

## **BILL ANALYSIS**

C.S.H.B. 1480  
By: VanDeaver  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted with concern that the number of statewide standardized tests required by state law exceeds the minimum number required by federal law and there are related concerns about the costs of developing and administering these tests. There are additional concerns regarding the state law that ties a student's promotion to the next grade level to performance on certain standardized tests. C.S.H.B. 1480 seeks to address these varied concerns by eliminating the social studies and U.S. history assessments, removing requirements for a student to pass a standardized test to be promoted, adopting accelerated learning committees to replace grade placement committees, and redistributing certain state agency responsibilities associated with standardized testing.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 8 of this bill.

### **ANALYSIS**

C.S.H.B. 1480 amends the Education Code to remove and revise provisions making a public school student's promotion to certain grade levels contingent on satisfactory performance on certain statewide standardized tests and requires a public school district instead to establish an accelerated learning committee for each student who does not perform satisfactorily on the statewide standardized tests in third grade mathematics or reading, fifth grade mathematics or reading, or eighth grade mathematics or reading.

C.S.H.B. 1480, with respect to grade level promotion:

- eliminates requirements making satisfactory performance on statewide standardized tests in fifth grade mathematics and reading and in eighth grade mathematics and reading prerequisites for promotion, respectively, to the sixth and ninth grades, including such requirements for a student who participates in a public school district's special education program;
- eliminates grade placement committees;
- removes provisions specifying the number of permitted attempts to improve performance on the same applicable test or an alternate test and linking certain accelerated instruction requirements to the number of such unsuccessful attempts; and
- repeals the provision making the completion of such accelerated instruction a

requirement for grade level promotion.

C.S.H.B. 1480 requires a district board of trustees to adopt a policy regarding the establishment of accelerated learning committees and establishes that a district superintendent or a principal is not required to serve on such a committee. The bill sets out certain requirements for the policy.

C.S.H.B. 1480 establishes that an accelerated learning committee has the same parental notice requirement as a former grade placement committee and requires such a committee to do the following:

- 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
- 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.

C.S.H.B. 1480 retains for a student for whom an accelerated instruction committee develops an educational plan the requirements for monitoring and subsequent reassessment that previously applied to a student for whom a grade placement committee developed such a plan. The bill requires the superintendent of the district or the superintendent's designee, if a student who fails to perform satisfactorily on an applicable statewide standardized test fails in the subsequent school year to perform satisfactorily on such a test in the same subject, to meet with the student's accelerated learning committee for the following purposes:

- to identify the reason the student did not perform satisfactorily; and
- to determine, in order to ensure the student performs satisfactorily on the test at the next opportunity for administration of the test, whether the educational plan developed for the student must be modified to provide the necessary accelerated instruction and whether any additional resources are required for that student.

C.S.H.B. 1480 authorizes the accelerated instruction required for a student who fails to perform satisfactorily on any required statewide standardized test in the third through eighth grades to be provided during the subsequent school year. The bill removes the prohibition against an accelerated instruction group administered by a district having a ratio of more than 10 students for each teacher. The bill authorizes the commissioner of education to provide to districts available resources concerning research-based best practices and effective strategies that a district may use in developing an accelerated instruction program. The bill repeals the requirement for the commissioner to adopt rules as necessary to implement provisions relating to accelerated instruction as a response to unsatisfactory performance on statewide standardized tests.

C.S.H.B. 1480 repeals provisions requiring the commissioner to certify annually, based on consideration of specified factors, whether sufficient funds have been appropriated statewide for the purposes of accelerated instruction requirements based on satisfactory student performance on applicable third through eighth grade tests and secondary-level end-of-course tests and making the implementation of those requirements contingent on such certification.

C.S.H.B. 1480 removes the requirements for all students, other than certain students who are exempted or assessed by alternate methods, to be assessed by a statewide standardized test in social studies in grade eight and in any other subject and grade required by federal law. The bill removes U.S. history as a subject for which the Texas Education Agency (TEA) is required to adopt a secondary-level end-of-course test.

