required under Section 39.023;

18 (6) the percentage of students of limited English  
19 proficiency exempted from the administration of an assessment  
20 instrument under Sections 39.027(a)(1) and (2);

21 (7) the percentage of students in a special education  
22 program under Subchapter A, Chapter 29, assessed through assessment  
23 instruments developed or adopted under Section 39.023(b);

24 (8) the percentage of students who satisfy the college  
25 readiness measure;

26 (9) the measure of progress toward dual language  
27 proficiency under Section 39.034(b), for students of limited

1 English proficiency, as defined by Section 29.052;

2 (10) the percentage of students who are not  
3 educationally disadvantaged;

4 (11) the percentage of students who enroll and begin  
5 instruction at an institution of higher education in the school  
6 year following high school graduation; and

7 (12) the percentage of students who successfully  
8 complete the first year of instruction at an institution of higher  
9 education without needing a developmental education course.

10 SECTION 13. Section 51.3062(q-1), Education Code, is  
11 amended to read as follows:

12 (q-1) A student who has demonstrated the performance  
13 standard for college readiness as provided by Section 28.008 on the  
14 postsecondary readiness assessment instruments adopted under  
15 Section 39.0238 for Algebra II and English III, as that section  
16 existed before repeal by H.B. 515, Acts of the 85th Legislature,  
17 Regular Session, 2017, is exempt from the requirements of this  
18 section with respect to those content areas. The commissioner of  
19 higher education by rule shall establish the period for which an  
20 exemption under this subsection is valid.

21 SECTION 14. The following provisions of the Education Code  
22 are repealed:

23 (1) Section 7.102(c)(5);

24 (2) Sections 28.0211(a-2), (b), (d), (e), (m), and  
25 (m-1); and

26 (3) Section 39.0238.

27 SECTION 15. (a) Except as provided by Subsection (b) of

1 this section, this Act applies beginning with the 2017-2018 school  
2 year.

3 (b) Section 28.025(c), Education Code, as amended by this  
4 Act, and Section 39.02304, Education Code, as added by this Act,  
5 apply beginning with students who enter the ninth grade during the  
6 2018-2019 school year.

7 SECTION 16. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect September 1, 2017.

ADOPTED

MAY 24 2017

*Atty. Gen.*  
Secretary of the Senate

By: *Larry Taylor*

H .B. No. 915

Substitute the following for H .B. No. 915 :

By: *Larry Taylor*

C.S. H .B. No. 915

A BILL TO BE ENTITLED

AN ACT

relating to assessment of public school students and providing accelerated instruction and eliminating performance requirements based on performance on certain assessment instruments.

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

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.018 to read as follows:

Sec. 28.018. REVIEW AND REPORT ON SOCIAL STUDIES

CURRICULUM. (a) The State Board of Education shall review the alignment and coursework included in the required social studies curriculum provided to students in grades 8 through 12 to ensure that all students graduating from public high school have a sufficient understanding of:

(1) United States history;

(2) civics;

(3) the operation of federal and state governments;

and

(4) the free enterprise system.

(b) If, in conducting the review, the State Board of Education determines that the required social studies curriculum is not sufficient, the board shall develop recommendations to realign coursework and curriculum.

(c) Not later than September 1, 2018, the State Board of Education shall submit to the governor, the lieutenant governor,

1 the speaker of the house of representatives, and the standing  
2 legislative committees with primary jurisdiction over primary  
3 and secondary education a report on the results of the review  
4 conducted under Subsection (a) and any recommendations developed  
5 under Subsection (b).

6 (d) This section expires September 1, 2019.

