

By: VanDeaver, Ashby, Bernal, Tinderholt,
Metcalf, et al.

H.B. No. 1480

A BILL TO BE ENTITLED

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

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

7 SECTION 1. Subchapter D, Chapter 11, Education Code, is
8 amended by adding Section 11.184 to read as follows:

9 Sec. 11.184. SCHOOL DISTRICT ACCELERATED LEARNING
10 COMMITTEE POLICY. (a) The board of trustees of a school district
11 shall adopt a policy regarding the establishment of accelerated
12 learning committees under Section 28.0211. The policy must
13 specify:

- 14 (1) the composition of a committee;
15 (2) the frequency of committee meetings during the
16 school year;
17 (3) the agenda, content, and purpose of meetings,
18 including whether the committee will consider a student's grades,
19 attendance, behavior, including disciplinary measures, vision, and
20 social-emotional health;
21 (4) the objectives and goals of educational plans
22 developed for providing the necessary accelerated instruction to
23 the student;
24 (5) methods for measuring the efficacy of an

1 accelerated instruction program;

2 (6) whether, for a student in a special education
3 program under Subchapter A, Chapter 29, the student's admission,
4 review, and dismissal committee will serve as the accelerated
5 learning committee in developing the educational plan for the
6 student's accelerated instruction program; and

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

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

14 (c) A superintendent of a school district or principal of a
15 campus is not required to serve on an accelerated learning
16 committee.

17 SECTION 2. The heading to Section 28.0211, Education Code,
18 is amended to read as follows:

19 Sec. 28.0211. ACCELERATED LEARNING COMMITTEE [~~SATISFACTORY~~
20 ~~PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED~~]; ACCELERATED
21 INSTRUCTION.

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

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

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

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

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

9 ~~(3) [(2) the ninth grade program to which the student~~
10 ~~would otherwise be assigned if the student does not perform~~
11 ~~satisfactorily on] the eighth grade mathematics or ~~and~~ reading~~
12 ~~assessment instrument ~~instruments~~ under Section 39.023.~~

13 (a-1) Each time a student fails to perform satisfactorily on
14 an assessment instrument administered under Section 39.023(a) in
15 the third, fourth, fifth, sixth, seventh, or eighth grade, the
16 school district in which the student attends school shall provide
17 to the student accelerated instruction in the applicable subject
18 area. Accelerated instruction may require participation of the
19 student before or after normal school hours, ~~and~~ may include
20 participation at times of the year outside normal school
21 operations, and may be provided to the student during the
22 subsequent school year.

23 (a-3) The commissioner shall provide guidelines to
24 districts on research-based best practices and effective
25 strategies that a district may use in developing an accelerated
26 instruction program. The commissioner may provide to districts
27 available resources concerning research-based best practices and

1 effective strategies that a district may use in developing an
2 accelerated instruction program.

3 (c) ~~[Each time a student fails to perform satisfactorily on~~
4 ~~an assessment instrument specified under Subsection (a), the school~~
5 ~~district in which the student attends school shall provide to the~~
6 ~~student accelerated instruction in the applicable subject area,~~
7 ~~including reading instruction for a student who fails to perform~~
8 ~~satisfactorily on a reading assessment instrument.]~~ After a
9 student fails to perform satisfactorily on an assessment instrument
10 specified under Subsection (a) ~~[a second time]~~, an accelerated
11 learning ~~[a grade placement]~~ committee shall be established in
12 accordance with the district's policy adopted under Section 11.184
13 ~~[to prescribe the accelerated instruction the district shall~~
14 ~~provide to the student before the student is administered the~~
15 ~~assessment instrument the third time. The grade placement~~
16 ~~committee shall be composed of the principal or the principal's~~
17 ~~designee, the student's parent or guardian, and the teacher of the~~
18 ~~subject of an assessment instrument on which the student failed to~~
19 ~~perform satisfactorily].~~ The district shall notify the parent or
20 guardian of the time and place for convening the accelerated
21 learning ~~[grade placement]~~ committee and the purpose of the
22 committee. ~~[An accelerated instruction group administered by a~~
23 ~~school district under this section may not have a ratio of more than~~
24 ~~10 students for each teacher.]~~

25 (f) An accelerated learning ~~[A school district shall~~
26 ~~provide to a student who, after three attempts, has failed to~~
27 ~~perform satisfactorily on an assessment instrument specified under~~

