

By: VanDeaver

H.B. No. 1480

Substitute the following for H.B. No. 1480:

By: Bell of Kaufman

C.S.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. Sections 39.023(a), (c), (c-3), and (e),  
6 Education Code, are amended to read as follows:

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

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

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

17 (3) writing, including spelling and grammar, in grades  
18 four and seven; and

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

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

21 ~~[(6) any other subject and grade required by federal~~  
22 ~~law].~~

23 (c) The agency shall also adopt end-of-course assessment  
24 instruments for secondary-level courses in Algebra I, biology,  
25 English I, and English II~~[, and United States history]~~. The  
26 Algebra I end-of-course assessment instrument must be administered  
27 with the aid of technology. The English I and English II

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

16 (c-3) The commissioner, with input from school districts  
17 and other appropriate stakeholders, shall adopt [~~In adopting~~] a  
18 schedule for the administration of assessment instruments under  
19 this section that [~~, the State Board of Education shall require~~]:

20 (1) minimizes the disruption of classroom instruction  
21 [~~assessment instruments administered under Subsection (a) to be~~  
22 ~~administered on a schedule so that the first assessment instrument~~  
23 ~~is administered at least two weeks later than the date on which the~~  
24 ~~first assessment instrument was administered under Subsection (a)~~  
25 ~~during the 2006-2007 school year~~]; and

26 (2) maximizes available instruction time by  
27 scheduling the spring administration of [~~end-of-course~~] assessment

1 instruments [~~under Subsection (c)~~] to occur as close to the end of  
2 the semester as possible, but not later than the second week of May  
3 [~~in each school district not earlier than the first full week in~~  
4 ~~May, except that the spring administration of the end-of-course~~  
5 ~~assessment instruments in English I and English II must be~~  
6 ~~permitted to occur at an earlier date~~].

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

22 SECTION 5. Section 39.025(a-2), Education Code, as added by  
23 Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular  
24 Session, 2015, is amended to read as follows:

25 (a-2) The commissioner shall determine a method by which a  
26 student's satisfactory performance on an advanced placement test,  
27 an international baccalaureate examination, an SAT Subject Test,

1 the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic  
2 assessment, or any nationally recognized norm-referenced  
3 assessment instrument used by institutions of higher education to  
4 award course credit based on satisfactory performance on the  
5 assessment instrument shall be used to satisfy the requirements  
6 concerning an end-of-course assessment instrument in an equivalent  
7 course as prescribed by Subsection (a). The commissioner shall  
8 determine a method by which a student's satisfactory performance on  
9 the PSAT or the ACT-Plan shall be used to satisfy the requirements  
10 concerning an end-of-course assessment instrument in an equivalent  
11 course as prescribed by Subsection (a). In adopting methods for  
12 substituting satisfactory performance on an assessment instrument  
13 authorized under this subsection for requirements concerning an  
14 end-of-course assessment instrument, the commissioner shall  
15 designate a student's performance on a substitute assessment  
16 instrument as "masters grade-level performance" if the student's  
17 performance entitles the student to receive college credit or if  
18 the student's performance meets the assessment instrument  
19 provider's designated grade-level college readiness performance  
20 benchmark. A student who fails to perform satisfactorily on a  
21 substitute [~~test or other~~] assessment instrument authorized under  
22 this subsection[~~, other than the PSAT or the ACT-Plan,~~] may retake  
23 that [~~test or other~~] assessment instrument for purposes of this  
24 subsection or may take the appropriate end-of-course assessment  
25 instrument. [~~A student who fails to perform satisfactorily on the~~  
26 ~~PSAT or the ACT-Plan must take the appropriate end-of-course~~  
27 ~~assessment instrument.~~] The commissioner shall adopt rules as

1 necessary for the administration of this subsection.

2 SECTION 6. Section 39.025, Education Code, is amended by  
3 adding Subsection (a-5) to read as follows:

4 (a-5) The commissioner shall implement the changes in law  
5 made by H.B. 1480, 86th Legislature, Regular Session, 2019, to  
6 Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of  
7 the 84th Legislature, Regular Session, 2015, and Section  
8 39.053(c-4) effective beginning with the 2019-2020 accountability  
9 rating period. This subsection expires September 1, 2020.

10 SECTION 7. Section 39.025(c-2), Education Code, as  
11 effective September 1, 2019, is amended to read as follows:

12 (c-2) A school district may administer to a student who  
13 failed to perform satisfactorily on an assessment instrument  
14 described by Subsection (c-1) an alternate assessment instrument  
15 designated by the commissioner. The commissioner shall determine  
16 the level of performance considered to be satisfactory on an  
17 alternate assessment instrument. ~~[The district may not administer~~  
18 ~~to the student an assessment instrument or a part of an assessment~~  
19 ~~instrument that assesses a subject that was not assessed in an~~  
20 ~~assessment instrument applicable to the student described by~~  
21 ~~Subsection (c-1).]~~ The commissioner shall make available to  
22 districts information necessary to administer the alternate  
23 assessment instrument authorized by this subsection. The  
24 commissioner's determination regarding designation of an  
25 appropriate alternate assessment instrument under this subsection  
26 and the performance required on the assessment instrument is final  
27 and may not be appealed.

1 SECTION 8. Section 39.053, Education Code, is amended by  
2 adding Subsection (c-4) to read as follows:

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

10 SECTION 9. Section 39.203(c), Education Code, is amended to  
11 read as follows:

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

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

20 (c) Indicators for reporting purposes must include:

21 (1) the percentage of graduating students who meet the  
22 course requirements established by State Board of Education rule  
23 for:

24 (A) the foundation high school program;

25 (B) the distinguished level of achievement under  
26 the foundation high school program; and

27 (C) each endorsement described by Section

1 28.025(c-1);

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

4 (3) for students who have failed to perform  
5 satisfactorily, under each performance standard under Section  
6 39.0241, on an assessment instrument required under Section  
7 39.023(a) or (c), the performance of those students on subsequent  
8 assessment instruments required under those sections, aggregated  
9 by grade level and subject area;

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

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

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

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

4 (8) the percentage of students who satisfy the college  
5 readiness measure;

6 (9) the measure of progress toward dual language  
7 proficiency under Section 39.034(b), for students of limited  
8 English proficiency, as defined by Section 29.052;

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

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

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

17 SECTION 11. Section 51.338(d), Education Code, is amended  
18 to read as follows:

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

1           SECTION 12. The following provisions of the Education Code  
2 are repealed:

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

4                   (2) Sections 28.0211(a-2), (b), (d), (e), (i-1),  
5 (i-2), (k), (m), and (m-1); and

6                   (3) Section 39.0238.

7           SECTION 13. This Act applies beginning with the 2019-2020  
8 school year.

9           SECTION 14. This Act takes effect immediately if it  
10 receives a vote of two-thirds of all the members elected to each  
11 house, as provided by Section 39, Article III, Texas Constitution.  
12 If this Act does not receive the vote necessary for immediate  
13 effect, this Act takes effect September 1, 2019.