7 SECTION 2. Section 39.023(e), Education Code, as effective  
8 September 1, 2017, is amended to read as follows:

9 (e) At least [~~Under rules adopted by the State Board of~~  
10 ~~Education,~~] every third year, the agency shall release the  
11 questions and answer keys to each assessment instrument  
12 administered under Subsection (a), (b), (c), (d), or (l),  
13 excluding any assessment instrument administered to a student  
14 for the purpose of retaking the assessment instrument, after the  
15 last time the instrument is administered for that school year.  
16 To ensure a valid bank of questions for use each year, the  
17 agency is not required to release a question that is being  
18 field-tested and was not used to compute the student's score on  
19 the instrument. The agency shall also release[~~, under board~~  
20 ~~rule,~~] each question that is no longer being field-tested and  
21 that was not used to compute a student's score. [~~During the~~  
22 ~~2014-2015 and 2015-2016 school years, the agency shall release~~  
23 ~~the questions and answer keys to assessment instruments as~~  
24 ~~described by this subsection each year.~~]

25 SECTION 3. Section 39.025, Education Code, is amended by  
26 amending Subsections (c-1) and (f) and adding Subsection (f-1)  
27 to read as follows:

1 (c-1) A school district may not administer a general  
2 subject ~~[an]~~ assessment instrument required for graduation  
3 administered under this section as this section existed before  
4 September 1, 2007 ~~[1999]~~. A school district may administer to a  
5 student who failed to perform satisfactorily on an assessment  
6 instrument described by this subsection an alternate assessment  
7 instrument designated by the commissioner as required by  
8 Subsection (f)(2). The commissioner shall determine the level  
9 of performance considered to be satisfactory on an alternate  
10 assessment instrument. ~~[The district may not administer to the~~  
11 ~~student an assessment instrument or a part of an assessment~~  
12 ~~instrument that assesses a subject that was not assessed in an~~  
13 ~~assessment instrument required for graduation administered under~~  
14 ~~this section as this section existed before September 1, 1999.]~~  
15 The commissioner shall make available to districts information  
16 necessary to administer the alternate assessment instrument  
17 authorized by this subsection. The commissioner's determination  
18 regarding designation of an appropriate alternate assessment  
19 instrument under this subsection and the performance required on  
20 the assessment instrument is final and may not be appealed.

21 (f) The commissioner shall by rule adopt a transition plan  
22 to implement the amendments made by Chapter 1312 (S.B.  
23 No. 1031), Acts of the 80th Legislature, Regular Session, 2007,  
24 replacing general subject assessment instruments administered at  
25 the high school level with end-of-course assessment instruments.  
26 The rules must provide for the end-of-course assessment  
27 instruments adopted under Section 39.023(c) to be administered

1 beginning with students enrolled in [~~entering~~] the ninth grade  
2 for the first time during the 2011-2012 school year. During the  
3 period under which the transition to end-of-course assessment  
4 instruments is made:

5 (1) for students entering a grade above the ninth  
6 grade during the 2011-2012 school year, the commissioner ~~shall~~  
7 may retain, administer, and use for purposes of accreditation  
8 and other campus and district accountability measures under this  
9 chapter the assessment instruments required by Section 39.023(a)  
10 or (c), as that section existed before amendment by Chapter 1312  
11 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session,  
12 2007; and

13 (2) a student subject to Subdivision (1) may not  
14 receive a high school diploma unless the student has performed  
15 satisfactorily, as determined by the commissioner under  
16 Subsection (f-1), on an assessment instrument designated by the  
17 commissioner which must include, to the extent feasible, the  
18 SAT, the ACT, or the Texas Success Initiative (TSI) diagnostic  
19 assessment, or the assessment or assessments currently  
20 administered for graduation purposes. [~~each required assessment~~  
21 ~~instrument administered under Section 39.023(c) as that section~~  
22 ~~existed before amendment by Chapter 1312 (S.B. No. 1031), Acts~~  
23 ~~of the 80th Legislature, Regular Session, 2007]. The district  
24 shall determine the assessment to be administered.~~

25 (f-1) The commissioner shall determine the level of  
26 performance considered to be satisfactory on an assessment  
27 instrument designated by the commissioner which must include, to