1 ~~Subsection (a) accelerated instruction during the next school year~~
2 ~~as prescribed by an educational plan developed for the student by~~
3 ~~the student's grade placement] committee described by [~~established~~~~
4 ~~under] Subsection (c) shall:~~

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

9 (2) provide other assistance to the student in
10 accordance with a policy adopted by the district board of trustees
11 prescribing the role of accelerated learning committees in that
12 district. [~~The district shall provide that accelerated instruction~~
13 ~~regardless of whether the student has been promoted or retained.]~~

14 (f-1) A student for whom an [The] educational plan is
15 developed under Subsection (f)(1) [must be designed to enable the
16 student to perform at the appropriate grade level by the conclusion
17 of the school year. During the school year, the student] shall be
18 monitored to ensure that the student is progressing in accordance
19 with the plan. The district shall administer to the student the
20 assessment instrument for the grade level in which the student is
21 placed at the time the district regularly administers the
22 assessment instruments for that school year.

23 (f-2) If a student who fails to perform satisfactorily on an
24 assessment instrument specified under Subsection (a) fails in the
25 subsequent school year to perform satisfactorily on an assessment
26 instrument in the same subject, the superintendent of the district
27 or the superintendent's designee shall meet with the student's

1 accelerated learning committee to:

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

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

8 (A) the educational plan developed for the
9 student under Subsection (f) must be modified to provide the
10 necessary accelerated instruction for that student; and

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

13 (i) The admission, review, and dismissal committee of a
14 student who participates in a district's special education program
15 under Subchapter A, Chapter 29, and who does not perform
16 satisfactorily on an assessment instrument specified under
17 Subsection (a) and administered under Section 39.023(a) or (b) must
18 meet before the student is administered the assessment instrument
19 for the second time. The committee shall determine[+]

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

22 [~~(2) whether the student will be promoted in~~
23 ~~accordance with Subsection (i-1) or retained under this section].~~

24 (n) A student who fails to perform satisfactorily on an
25 assessment instrument specified under Subsection (a) and is
26 promoted to the next grade level [~~by a grade placement committee~~
27 ~~under this section]~~ must be assigned at that next grade level in

1 each subject in which the student failed to perform satisfactorily
2 on an assessment instrument specified under Subsection (a) to a
3 teacher who meets all state and federal qualifications to teach
4 that subject and grade.

5 SECTION 4. Section 28.025(c), Education Code, is amended to
6 read as follows:

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

10 (1) the student successfully completes the curriculum
11 requirements identified by the State Board of Education under
12 Subsection (a) and complies with Sections 39.02304 and [Section]
13 39.025; or

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

16 SECTION 5. Effective September 1, 2019, Sections 39.023(a),
17 (c), (c-3), and (e), Education Code, are amended to read as follows:

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

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

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

1 (3) writing, including spelling and grammar, in grades
2 four and seven; and

3 (4) [~~social studies, in grade eight,~~
4 [~~5~~] science, in grades five and eight [~~, and~~
5 [~~6~~] ~~any other subject and grade required by federal~~
6 ~~law~~].

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

27 (c-3) The commissioner, with input from school districts

1 and other appropriate stakeholders, shall adopt [~~In adopting~~] a
2 schedule for the administration of assessment instruments under
3 this section that [~~, the State Board of Education shall require~~]:

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

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

18 (e) At least [~~Under rules adopted by the State Board of~~
19 ~~Education,~~] every third year, the agency shall release the
20 questions and answer keys to each assessment instrument
21 administered under Subsection (a), (b), (c), (d), or (1), excluding
22 any assessment instrument administered to a student for the purpose
23 of retaking the assessment instrument, after the last time the
24 instrument is administered for that school year. To ensure a valid
25 bank of questions for use each year, the agency is not required to
26 release a question that is being field-tested and was not used to
27 compute the student's score on the instrument. The agency shall

1 also release[~~, under board rule,~~] each question that is no longer
2 being field-tested and that was not used to compute a student's
3 score. [~~During the 2014-2015 and 2015-2016 school years, the~~
4 ~~agency shall release the questions and answer keys to assessment~~
5 ~~instruments as described by this subsection each year.~~]

6 SECTION 6. Effective September 1, 2020, Section 39.023(c),
7 Education Code, is amended to read as follows:

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

1 SECTION 7. Subchapter B, Chapter 39, Education Code, is
2 amended by adding Section 39.02304 to read as follows:

3 Sec. 39.02304. CIVICS TEST. (a) The commissioner shall
4 adopt rules requiring a school district to administer a civics test
5 to a student in the foundation high school program under Section
6 28.025. A student may not receive a high school diploma until the
7 student has performed satisfactorily on the civics test.

