

By: VanDeaver

H.B. No. 1480

A BILL TO BE ENTITLED

AN ACT

relating to assessment of public school students, providing accelerated instruction, and eliminating requirements based on performance on certain assessment instruments.

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

SECTION 1. The heading to Section 28.0211, Education Code, is amended to read as follows:

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

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

(a) A district shall 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;

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

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

1 (3) [~~(2)~~ the ninth grade program to which the student
2 would otherwise be assigned if the student does not perform
3 satisfactorily on] the eighth grade mathematics or [~~and~~] reading
4 assessment instrument [~~instruments~~] under Section 39.023.

5 (a-1) Each time a student fails to perform satisfactorily on
6 an assessment instrument administered under Section 39.023(a) in
7 the third, fourth, fifth, sixth, seventh, or eighth grade, the
8 school district in which the student attends school shall provide
9 to the student accelerated instruction in the applicable subject
10 area. Accelerated instruction may require participation of the
11 student before or after normal school hours, [~~and~~] may include
12 participation at times of the year outside normal school
13 operations, and may be provided to the student during the
14 subsequent school year.

15 (a-3) The commissioner shall provide guidelines to
16 districts on research-based best practices and effective
17 strategies that a district may use in developing an accelerated
18 instruction program. The commissioner may provide to districts
19 available resources concerning research-based best practices and
20 effective strategies that a district may use in developing an
21 accelerated instruction program.

22 (c) [~~Each time a student fails to perform satisfactorily on~~
23 ~~an assessment instrument specified under Subsection (a), the school~~
24 ~~district in which the student attends school shall provide to the~~
25 ~~student accelerated instruction in the applicable subject area,~~
26 ~~including reading instruction for a student who fails to perform~~
27 ~~satisfactorily on a reading assessment instrument.] After a~~

1 student fails to perform satisfactorily on an assessment instrument
2 specified under Subsection (a) [~~a second time~~], an accelerated
3 learning [~~a grade placement~~] committee shall be established [~~to~~
4 ~~prescribe the accelerated instruction the district shall provide to~~
5 ~~the student before the student is administered the assessment~~
6 ~~instrument the third time~~]. The accelerated learning [~~grade~~
7 ~~placement~~] committee shall be composed of the principal or the
8 principal's designee, the student's parent or guardian, and the
9 teacher of the subject of an assessment instrument on which the
10 student failed to perform satisfactorily. The district shall
11 notify the parent or guardian of the time and place for convening
12 the accelerated learning [~~grade placement~~] committee and the
13 purpose of the committee. [~~An accelerated instruction group~~
14 ~~administered by a school district under this section may not have a~~
15 ~~ratio of more than 10 students for each teacher.~~]

16 (f) An accelerated learning [~~A school district shall~~
17 ~~provide to a student who, after three attempts, has failed to~~
18 ~~perform satisfactorily on an assessment instrument specified under~~
19 ~~Subsection (a) accelerated instruction during the next school year~~
20 ~~as prescribed by an educational plan developed for the student by~~
21 ~~the student's grade placement~~] committee described by [~~established~~
22 ~~under~~] Subsection (c) shall:

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

27 (2) provide other assistance to the student in

1 accordance with a policy adopted by the district board of trustees
2 prescribing the role of accelerated learning committees in that
3 district. [~~The district shall provide that accelerated instruction~~
4 ~~regardless of whether the student has been promoted or retained.~~]

5 (f-1) A student for whom an [The] educational plan is
6 developed under Subsection (f)(1) [must be designed to enable the
7 student to perform at the appropriate grade level by the conclusion
8 of the school year. During the school year, the student] shall be
9 monitored to ensure that the student is progressing in accordance
10 with the plan. The district shall administer to the student the
11 assessment instrument for the grade level in which the student is
12 placed at the time the district regularly administers the
13 assessment instruments for that school year.