1 the extent feasible, the SAT, the ACT, the Texas Success  
2 Initiative (TSI) diagnostic assessment, and or the assessment or  
3 assessments currently administered for graduation purposes for a  
4 student described by Subsection (f)(1) to qualify for a high  
5 school diploma. In determining satisfactory performance, the  
6 commissioner shall ensure that the level of performance  
7 determined under this subsection as satisfactory is equivalent  
8 to the level of performance required under Subsection (a) for  
9 satisfactory performance on an end-of-course assessment  
10 instrument. Notwithstanding Subsection (f), the commissioner is  
11 not required to retain, administer, or use assessment  
12 instruments described by Subsection (f)(1) after September 1,  
13 2017.

14 SECTION 4. Section 51.3062(q-1), Education Code, is  
15 amended to read as follows:

16 (q-1) A student who has demonstrated the performance  
17 standard for college readiness as provided by Section 28.008 on  
18 the postsecondary readiness assessment instruments adopted under  
19 Section 39.0238 for Algebra II and English III, as that section  
20 existed before repeal by H.B. 515, Acts of the 85th Legislature,  
21 Regular Session, 2017, is exempt from the requirements of this  
22 section with respect to those content areas. The commissioner  
23 of higher education by rule shall establish the period for which  
24 an exemption under this subsection is valid.

25 SECTION 5. The following provision of the Education Code  
26 is repealed:

27 (1) Section 39.0238.

1           SECTION 6. This Act applies beginning with the 2017-2018  
2 school year.

3           SECTION 7. This Act takes effect immediately if it  
4 receives a vote of two-thirds of all the members elected to each  
5 house, as provided by Section 39, Article III, Texas  
6 Constitution. If this Act does not receive the vote necessary  
7 for immediate effect, this Act takes effect September 1, 2017.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 25, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB515** by VanDeaver (Relating to assessment of public school students and providing accelerated instruction and eliminating performance requirements based on performance on certain assessment instruments.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB515, As Passed 2nd House: a positive impact of \$6,818,570 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$3,245,023
2019	\$3,573,547
2020	\$3,573,547
2021	\$3,573,547
2022	\$3,573,547

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>Foundation School Fund</i> 193	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2018	\$3,595,023	(\$350,000)
2019	\$3,573,547	\$0
2020	\$3,573,547	\$0
2021	\$3,573,547	\$0
2022	\$3,573,547	\$0

**Fiscal Analysis**

The bill would amend the Education Code to require the State Board of Education (SBOE) to review the alignment and coursework included in the required social studies curriculum provided to students in grades 8 through 12 to ensure all students graduating have a sufficient

understanding of certain topics; develop recommendations to realign coursework and curriculum if necessary upon completion of the review; and submit a report on the review to certain entities by September 1, 2018.

The bill would remove the requirement for the State Board of Education (SBOE) to establish a rule related to the release of the materials question and answer keys for certain assessments. The bill would eliminate the requirement that the Texas Education Agency (TEA) maintain and administer the exit-level TAKS assessment after September 1, 2017 and would instead require satisfactory performance on the SAT, ACT, or the Texas Success Initiative (TSI) assessment for high school graduation. In addition, the bill would eliminate the requirement that the agency adopt optional college readiness assessments in Algebra II and English II.

The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017, and would apply beginning school year 2017-18.

### **Methodology**

Eliminating certain assessments and retesting requirements would result in a savings of approximately \$3.6 million in each fiscal year. Based on information provided by TEA, the estimated savings of eliminating tests would be \$2.0 million per year for the Texas Assessment of Knowledge and Skills (TAKS) assessment; \$280,000 in each fiscal year associated with eliminating the Algebra II optional assessment; and \$1.3 million in each fiscal year associated with eliminating the English II optional assessment. This analysis assumes savings based on the per assessment costs of the current state assessment contract.

