

Amend CSHB 3 (senate committee printing) in ARTICLE 2 of the bill as follows:

(1) In the recital to SECTION 2.044 of the bill (page 77, lines 14 and 15), strike "(a-12), (a-13), (b-1), (c), and (c-3) and adding Subsections (a-3), (a-14), (a-15), (c-7), (c-8)," and substitute "(a-11), (a-12), (a-13), (b-1), (c), and (c-3) and adding Subsections (a-3), (a-10), (a-14), (a-15), (a-16), (a-17), (c-7), (c-8), (e-2),".

(2) In SECTION 2.044 of the bill, amending Section 39.023, Education Code (page 77, between lines 40 and 41), insert the following:

(a-10) Each assessment instrument adopted or developed under Subsection (a) must:

(1) include only passages, questions, answers, and other content aligned with the essential knowledge and skills adopted by the State Board of Education for the applicable subject for the grade level at which the assessment instrument will be administered or for any previous grade level; and

(2) include only passages written at a reading level not higher than the grade level at which the assessment instrument will be administered.

(a-11) Before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be appropriate, valid, and reliable by an entity that is independent of the agency and of any other entity that developed the assessment instrument.

(3) In SECTION 2.044 of the bill, amending Section 39.023, Education Code (page 77, between lines 63 and 64), insert the following:

(a-16) The agency may not use a passage on an assessment instrument administered under Subsection (a), unless the passage has been individually evaluated to ensure the reading level of the passage is appropriate for the grade level of the students to whom the assessment instrument containing the passage will be administered, provided that:

(1) the evaluation must be conducted by a committee

that:

(A) consists of not fewer than 10 educators nominated by a regional education service center; and

(B) includes:

(i) at least one educator with a graduate degree in reading or literacy;

(ii) at least one educator with a reading specialist certification; and

(iii) at least one educator with current experience teaching in this state at a grade level relevant to the evaluation; and

(2) the committee established under Subdivision (1) must, for purposes of the evaluation, consider:

(A) information from:

(i) not fewer than five nationally recognized readability formulas; and

(ii) evidence-based readability evaluation methods; and

(B) the reading level of other assessment instruments commonly administered to students in each grade level.

(a-17) The agency shall annually submit a report to the State Board of Education demonstrating compliance with Subsection (a-10).

(4) In SECTION 2.044 of the bill, amending Section 39.023, Education Code (page 78, between lines 51 and 52), insert the following:

(e-2) A question with a related passage may not be field-tested under Subsection (e) without its related passage first being evaluated under Subsection (a-16). At the time the agency releases assessment instrument questions and answer keys under Subsection (e), the agency shall also release the reading level of each passage as determined by the committee under Subsection (a-16).

(5) In the recital to SECTION 2.048 of the bill (page 80, lines 22 and 23), strike "Section 39.0241(a), Education Code, is amended" and substitute "Section 39.0241, Education Code, is amended by amending Subsection (a) and adding Subsection (a-2)".

(6) In SECTION 2.048 of the bill, amending Section 39.0241, Education Code (page 80, between lines 35 and 36), insert the following:

(a-2) The commissioner shall base the levels of performance under Subsections (a) and (a-1) on the grade level expectations and standards for each subject or course.

(7) Insert the following appropriately numbered SECTION:
SECTION 2.____. Subchapter Z, Chapter 39A, Education Code, is amended by adding Section 39A.907 to read as follows:

Sec. 39A.907. ASSESSMENT INSTRUMENT STUDY; TEMPORARY SUSPENSION OF SANCTIONS. (a) The commissioner shall contract for a study to determine whether, for each applicable grade level, each assessment instrument administered under Section 39.023(a) during the 2018-2019 school year or scheduled to be administered during the 2019-2020 school year is written at the appropriate reading level for students in that grade level.

(b) In contracting for the study, the commissioner shall:

(1) use a competitive process to select an independent entity to conduct the study that is not an entity that develops or otherwise reviews assessment instruments under Chapter 39; and

(2) provide that The University of Texas at Austin, Texas Tech University, and Texas A&M University must oversee the design, completion, and evaluation of the study.

(c) Not later than December 1, 2019, the commissioner shall:

(1) submit a report to the legislature and the presiding officer of each legislative standing committee with jurisdiction over primary and secondary education that includes the results of the study; and

(2) hold a public meeting with representatives of The University of Texas at Austin, Texas Tech University, and Texas A&M University to discuss and explain the results of the study.

(d) Notwithstanding any other law, student performance on assessment instruments administered under Section 39.023(a) in the 2018-2019 school year may not be used as a factor in determining:

(1) whether to order the closure of a campus as authorized under this chapter after the 2018-2019 school year; or

(2) whether a student, based on the student's

performance, advances to the next grade level under Section 28.021 or 28.0211 after the student completes the 2018-2019 school year.

(e) Notwithstanding any other law, if the report submitted by the commissioner under Subsection (c) indicates that an assessment instrument adopted under Section 39.023(a) scheduled to be administered during the 2019-2020 school year was written at a reading level above the grade level of the students to whom the assessment instrument is scheduled to be administered, student performance on assessment instruments identified under this subsection and administered under Section 39.023(a) may not be used as a factor in determining whether a student, based on the student's performance, advances to the next grade level under Section 28.021 or 28.0211 after the student completes the 2019-2020 school year.

(f) This section expires September 1, 2023.

(8) Renumber subsequent SECTIONS of the ARTICLE accordingly.