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

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

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

20 (e) The admission, review, and dismissal committee of a
21 student in a special education program under Subchapter A, Chapter
22 29, shall determine:

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

26 (2) if the committee determines that the civics test,
27 even with allowable modifications, would not provide an appropriate

1 measure of the student's achievement, whether the student is
2 required to achieve satisfactory performance on the civics test to
3 receive a high school diploma.

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

6 (1) must require:

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

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

14 (2) may not:

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

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

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

25 (h) For purposes of the public school accountability
26 system, a reference in this code to an assessment instrument under
27 Section 39.023(c) includes the civics test. Performance at the

1 level required under Subsection (c) of this section is considered
2 satisfactory performance for purposes of Section 39.0241(a), and
3 the commissioner shall determine the level of performance
4 considered to indicate college readiness for purposes of Section
5 39.0241(a-1). To the extent of a conflict between this section and
6 any other provision of law, this section controls.

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

10 (a-2) The commissioner shall determine a method by which a
11 student's satisfactory performance on an advanced placement test,
12 an international baccalaureate examination, an SAT Subject Test,
13 the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic
14 assessment, or any nationally recognized norm-referenced
15 assessment instrument used by institutions of higher education to
16 award course credit based on satisfactory performance on the
17 assessment instrument shall be used to satisfy the requirements
18 concerning an end-of-course assessment instrument in an equivalent
19 course as prescribed by Subsection (a). The commissioner shall
20 determine a method by which a student's satisfactory performance on
21 the PSAT or the ACT-Plan shall be used to satisfy the requirements
22 concerning an end-of-course assessment instrument in an equivalent
23 course as prescribed by Subsection (a). In adopting methods for
24 substituting satisfactory performance on an assessment instrument
25 authorized under this subsection for requirements concerning an
26 end-of-course assessment instrument, the commissioner shall
27 designate a student's performance on a substitute assessment

1 instrument as "masters grade-level performance" if the student's
2 performance entitles the student to receive college credit or if
3 the student's performance meets the assessment instrument
4 provider's designated grade-level college readiness performance
5 benchmark. A student who fails to perform satisfactorily on a
6 substitute [~~test or other~~] assessment instrument authorized under
7 this subsection[~~, other than the PSAT or the ACT-Plan,~~] may retake
8 that [~~test or other~~] assessment instrument for purposes of this
9 subsection or may take the appropriate end-of-course assessment
10 instrument. [~~A student who fails to perform satisfactorily on the~~
11 ~~PSAT or the ACT-Plan must take the appropriate end-of-course~~
12 ~~assessment instrument.~~] The commissioner shall adopt rules as
13 necessary for the administration of this subsection.

14 SECTION 9. Section 39.025, Education Code, is amended by
15 adding Subsection (a-5) to read as follows:

16 (a-5) The commissioner shall implement the changes in law
17 made by H.B. 1480, 86th Legislature, Regular Session, 2019, to
18 Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of
19 the 84th Legislature, Regular Session, 2015, and Section
20 39.053(c-4) effective beginning with the 2019-2020 accountability
21 rating period. This subsection expires September 1, 2020.

22 SECTION 10. Section 39.025(c-2), Education Code, as
23 effective September 1, 2019, is amended to read as follows:

24 (c-2) A school district may administer to a student who
25 failed to perform satisfactorily on an assessment instrument
26 described by Subsection (c-1) an alternate assessment instrument
27 designated by the commissioner. The commissioner shall determine

1 the level of performance considered to be satisfactory on an
2 alternate assessment instrument. [~~The district may not administer~~
3 ~~to the student an assessment instrument or a part of an assessment~~
4 ~~instrument that assesses a subject that was not assessed in an~~
5 ~~assessment instrument applicable to the student described by~~
6 ~~Subsection (c-1).~~] The commissioner shall make available to
7 districts information necessary to administer the alternate
8 assessment instrument authorized by this subsection. The
9 commissioner's determination regarding designation of an
10 appropriate alternate assessment instrument under this subsection
11 and the performance required on the assessment instrument is final
12 and may not be appealed.