However, this savings would be offset in fiscal year 2018 by the cost of the State Board of Education (SBOE) review of the alignment and coursework of certain social studies curriculum and required report. TEA estimates initial development costs to convene committees to review the alignment and coursework of certain social studies curriculum would total \$100,000 in fiscal year 2018, with additional costs of \$250,000 related to development of the required report.

### **Local Government Impact**

School districts and charter schools would experience varying savings from administering a reduced number of assessments and testing days. Districts and charters may incur some costs associated with calendar changes that would be required if testing days need to be removed from district calendars; however, these costs are not expected to be significant.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, SD, AW, THo, AM

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 23, 2017**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB515** by VanDeaver (Relating to assessment of public school students and providing accelerated instruction and eliminating performance requirements based on performance on certain assessment instruments.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB515, Committee Report 2nd House, Substituted: a positive impact of \$6,818,570 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$3,245,023
2019	\$3,573,547
2020	\$3,573,547
2021	\$3,573,547
2022	\$3,573,547

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>Foundation School Fund</i> 193	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2018	\$3,595,023	(\$350,000)
2019	\$3,573,547	\$0
2020	\$3,573,547	\$0
2021	\$3,573,547	\$0
2022	\$3,573,547	\$0

**Fiscal Analysis**

The bill would amend the Education Code to require the State Board of Education (SBOE) to review the alignment and coursework included in the required social studies curriculum provided

to students in grades 8 through 12 to ensure all students graduating have a sufficient understanding of certain topics; develop recommendations to realign coursework and curriculum if necessary upon completion of the review; and submit a report on the review to certain entities by September 1, 2018.

The bill would remove the requirement for the State Board of Education (SBOE) to establish a rule related to the release of the materials question and answer keys for certain assessments. The bill would eliminate the requirement that the Texas Education Agency (TEA) maintain and administer the exit-level TAKS assessment after September 1, 2017 and would instead require satisfactory performance on the SAT, ACT, or the Texas Success Initiative (TSI) assessment for high school graduation. In addition, the bill would eliminate the requirement that the agency adopt optional college readiness assessments in Algebra II and English II.

The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017, and would apply beginning school year 2017-18.

### **Methodology**

Eliminating certain assessments and retesting requirements would result in a savings of approximately \$3.6 million in each fiscal year. Based on information provided by TEA, the estimated savings of eliminating tests would be \$2.0 million per year for the Texas Assessment of Knowledge and Skills (TAKS) assessment; \$280,000 in each fiscal year associated with eliminating the Algebra II optional assessment; and \$1.3 million in each fiscal year associated with eliminating the English II optional assessment. This analysis assumes savings based on the per assessment costs of the current state assessment contract.

However, this savings would be offset in fiscal year 2018 by the cost of the State Board of Education (SBOE) review of the alignment and coursework of certain social studies curriculum and required report. TEA estimates initial development costs to convene committees to review the alignment and coursework of certain social studies curriculum would total \$100,000 in fiscal year 2018, with additional costs of \$250,000 related to development of the required report.

### **Local Government Impact**

School districts and charter schools would experience varying savings from administering a reduced number of assessments and testing days. Districts and charters may incur some costs associated with calendar changes that would be required if testing days need to be removed from district calendars; however, these costs are not expected to be significant.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, AW, THo, AM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 16, 2017**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB515** by VanDeaver (Relating to assessment of public school students and providing accelerated instruction and eliminating performance requirements based on performance on certain assessment instruments.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB515, As Engrossed: a positive impact of \$1,091,906 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2018	\$1,619,127
2019	(\$527,221)
2020	\$2,972,779
2021	(\$2,227,221)
2022	(\$2,227,221)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from Foundation School Fund 193</b>
2018	\$1,619,127
2019	(\$527,221)
2020	\$2,972,779
2021	(\$2,227,221)
2022	(\$2,227,221)

**Fiscal Analysis**

The bill would amend Section 28.0211, Education Code to revise the provisions related to accelerated instruction by establishing an accelerated learning committee for each student who does not perform satisfactorily on the mathematics or reading assessment in grades 3, 5, and 8.