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

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

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

26 (A) the educational plan developed for the
27 student under Subsection (f) must be modified to provide the

1 necessary accelerated instruction for that student; and

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

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

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

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

15 (k) The commissioner shall adopt rules as necessary to
16 implement this section[, ~~including rules concerning when school~~
17 ~~districts shall administer assessment instruments required under~~
18 ~~this section and which administration of the assessment instruments~~
19 ~~will be used for purposes of Section 39.054].~~

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

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

1 SECTION 3. Sections 39.023(a), (c), (c-3), and (e),
2 Education Code, are amended to read as follows:

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

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

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

13 (3) writing, including spelling and grammar, in grades
14 four and seven; and

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

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

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

19 (c) The agency shall also adopt end-of-course assessment
20 instruments for secondary-level courses in Algebra I, biology,
21 English I, and English II~~[, and United States history]~~. The
22 Algebra I end-of-course assessment instrument must be administered
23 with the aid of technology. The English I and English II
24 end-of-course assessment instruments must each assess essential
25 knowledge and skills in both reading and writing in the same
26 assessment instrument and must provide a single score. A school
27 district shall comply with State Board of Education rules regarding

1 administration of the assessment instruments listed in this
2 subsection. If a student is in a special education program under
3 Subchapter A, Chapter 29, the student's admission, review, and
4 dismissal committee shall determine whether any allowable
5 modification is necessary in administering to the student an
6 assessment instrument required under this subsection. The agency
7 ~~[State Board of Education]~~ shall administer the assessment
8 instruments. The commissioner, with input from school districts,
9 ~~[State Board of Education]~~ shall adopt a schedule for the
10 administration of end-of-course assessment instruments that
11 complies with the requirements of Subsection (c-3).

12 (c-3) The commissioner, with input from school districts,
13 shall adopt ~~[In adopting]~~ a schedule for the administration of
14 assessment instruments under this section that ~~[, the State Board of~~
15 ~~Education shall require]~~:

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

22 (2) maximizes available instruction time by
23 scheduling the spring administration of ~~[end-of-course]~~ assessment
24 instruments ~~[under Subsection (c)]~~ to occur as close to the end of
25 the semester as possible ~~[in each school district not earlier than~~
26 ~~the first full week in May, except that the spring administration of~~
27 ~~the end-of-course assessment instruments in English I and English~~

1 ~~It must be permitted to occur at an earlier date].~~

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

17 SECTION 4. Section [39.025](#)(c-2), Education Code, as
18 effective September 1, 2019, is amended to read as follows:

19 (c-2) A school district may administer to a student who
20 failed to perform satisfactorily on an assessment instrument
21 described by Subsection (c-1) an alternate assessment instrument
22 designated by the commissioner. The commissioner shall determine
23 the level of performance considered to be satisfactory on an
24 alternate assessment instrument. ~~[The district may not administer~~
25 ~~to the student an assessment instrument or a part of an assessment~~
26 ~~instrument that assesses a subject that was not assessed in an~~
27 ~~assessment instrument applicable to the student described by~~

1 ~~Subsection (c-1).~~] The commissioner shall make available to
2 districts information necessary to administer the alternate
3 assessment instrument authorized by this subsection. The
4 commissioner's determination regarding designation of an
5 appropriate alternate assessment instrument under this subsection
6 and the performance required on the assessment instrument is final
7 and may not be appealed.

8 SECTION 5. Section 39.203(c), Education Code, is amended to
9 read as follows:

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

16 SECTION 6. Section 39.301(c), Education Code, is amended to
17 read as follows:

18 (c) Indicators for reporting purposes must include:

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

22 (A) the foundation high school program;

23 (B) the distinguished level of achievement under
24 the foundation high school program; and

25 (C) each endorsement described by Section
26 28.025(c-1);

27 (2) the results of the SAT, ACT, and certified

1 workforce training programs described by Chapter 311, Labor Code;

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

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

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

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

26 (7) the percentage of students in a special education
27 program under Subchapter A, Chapter 29, assessed through assessment

1 instruments developed or adopted under Section 39.023(b);

2 (8) the percentage of students who satisfy the college
3 readiness measure;

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

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

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

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

15 SECTION 7. Section 51.338(d), Education Code, is amended to
16 read as follows:

17 (d) A student who has demonstrated the performance standard
18 for college readiness as provided by Section 28.008 on the
19 postsecondary readiness assessment instruments adopted under
20 Section 39.0238 for Algebra II and English III, as that section
21 existed before repeal by __.B. No. ____, Acts of the 86th
22 Legislature, Regular Session, 2019, is exempt from the requirements
23 of this subchapter with respect to those content areas. The
24 commissioner of higher education by rule shall establish the period
25 for which an exemption under this subsection is valid.

26 SECTION 8. The following provisions of the Education Code
27 are repealed:

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

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

4 (3) Section 39.0238.

5 SECTION 9. This Act applies beginning with the 2019-2020
6 school year.

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