

BILL ANALYSIS

Senate Research Center

H.B. 1480
By: VanDeaver et al. (Taylor)
Education
5/8/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1480 creates accelerated learning committees implemented by locally adopted school board policies designed to get children up to a grade level in the subsequent school year; requires the commissioner of education to utilize input from districts and stakeholders in creating the test calendar; and adds that in accountability a student's performance on a substitute assessment be considered "masters grade-level performance" if they meet the assessment providers' designated benchmark for receiving college credit or being college ready.

H.B. 1480 amends current law relating to assessment of public school students, providing accelerated instruction, appropriately crediting certain student performance, and eliminating requirements based on performance on certain assessment instruments.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 7 (Section 39.02304, Education Code) and SECTION 11 (Section 39.053, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 15 (Section 28.0211, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.184, as follows:

Sec. 11.184. SCHOOL DISTRICT ACCELERATED LEARNING COMMITTEE POLICY. (a) Requires the board of trustees of a school district to adopt a policy regarding the establishment of accelerated learning committees under Section 28.0211. Requires the policy to specify:

- (1) the composition of a committee;
- (2) the frequency of committee meetings during the school year;
- (3) the agenda, content, and purpose of meetings, including whether the committee will consider a student's grades, attendance, behavior, including disciplinary measures, vision, and social-emotional health;
- (4) the objectives and goals of educational plans developed for providing the necessary accelerated instruction to the student;
- (5) methods for measuring the efficacy of an accelerated instruction program;
- (6) whether, for a student in a special education program under Subchapter A (Special Education Program), Chapter 29, the student's admission, review, and dismissal committee will serve as the accelerated learning

committee in developing the educational plan for the student's accelerated instruction program; and

(7) whether an accelerated learning committee will include a response-to-intervention approach in administering the educational plan for a student's accelerated instruction program.

(b) Requires the policy to require that, to the extent practicable, school personnel assigned to a student's accelerated learning committee remain assigned to that committee for the duration of the period for which the student receives accelerated instruction.

(c) Provides that a superintendent of a school district or principal of a campus is not required to serve on an accelerated learning committee.

SECTION 2. Amends the heading to Section 28.0211, Education Code, to read as follows:

Sec. 28.0211. New heading: ACCELERATED LEARNING COMMITTEE; ACCELERATED INSTRUCTION.

SECTION 3. Amends Section 28.0211, Education Code, by amending Subsections (a), (a-1), (a-3), (c), (f), (i), and (n) and adding Subsections (f-1) and (f-2), as follows:

(a) Redesignates Subdivisions (1)–(2) as Subdivisions (2)–(3). Deletes existing text prohibiting a student, except as provided by Subsection (b) or (c), from being promoted to the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on certain instruments or to the ninth grade to which the student would otherwise be assigned if the student does not perform satisfactorily on certain instruments. Requires a district to establish an accelerated learning committee described by Subsection (c) for each student who does not perform satisfactorily on:

(1) the third grade mathematics or reading assessment instrument under Section 39.023 (Adoption and Administration of Instruments);

(2) the fifth grade mathematics or reading assessment instrument under Section 39.023, rather than the fifth grade mathematics and reading assessment instruments under Section 39.023; or

(3) the eighth grade mathematics or reading assessment instrument under Section 39.023, rather than the eighth grade mathematics and reading assessment instruments under Section 39.023.

(a-1) Authorizes accelerated instruction to require participation of the student before or after normal school hours, to include participation at times of the year outside normal school operations, and to be provided to the student during the subsequent school year, rather than authorizing accelerated instruction to require participation of the student before or after normal school hours and to include participation at times of the year outside normal school operations.

(a-3) Authorizes the commissioner of education (commissioner) to provide to districts available resources concerning research-based best practices and effective strategies that a district is authorized to use in developing an accelerated instruction program.

(c) Deletes existing text requiring the school district in which the student attends school, each time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), to provide to the student accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. Requires an accelerated learning committee, after a student fails to perform satisfactorily on an assessment instrument specified under

Subsection (a), to be established in accordance with the district's policy adopted under Section 11.184, rather than requiring a grade placement committee, after a student fails to perform satisfactorily on an assessment instrument a second time, to be established to prescribe the accelerated instruction the district is required to provide to the student before the student is administered the assessment instrument the third time. Deletes existing text requiring the grade placement committee to be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. Requires the district to notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee, rather than the grade placement committee and the purpose of the committee. Deletes existing text relating to prohibiting an accelerated instruction group administered by a school district under this section from having a ratio of more than 10 students for each teacher.