The bill would eliminate the retest and promotion requirements for grades 5 and 8 in math and reading; allow the Commissioner to provide certain available resources for districts to use in developing an accelerated instruction program; remove certain provisions related to accelerated instruction; require an accelerated learning committee to be established for certain students; and define the composition and responsibilities of an accelerated learning committee.

The bill would amend Section 39.023, Education Code to eliminate the requirement for the Texas Education Agency (TEA) to develop appropriate assessment instruments in social studies for grade eight and the requirement to adopt and administer end-of-course assessment instruments in United States History. The bill would amend language to require the TEA to administer the assessment instruments, instead of the State Board of Education (SBOE), and require the Commissioner, instead of the SBOE, to adopt a schedule for administration of the assessments with input from school districts.

The bill would require, as a condition of graduation, that school districts administer a civics test that consists of all of the questions on the civics test administered by the United States Citizenship and Immigration Services as part of the naturalization process under federal law and that students correctly answer 70 percent of the questions on the test. The bill would apply to students entering grade 9 in school year 2018-19. The bill would allow a student entering grade 9 prior to school year 2018-19 to take the civics test in lieu of the United States history EOC. The bill would require the civics test to be included as part of public school accountability provisions in Chapter 39, Education Code.

The bill would amend Education Code, Section 39.02301 to make permanent the Writing Assessment Study program; require the TEA to prepare a report with recommendations on the implementation of the program by September 1 of each even-numbered year; and require TEA, with input from school districts participating in the pilot program, to modify the method for assessing students in grades four and seven in writing based on the writing assessment developed through the Writing Assessment Study by September 1, 2021.

The bill would eliminate the requirement that the Texas Education Agency (TEA) maintain and administer the exit-level TAKS assessment after September 1, 2017 and would instead require satisfactory performance on the SAT, ACT, or the Texas Success Initiative (TSI) assessment for high school graduation. In addition, the bill would eliminate the requirement that the agency adopt optional college readiness assessments in Algebra II and English II.

The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017, and would apply beginning school year 2017-18.

## **Methodology**

Eliminating certain assessments and retesting requirements would result in a savings of approximately \$7.5 million in each fiscal year. However, this savings would be offset by the cost of modifying writing and civics assessments and developing certain resources related to the provision of accelerated instruction, resulting in an overall savings of \$1.6 million in fiscal year 2018. Fiscal year 2019 savings are offset by a cost of \$527,211 related to initial development costs. Following the 2018-19 biennium, savings would total \$3.0 million in fiscal year 2020 with costs of \$2.2 million in subsequent years related to the development of the writing assessment.

### *Savings Related to the Elimination of Assessments and Certain Requirements*

Eliminating the assessments as required by the bill would result in an estimated savings of

approximately \$3.5 million each fiscal year. Based on information provided by TEA, the estimated savings of eliminating tests would be \$370,000 per fiscal year for the grade eight social studies assessment; \$1.1 million per fiscal year for the United States History end-of-course assessment; and \$2.0 million per year for the Texas Assessment of Knowledge and Skills (TAKS) assessment. This analysis assumes savings based on the per assessment costs of the current state assessment contract.

In addition, the bill would eliminate certain retest provisions and optional college readiness assessments. Based on information provided by TEA, eliminating the retest requirements for certain students in grades 5 and 8 in reading and mathematics would result in an estimated savings of approximately \$2.5 million in each fiscal year. Additionally, TEA estimates a savings of approximately \$280,000 in each fiscal year associated with eliminating the Algebra II optional assessment and a savings of approximately \$1.3 million in each fiscal year associated with eliminating the English II optional assessment.

