

By: Herrero

H.B. No. 3328

A BILL TO BE ENTITLED

AN ACT

relating to eliminating certain state-required assessment instruments and certain end-of-course assessment instruments not required by federal law.

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

SECTION 1. Section 39.023, Education Code, is amended by amending Subsections (a), (c), (c-2), and (c-3) and adding Subsection (q) to read as follows:

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

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

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

(3) ~~[writing, including spelling and grammar, in grades four and seven,~~

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

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

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

1           (c) The agency shall also adopt end-of-course assessment  
2 instruments for secondary-level courses in reading, mathematics,  
3 and science only as necessary to comply with the Every Student  
4 Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered  
5 only as necessary to meet the minimum requirements of that Act  
6 ~~[Algebra I, biology, English I, English II, and United States~~  
7 ~~history. The Algebra I end-of-course assessment instrument must be~~  
8 ~~administered with the aid of technology. The English I and English~~  
9 ~~II end-of-course assessment instruments must each assess essential~~  
10 ~~knowledge and skills in both reading and writing in the same~~  
11 ~~assessment instrument and must provide a single score].~~ A school  
12 district shall comply with State Board of Education rules regarding  
13 administration of the assessment instruments adopted under ~~[listed~~  
14 ~~in]~~ this subsection. If a student is in a special education program  
15 under Subchapter A, Chapter 29, the student's admission, review,  
16 and dismissal committee shall determine whether any allowable  
17 modification is necessary in administering to the student an  
18 assessment instrument required under this subsection. The State  
19 Board of Education shall administer the assessment instruments.  
20 The State Board of Education shall adopt a schedule for the  
21 administration of end-of-course assessment instruments that  
22 complies with the requirements of Subsection (c-3).

23           (c-2) The agency may adopt end-of-course assessment  
24 instruments for courses for which end-of-course assessment  
25 instruments are not adopted under ~~[not listed in]~~ Subsection  
26 (c). A student's performance on an end-of-course assessment  
27 instrument adopted under this subsection is not subject to the

1 performance requirements established under Subsection (c) or  
2 Section 39.025.

3 (c-3) In adopting a schedule for the administration of  
4 assessment instruments under this section, the State Board of  
5 Education shall require:

6 (1) assessment instruments administered under  
7 Subsection (a) to be administered on a schedule so that the first  
8 assessment instrument is administered at least two weeks later than  
9 the date on which the first assessment instrument was administered  
10 under Subsection (a) during the 2006-2007 school year; and

11 (2) the spring administration of end-of-course  
12 assessment instruments under Subsection (c) to occur in each school  
13 district not earlier than the first full week in May, except that  
14 the spring administration of an ~~the~~ end-of-course assessment  
15 instrument ~~instruments~~ in reading ~~English I and English II~~ must  
16 be permitted to occur at an earlier date.

17 (g) Notwithstanding any provision of this section or other  
18 law, if changes made to the Every Student Succeeds Act (20 U.S.C.  
19 Section 6301 et seq.) reduce the number or frequency of assessment  
20 instruments required to be administered to students, the State  
21 Board of Education shall adopt rules reducing the number or  
22 frequency of assessment instruments administered to students under  
23 state law, and the commissioner shall ensure that students are not  
24 assessed in subject areas or in grades that are no longer required  
25 to meet the minimum requirements of that Act.

26 SECTION 2. Section 39.025(a-1), Education Code, is amended  
27 to read as follows:

1           (a-1) A student enrolled in a college preparatory  
2 mathematics or English language arts course under Section 28.014  
3 who satisfies the Texas Success Initiative (TSI) college readiness  
4 benchmarks prescribed by the Texas Higher Education Coordinating  
5 Board under Section 51.334 on an assessment instrument designated  
6 by the coordinating board under that section administered at the  
7 end of the college preparatory mathematics or English language arts  
8 course satisfies the requirements concerning and is exempt from the  
9 administration of the mathematics or reading [~~Algebra I or the~~  
10 ~~English I and English II~~] end-of-course assessment instrument  
11 adopted under Section 39.023(c) [~~instruments~~], as applicable, [~~as~~  
12 ~~prescribed by Section 39.023(c)~~], even if the student did not  
13 perform satisfactorily on a previous administration of the  
14 applicable end-of-course assessment instrument. A student who  
15 fails to perform satisfactorily on the assessment instrument  
16 designated by the coordinating board under Section 51.334  
17 administered as provided by this subsection may retake that  
18 assessment instrument for purposes of this subsection or may take  
19 the appropriate end-of-course assessment instrument.

20           SECTION 3. Section 39.203(c), Education Code, is amended to  
21 read as follows:

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

1           SECTION 4. This Act applies beginning with the 2019-2020  
2 school year.

3           SECTION 5. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2019.