(f) Requires an accelerated learning committee described by Subsection (c), rather than requiring a school district to provide to a student who, after three attempts, has failed to perform satisfactorily on an assessment instrument specified under Subsection (a) accelerated instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement committee established under Subsection (c), to:

(1) develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the subsequent school year; and

(2) provide other assistance to the student in accordance with a policy adopted by the district board of trustees prescribing the role of accelerated learning committees in that district. Deletes existing text referring to requiring the district to district to provide that accelerated instruction regardless of whether the student has been promoted or retained.

(f-1) Creates this subsection from existing text. Requires a student for whom an educational plan is developed under Subsection (f)(1) to be monitored to ensure that the student is progressing in accordance with the plan, rather than requiring the educational plan to be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. Deletes existing text requiring the student, during the school year, to be monitored to ensure that the student is progressing in accordance with the plan.

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

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

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

(A) the educational plan developed for the student under Subsection (f) is required to be modified to provide the necessary accelerated instruction for that student; and

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

(i) Makes nonsubstantive changes. Requires the admission, review, and dismissal committee of a student to determine the manner in which the student will participate in an accelerated instruction program under this section, rather than to determine the manner in

which the student will participate in an accelerated instruction program under this section and whether the student will be promoted in accordance with Subsection (i-1) (relating to authorizing an appraisal, review, and dismissal committee to promote a student on the committee's determination) or retained under this section.

(n) Requires a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and is promoted to the next grade level to be assigned at that next grade level in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Subsection (a) to a teacher who meets all state and federal qualifications to teach that subject and grade, rather than requiring a student who is promoted by a grade placement committee under this section to be assigned in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Subsection (a) to a teacher who meets all state and federal qualifications to teach that subject and grade.

SECTION 4. Amends Section 28.025(c), Education Code, as follows:

(c) Authorizes a student, other than a certain veteran eligible for a diploma, to graduate and receive a diploma only if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education (SBOE) under Subsection (a) (relating to authorizing a student to graduate and receive a diploma only under certain conditions) and complies with Sections 39.02304 and 39.025 (Secondary-Level Performance Required), rather than Section 39.025; or

(2) makes no changes to this subdivision.

SECTION 5. Amends Sections 39.023(a), (c), (c-3), and (e), Education Code, effective September 1, 2019, as follows:

(a) Requires the Texas Education Agency (TEA) to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, and science, rather than in reading, writing, mathematics, social studies, and science. Requires all students, other than students assessed under Subsection (b) (relating to requiring TEA to adopt alternative assessment instruments for students in special education programs) or (l) (relating to requiring SBOE to adopt rules to administer assessment instruments in Spanish) or exempted under Section 39.027, except as provided by Subsection (a-2) (relating to providing that a student is not required to be assessed in a subject otherwise assessed at the student's grade level if the student fits certain criteria), to be assessed in:

(1)–(2) makes no changes to these subdivisions;

(3) makes a nonsubstantive change to this subdivision; and

(4) deletes existing text referring to social studies, in grade eight and existing Subdivision (6) relating to any other subject and grade required by federal law. Redesignates Subdivision (5) as this subdivision.

(c) Requires TEA to administer certain assessment instruments, rather than requiring SBOE to administer the assessment instruments. Requires the commissioner, with input from school districts, to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3), rather than requiring SBOE to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(c-3) Requires the commissioner, with input from school districts and other appropriate stakeholders, to adopt a schedule for the administration of assessment instruments under this section that:

(1) minimizes the disruption of classroom instruction; and

(2) maximizes available instruction time by scheduling the spring administration of assessment instruments to occur as close to the end of the semester as possible, but not later than the second week of May.

Deletes existing text requiring SBOE, in adopting a schedule for the administration of assessment instruments under this section, to require the assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006–2007 school year and the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of end-of-course assessment instruments in English I and English II is required to be permitted to occur at an earlier date.

(e) Requires TEA, at least every third year, rather than under rules adopted by SBOE, every third year, to release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. Requires TEA to also release each question, rather than release, under SBOE rule, each question that is no longer being field-tested and that was not used to compute a student's score. Deletes existing text requiring TEA, during the 2014–2015 and 2015–2016 school years, to release the questions and answer keys to assessment instruments as described by this subsection each year.