#### *Costs Related to the Development of Certain Resources and the Modification of Writing Assessments*

The bill would allow the Commissioner to provide districts with resources that they may use in developing accelerated instructional programs. To provide these resources, TEA estimates \$5.0 million in fiscal years 2018 and 2019 to develop resources that will be freely accessible to districts. These resources would include interim and formative assessment items that align to the Texas Essential Knowledge and Skills (TEKS) and State of Texas Assessment of Academic Readiness (STAAR) assessment, are research-based to help students and teachers prepare individualized students plans, and equip teachers with significant tools to bring students to grade level by required timelines. TEA estimates an ongoing cost of \$3 million per biennium, or \$1.5 million cost in each fiscal year, to maintain the resources after the initial development.

The bill would expand the Writing Assessment Study Program and require TEA to modify the method for assessing students in grades four and seven in writing based on the writing assessment developed through the Writing Assessment Study Program by September 1, 2021. Based on information provided by TEA, the agency would expand the scope of the writing pilot to beginning in fiscal year 2018 with estimated costs of \$650,000 for test development and implementation. In fiscal years 2019 and 2020, the agency anticipates the costs would increase to \$2.8 million in each year due additional costs associated with modifications to assessment blueprints to allow for statewide roll-out by September 1, 2021. Beginning in fiscal year 2021, the agency estimates the cost of implementing the writing assessment program statewide to be \$8 million per fiscal year.

In addition, the bill would require the students to take a civics test as a condition of graduation. It is assumed that school districts and charters, rather than the state, would be required to pay for new test; however, the state would still need to develop and administer an accommodated version of test for certain students. Although the bill would allow for certain committees to waive this requirement or make modifications for students enrolled in a special education program, certain student groups may still require accommodations for the civics test.

This analysis assumes the TEA would have to develop a similar, but alternative civics test for approximately 20,000 students requiring accommodations for language or who have no online access required to take the civics test on a computer. Based on the current state assessment costs provided by TEA, this analysis assumes it would cost approximately \$250,000 in each fiscal year to develop and maintain the accommodated version of the civics test. The bill would also require the results of the civics test to be included in the public school accountability system. This

analysis assumes TEA would use existing full-time equivalent positions to incorporate the results from the civics test with the other assessment results and would amend its current testing contract to cover costs related to the collection and merging of data.

### **Local Government Impact**

School districts and charter schools would experience varying savings from administering a reduced number of assessments and testing days. Districts and charters may incur some costs associated with calendar changes that would be required if testing days need to be removed from district calendars; however, these costs are not expected to be significant.

Additionally, school districts and charter schools would experience costs related to the requirement that, as a condition of graduation, students entering grade 9 in school year 2018-19 take the civics test administered by the United States Citizenship and Immigration Services as part of the naturalization process under federal law. This analysis assumes school districts and charters would be required to pay for the civics test for all eligible students. According to information provided by the agency, approximately 360,000 students take the United States History end-of-course (EOC) assessment every year. Assuming a cost of \$20 per student, the civics test would result in a total local cost of \$7.2 million annually beginning in school year 2020-21. These costs would be distributed across districts and charters based on student enrollment and would vary considerably among districts. School districts and charters may also incur costs related to providing the civics test prior to school year 2020-21 if students chose to take the test as allowed under the bill.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, THo, AM, AW

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB515** by VanDeaver (Relating to assessment of public school students and providing accelerated instruction and eliminating performance requirements based on performance on certain assessment instruments.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB515, Committee Report 1st House, Substituted: a positive impact of \$1,591,906 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$1,869,127
2019	(\$277,221)
2020	\$3,222,779
2021	(\$1,977,221)
2022	(\$1,977,221)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from Foundation School Fund 193
2018	\$1,869,127
2019	(\$277,221)
2020	\$3,222,779
2021	(\$1,977,221)
2022	(\$1,977,221)

**Fiscal Analysis**

The bill would amend Section 28.0211, Education Code to revise the provisions related to accelerated instruction by establishing an accelerated learning committee for each student who

does not perform satisfactorily on the mathematics or reading assessment in grades 3, 5, and 8. The bill would eliminate the retest and promotion requirements for grades 5 and 8 in math and reading; allow the Commissioner to provide certain available resources for districts to use in developing an accelerated instruction program; remove certain provisions related to accelerated instruction; require an accelerated learning committee to be established for certain students; and define the composition and responsibilities of an accelerated learning committee.