C.S.H.B. 1480 repeals the provision establishing the duty of the State Board of Education (SBOE) to establish a standard of performance considered satisfactory on statewide standardized

tests, transfers the responsibility for administration of secondary-level end-of-course tests from the SBOE to TEA, and transfers the responsibility for scheduling the administration of those tests from the SBOE to the commissioner, with input from districts and other appropriate stakeholders.

C.S.H.B. 1480 includes the Texas Success Initiative diagnostic test among the college readiness tests and other norm-referenced tests on which a student's satisfactory performance may be substituted for the required satisfactory performance on an end-of-course test in an equivalent course, according to a method to be determined by the commissioner. The bill requires the commissioner, in adopting such methods for a test authorized to be used as such a substitute, to designate a student's performance as "masters grade-level performance" if the student's performance entitles the student to receive college credit or meets the test provider's designated grade-level college readiness performance benchmark. The bill removes a certain requirement regarding subsequent testing that applies specifically to a student who takes the PSAT or the ACT Plan as such a substitute but fails to perform satisfactorily. The bill requires the commissioner by rule to determine a method for appropriately crediting a student for growth under the school progress domain of the public school accountability system based on the student's performance on such a substitute test. The bill adds a temporary provision set to expire September 1, 2020, requiring the commissioner to implement these provisions effective beginning with the 2019-2020 accountability rating period.

C.S.H.B. 1480 removes the previous test scheduling requirements and requires instead the adoption of a schedule that minimizes the disruption of classroom instruction and maximizes available instruction time by scheduling the spring administration of the tests to occur as close to the end of the semester as possible but not later than the second week of May. The bill changes the frequency with which TEA is required to release questions and answer keys to certain statewide standardized tests and end-of-course tests from every third year to at least every third year.

C.S.H.B. 1480 removes the specification in a provision, set to take effect on September 1, 2019, which authorizes the administration of an alternate test to a student who failed to perform satisfactorily on a test required for graduation, that prohibits a district from administering for such a purpose a test or part of a test that assesses a subject that was not assessed in the test on which the student failed to perform satisfactorily.

C.S.H.B. 1480 changes the subject areas of campus distinction designations for outstanding performance in academic achievement by removing English language arts and social studies and by including reading. The bill repeals statutory provisions relating to the adoption and administration of optional postsecondary readiness tests in Algebra II and English III but retains the exemption from college readiness requirements under the Texas Success Initiative for a student who has demonstrated the performance standard for college readiness on those optional tests before this repeal.

C.S.H.B. 1480 applies beginning with the 2019-2020 school year.

C.S.H.B. 1480 repeals the following Education Code provisions:

- Section 7.102(c)(5)
- Sections 28.0211(a-2), (b), (d), (e), (i-1), (i-2), (k), (m), and (m-1)
- Section 39.0238

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1480 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions requiring a district board of trustees to adopt a policy regarding accelerated learning committees, setting out certain requirements for that policy, and establishing that a superintendent or principal is not required to serve on such committee.

The substitute repeals the requirement for the commissioner to adopt rules relating to certain accelerated instruction and standardized testing requirements in the third through eighth grades.

The substitute makes the following changes regarding the scheduling of end-of-course tests:

- requires the commissioner to adopt the schedule with input from other appropriate stakeholders in addition to districts; and
- specifies that the spring administration of the tests must occur not later than the second week of May.

The substitute includes the following revisions relating to acceptable substitute metrics for the secondary-level performance on end-of-course tests that is required for accountability purposes and for graduation:

- the addition of satisfactory performance on the Texas Success Initiative diagnostic test as one of the acceptable substitute metrics;
- a requirement for college-ready or college credit eligible performance on such a substituted test to be counted as equivalent to "masters grade-level performance" on the applicable end-of course test;
- the removal of language requiring different treatment of PSAT and ACT Plan scores for purposes of subsequent secondary-level testing if the satisfactory performance level has not been met;
- a requirement for the commissioner to determine a method to account for substituted scores for purposes of school progress domain indicators; and
- a requirement for the commissioner to implement these changes beginning with the 2019-2020 accountability rating period.