SECTION 6. Amends Section 39.023(c), Education Code, effective September 1, 2020, as follows:

(c) Requires TEA to adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English I, and English II, rather than courses in Algebra I, biology, English I, English II, and United States history. Requires TEA to administer the assessment instruments, rather than requiring SBOE to administer the assessment instruments. Requires the commissioner, with input from school districts, to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3), rather than requiring SBOE to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

SECTION 7. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.02304, as follows:

Sec. 39.02304. CIVICS TEST. (a) Requires the commissioner to adopt rules requiring a school district to administer a civics test to a student in the foundation high school program under Section 28.025 (High School Diploma and Certification; Academic Achievement Record). Prohibits a student from receiving a high school diploma until the student has performed satisfactorily on the civics test.

(b) Requires the civics test to consist 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 the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.). Requires the questions to be presented in a multiple-choice format.

(c) Requires a student, to perform satisfactorily on the civics test, to answer at least 70 percent of the questions correctly.

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

(e) Requires the admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, to determine:

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

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

(f) Requires the commissioner to adopt rules regarding the administration of the civics test. Provides that the rules:

(1) are required to require:

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

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

(2) are prohibited from:

(A) restricting the high school grade level at which a student is authorized to take the civics test; or

(B) limiting the number of attempts a student is authorized to make to perform satisfactorily on the test.

(g) Authorizes a student who is required to perform satisfactorily on a United States history end-of-course assessment instrument under Section 39.025(a) based on the provisions of Section 39.023(c) in effect on January 1, 2019, to elect to satisfy that requirement by performing satisfactorily on the civics test. Provides that this subsection expires September 1, 2027.

(h) Provides that, for purposes of the public school accountability system, a reference in this code to an assessment instrument under Section 39.023(c) includes the civics test. Provides that performance at the level required under Subsection (c) of this section is considered satisfactory performance for purposes of Section 39.0241(a) (relating to requiring the commissioner to determine the level of performance considered to be satisfactory on the assessment instruments), and that the commissioner is required to determine the level of performance considered to indicate college readiness for purposes of Section 39.0241(a-1) (relating to requiring the commissioner, in collaboration with the commissioner of higher education, to determine the level of performance necessary to indicate college readiness). Provides that, to the extent of a conflict between this section and any other provision of law, this section controls.

SECTION 8. Amends Section 39.025(a-2), Education Code, as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015, as follows:

(a-2) Includes the Texas Success Initiative (TSI) diagnostic assessment among certain tests for which the commissioner is required to determine a method by which a student's satisfactory performance is required to be used by institutions of higher education to award course credit based on satisfactory performance on the assessment instrument to be used to satisfy the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by Subsection (a). Requires the commissioner, in adopting methods for substituting satisfactory performance on an assessment instrument authorized under this subsection for requirements concerning an end-of-course assessment instrument, to designate a student's performance on a substitute assessment instrument as "masters grade-level performance" if the student's performance entitles the student to receive college credit or if the student's performance meets the assessment instrument provider's designated grade-level college readiness performance benchmark. Authorizes a student who fails to perform satisfactorily on a substitute assessment instrument authorized under this subsection to retake that assessment instrument for purposes of this subsection or to take the appropriate end-of-course assessment instrument, rather than authorizing a student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, to retake that test or other assessment instrument for purposes of this subsection or to take the appropriate end-of-course assessment instrument. Deletes existing text requiring a student who fails to perform satisfactorily on the PSAT or the ACT-Plan to take the appropriate end-of-course assessment instrument.

SECTION 9. Amends Section 39.025, Education Code, by adding Subsection (a-5), as follows:

(a-5) Requires the commissioner to implement the changes in law made by H.B. 1480, 86th Legislature, Regular Session, 2019, to Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015, and Section 39.053(c-4) effective beginning with the 2019–2020 accountability rating period. Provides that this subsection expires September 1, 2020.

SECTION 10. Amends Section 39.025(c-2), Education Code, as effective September 1, 2019, as follows:

(c-2) Deletes existing text referring to prohibiting a school district from administering to a student taking a certain alternative assessment instrument an assessment instrument or a part of an assessment instrument that assesses a subject that was not assessed in an assessment instrument applicable to the student described by Subsection (c-1) (relating to the effective date of certain provisions governing assessment instruments).