The bill would amend Section 39.023, Education Code to eliminate the requirement for the Texas Education Agency (TEA) to develop appropriate assessment instruments in social studies for grade eight and the requirement to adopt and administer end-of-course assessment instruments in United States History. The bill would amend language to require the TEA to administer the assessment instruments, instead of the State Board of Education (SBOE), and require the Commissioner, instead of the SBOE, to adopt a schedule for administration of the assessments with input from school districts.

The bill would amend Education Code, Section 39.02301 to make permanent the Writing Assessment Study program; require the TEA to prepare a report with recommendations on the implementation of the program by September 1 of each even-numbered year; and require TEA to modify the method for assessing students in grades four and seven in writing based on the writing assessment developed through the Writing Assessment Study by September 1, 2021.

The bill would eliminate the requirement that the Texas Education Agency (TEA) maintain and administer the exit-level TAKS assessment after September 1, 2017 and would instead require satisfactory performance on the SAT, ACT, or the Texas Success Initiative (TSI) assessment for high school graduation. In addition, the bill would eliminate the requirement that the agency adopt optional college readiness assessments in Algebra II and English II.

The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017, and would apply beginning school year 2017-18.

## **Methodology**

Eliminating certain assessments and retesting requirements would result in a savings of approximately \$7.5 million in each fiscal year. However, this savings would be offset by the cost of modifying writing assessments and developing certain resources related to the provision of accelerated instruction, resulting in an overall savings of \$1.8 million in fiscal year 2018. Fiscal year 2019 savings are offset by a cost of \$277,211 related to initial development costs. Following the 2018-19 biennium, savings would total \$3.2 million in fiscal year 2020 with costs of \$1.9 million in subsequent years related to the development of the writing assessment.

### *Savings Related to the Elimination of Assessments and Certain Requirements*

Eliminating the assessments as required by the bill would result in an estimated savings of approximately \$3.5 million each fiscal year. Based on information provided by TEA, the estimated savings of eliminating tests would be \$370,000 per fiscal year for the grade eight social studies assessment; \$1.1 million per fiscal year for the United States History end-of-course assessment; and \$2.0 million per year for the Texas Assessment of Knowledge and Skills (TAKS) assessment. This analysis assumes savings based on the per assessment costs of the current state assessment contract.

In addition, the bill would eliminate certain retest provisions and optional college readiness assessments. Based on information provided by TEA, eliminating the retest requirements for

certain students in grades 5 and 8 in reading and mathematics would result in an estimated savings of approximately \$2.5 million in each fiscal year. Additionally, TEA estimates a savings of approximately \$280,000 in each fiscal year associated with eliminating the Algebra II optional assessment and a savings of approximately \$1.3 million in each fiscal year associated with eliminating the English II optional assessment.

*Costs Related to the Development of Certain Resources and the Modification of Writing Assessments*

The bill would allow the Commissioner to provide districts with resources that they may use in developing accelerated instructional programs. To provide these resources, TEA estimates \$5.0 million in fiscal years 2018 and 2019 to develop resources that will be freely accessible to districts. These resources would include interim and formative assessment items that align to the Texas Essential Knowledge and Skills (TEKS) and State of Texas Assessment of Academic Readiness (STAAR) assessment, are research-based to help students and teachers prepare individualized students plans, and equip teachers with significant tools to bring students to grade level by required timelines. TEA estimates an ongoing cost of \$3 million per biennium, or \$1.5 million cost in each fiscal year, to maintain the resources after the initial development.