13 SECTION 11. Section 39.053, Education Code, is amended by
14 adding Subsection (c-4) to read as follows:

15 (c-4) The commissioner by rule shall determine a method for
16 appropriately crediting a student for growth under Subsection
17 (c)(2) based on the student's performance, including a student's
18 "masters grade-level performance," on a substitute assessment
19 instrument authorized under Section 39.025(a-2), as added by
20 Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular
21 Session, 2015.

22 SECTION 12. Section 39.203(c), Education Code, is amended
23 to read as follows:

24 (c) In addition to the distinction designations described
25 by Subsections (a) and (b), a campus that satisfies the criteria
26 developed under Section 39.204 shall be awarded a distinction
27 designation by the commissioner for outstanding performance in

1 academic achievement in reading [~~English language arts~~],
2 mathematics, or science[, ~~or social studies~~].

3 SECTION 13. Section 39.301(c), Education Code, is amended
4 to read as follows:

5 (c) Indicators for reporting purposes must include:

6 (1) the percentage of graduating students who meet the
7 course requirements established by State Board of Education rule
8 for:

9 (A) the foundation high school program;

10 (B) the distinguished level of achievement under
11 the foundation high school program; and

12 (C) each endorsement described by Section
13 28.025(c-1);

14 (2) the results of the SAT, ACT, and certified
15 workforce training programs described by Chapter 311, Labor Code;

16 (3) for students who have failed to perform
17 satisfactorily, under each performance standard under Section
18 39.0241, on an assessment instrument required under Section
19 39.023(a) or (c), the performance of those students on subsequent
20 assessment instruments required under those sections, aggregated
21 by grade level and subject area;

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

27 (5) the percentage of students, aggregated by grade

1 level, provided accelerated instruction under Section [28.0211](#)
2 [~~28.0211(c)~~], the results of assessment instruments administered
3 under that section, [~~the percentage of students promoted through~~
4 ~~the grade placement committee process under Section 28.0211,~~] the
5 subject of the assessment instrument on which each student failed
6 to perform satisfactorily under each performance standard under
7 Section [39.0241](#), and the performance of those students in the
8 subsequent school year [~~following that promotion~~] on the assessment
9 instruments required under Section [39.023](#);

10 (6) the percentage of students of limited English
11 proficiency exempted from the administration of an assessment
12 instrument under Sections [39.027](#)(a)(1) and (2);

13 (7) the percentage of students in a special education
14 program under Subchapter A, Chapter [29](#), assessed through assessment
15 instruments developed or adopted under Section [39.023](#)(b);

16 (8) the percentage of students who satisfy the college
17 readiness measure;

18 (9) the measure of progress toward dual language
19 proficiency under Section [39.034](#)(b), for students of limited
20 English proficiency, as defined by Section [29.052](#);

21 (10) the percentage of students who are not
22 educationally disadvantaged;

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

26 (12) the percentage of students who successfully
27 complete the first year of instruction at an institution of higher

1 education without needing a developmental education course.

2 SECTION 14. Section 51.338(d), Education Code, is amended
3 to read as follows:

4 (d) A student who has demonstrated the performance standard
5 for college readiness as provided by Section 28.008 on the
6 postsecondary readiness assessment instruments adopted under
7 Section 39.0238 for Algebra II and English III, as that section
8 existed before repeal by H.B. 1480, 86th Legislature, Regular
9 Session, 2019, is exempt from the requirements of this subchapter
10 with respect to those content areas. The commissioner of higher
11 education by rule shall establish the period for which an exemption
12 under this subsection is valid.

13 SECTION 15. The following provisions of the Education Code
14 are repealed:

- 15 (1) Section 7.102(c)(5);
16 (2) Sections 28.0211(a-2), (b), (d), (e), (i-1),
17 (i-2), (k), (m), and (m-1); and
18 (3) Section 39.0238.

19 SECTION 16. (a) Except as otherwise provided by this
20 section, this Act applies beginning with the 2019-2020 school year.

21 (b) Section 28.025(c), Education Code, as amended by this
22 Act, and Section 39.02304, Education Code, as added by this Act,
23 apply beginning with students who enter the ninth grade during the
24 2020-2021 school year.

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

27 SECTION 17. Except as otherwise provided by this Act, this

1 Act takes effect:

2 (1) immediately if it receives a vote of two-thirds of
3 all the members elected to each house, as provided by Section 39,
4 Article III, Texas Constitution; or

5 (2) September 1, 2019, if this Act does not receive the
6 vote necessary for immediate effect.