SECTION 11. Amends Section 39.053, Education Code, by adding Subsection (c-4), as follows:

(c-4) Requires the commissioner by rule to determine a method for appropriately crediting a student for growth under Subsection (c)(2) (relating to evaluations of school districts based on school progress) based on the student's performance, including a student's "masters grade-level performance," on a substitute assessment instrument authorized under Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 12. Amends Section 39.203(c), Education Code, as follows:

(c) Requires a campus that satisfies the criteria developed under Section 39.204 (Campus Distinction Designation Criteria; Committees), in addition to the distinction designations described by Subsections (a) (relating to requiring the commissioner to award a campus a distinction designation for outstanding performance in improvement in student achievement if the campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement) and (b) (relating to requiring the commissioner to award a designation for outstanding performance in closing student achievement determinations), to be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in reading, mathematics, or science, rather than requiring such a campus, in addition to the

distinction designations described by Subsections (a) and (b), to be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in English language arts, mathematics, science, or social studies.

SECTION 13. Amends Section 39.301(c), Education Code, as follows:

(c) Requires indicators for reporting purposes to include:

(1)–(4) makes no changes to these subdivisions;

(5) the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211, the results of assessment instruments administered under that section, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the subsequent school year on the assessment instruments required under Section 39.023, rather than the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023; and

(6)–(12) makes no changes to these subdivisions.

SECTION 14. Amends Section 51.338(d), Education Code, as follows:

(d) Provides that a student who has demonstrated the performance standard for college readiness as provided by Section 28.008 (Advancement of College Readiness in Curriculum) on the postsecondary readiness assessment instruments adopted under Section 39.0238 (Adoption and Administration of Postsecondary Readiness Assessment Instruments) for Algebra II and English III, as that section existed before repeal by H.B. 1480, 86th Legislature, Regular Session, 2019, is exempt from the requirements of this subchapter (Texas Success Initiative) with respect to those content areas.

SECTION 15. Repealer: Section 7.102(c)(5) (relating to requiring SBOE to establish a standard of performance considered satisfactory on student assessment instruments), Education Code.

Repealer: Section 28.0211(a-2) (relating to requiring a student who fails to perform satisfactorily on an assessment instrument and is promoted to complete required accelerated instruction and prohibiting a student who fails to complete required accelerated instruction from being promoted), Education Code.

Repealer: Section 28.0211(b) (relating to requiring a school district to provide to a student who initially fails to perform satisfactorily on an assessment instrument at least two additional opportunities to take the assessment instrument), Education Code.

Repealer: Section 28.0211(d) (relating to requiring the district to notify the student's parent or guardian of certain assessment instrument results), Education Code.

Repealer: Section 28.0211(e) (relating to procedures in the case of a student who fails to perform satisfactorily on an assessment instrument), Education Code.

Repealer: Section 28.0211(i-1) (relating to authorizing a committee to promote a student on the committee's determination), Education Code.

Repealer: Section 28.0211(i-2) (relating to requiring a school district, not later than September 1 of each school year, to notify the parent or person standing in parental

relation to a student enrolled in the district's special education program of the options of the admission, review, and dismissal committee if the student does not perform satisfactorily on an assessment instrument), Education Code.

Repealer: Section 28.0211(k) (relating to requiring the commissioner to adopt rules as necessary to implement this section, including rules concerning when school districts are required to administer assessment instruments required and certain procedures), Education Code.

Repealer: Section 28.0211(m) (relating to requiring the commissioner to certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for certain purposes), Education Code.

Repealer: Section 28.0211(m-1) (relating to prohibiting the commissioner from considering Foundation School Program funds for purposes of certification under Subsection (m), except for compensatory education funds), Education Code.

Repealer: Section 39.0238 (Adoption and Administration of Postsecondary Readiness Assessment Instruments), Education Code.

SECTION 16. (a) Provides that, except as otherwise provided by this section, this Act applies beginning with the 2019–2020 school year.

(b) Provides that Section 28.025(c), Education Code, as amended by this Act, and Section 39.02304, Education Code, as added by this Act, apply beginning with students who enter the ninth grade during the 2020–2021 school year.

(c) Provides that Subsection (a) of this section does not apply to a provision of this Act that is effective September 1, 2020.

SECTION 17. Effective date: upon passage or September 1, 2019.