In addition, the bill would expand the Writing Assessment Study Program and require TEA to modify the method for assessing students in grades four and seven in writing based on the writing assessment developed through the Writing Assessment Study Program by September 1, 2021. Based on information provided by TEA, the agency would expand the scope of the writing pilot to beginning in fiscal year 2018 with estimated costs of \$650,000 for test development and implementation. In fiscal years 2019 and 2020, the agency anticipates the costs would increase to \$2.8 million in each year due additional costs associated with modifications to assessment blueprints to allow for statewide roll-out by September 1, 2021. Beginning in fiscal year 2021, the agency estimates the cost of implementing the writing assessment program statewide to be \$8 million per fiscal year.

**Local Government Impact**

School districts and charter schools would experience varying savings from administering a reduced number of assessments and testing days. Districts and charters may incur some costs associated with calendar changes that would be required if testing days need to be removed from district calendars; however, these costs are not expected to be significant.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, THo, AM, AW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 20, 2017**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB515** by VanDeaver (Relating to eliminating certain state-required assessment instruments and certain end-of-course assessment instruments not required by federal law.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB515, As Introduced: a positive impact of \$23,160,133 through the biennium ending August 31, 2019.

The bill would also result in an undetermined reduction of Federal Funds.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$11,540,409
2019	\$11,619,724
2020	\$11,619,724
2021	\$11,619,724
2022	\$11,619,724

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2018	\$11,540,409
2019	\$11,619,724
2020	\$11,619,724
2021	\$11,619,724
2022	\$11,619,724

**Fiscal Analysis**

The bill would amend the Education Code to eliminate the requirement for the Texas Education

Agency (TEA) to develop appropriate assessment instruments in writing for grades four and seven; in social studies for grade eight; and in any other subject and grade not required by federal law. The bill would amend the Education Code to require TEA to adopt and administer end-of-course assessment instruments in reading, mathematics, and science only as necessary to comply with the Every Student Succeeds Act.

The bill would take effect immediately if passed within necessary voting margins, or September 1, 2017, and applies beginning in school year 2017-18.

### **Methodology**

Eliminating assessment instruments for writing and social studies would result in General Revenue savings of approximately \$11.5 million in fiscal year 2018 and \$11.6 million in subsequent years based on the costs of the current state assessment contract. However, any savings are expected to be offset by reductions in Federal Funds.

Based on information provided by TEA, the estimated savings of eliminating the writing assessments would be approximately \$10.2 million annually (\$3.4 million for grades 4 and 7 and the Writing end-of-course (EOC) assessment). The estimated savings of eliminating the grade eight social studies assessment would be approximately \$370,000 per fiscal year. The estimated savings of eliminating the United States History end-of-course assessment would be approximately \$1.1 million each fiscal year. This analysis assumes savings based on the per assessment costs of the current state assessment contract.

However, according to TEA, recent interpretation of federal regulations indicate that state writing assessments are now a required component of the state's English Language Arts standards. Accordingly, elimination of the writing assessments may result in the loss of federal funding and other federal penalties. Although the amount of Federal Funds that may be lost as a result of noncompliance with this requirement is unknown, the loss could potentially be as much as \$18 million annually. The bill would amend the Education Code to eliminate the requirement for the Texas Education Agency (TEA) to develop appropriate assessment instruments in writing for grades four and seven; in social studies for grade eight; and in any other subject and grade not required by federal law. The bill would amend the Education Code to require TEA to adopt and administer end-of-course assessment instruments in reading, mathematics, and science only as necessary to comply with the Every Student Succeeds Act.

### **Local Government Impact**

School districts would experience varying savings from administering a reduced number of assessments and testing days. Districts and charters may incur some costs associated with calendar changes that would be required if testing days need to be removed from district calendars; however, these costs are not expected to be significant.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, SD, THo, AM, AW