

By: Huberty

H.B. No. 3906

A BILL TO BE ENTITLED

AN ACT

relating to the administration of assessment instruments used to assess the performance of public school students.

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

SECTION 1. Section 39.023, Education Code, is amended by amending Subsections (a-12), (a-13), (b-1), (c), and (c-3) and adding Subsections (a-14) and (c-7) to read as follows:

(a-12) An assessment instrument adopted or developed under Subsection (a) must be designed so that:

(1) if administered to students in grades three through five, 85 percent of students will be able to complete all ~~[the]~~ assessment instruments for that grade ~~[instrument]~~ within an aggregate period equal to the number of assessment instruments for that grade multiplied by 120 minutes; and

(2) if administered to students in grades six through eight, 85 percent of students will be able to complete all ~~[the]~~ assessment instruments for that grade ~~[instrument]~~ within an aggregate period equal to the number of assessment instruments for that grade multiplied by 180 minutes.

(a-13) The amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur in multiple parts over more than ~~[on only]~~ one day.

(a-14) Subsections (a-12) and (a-13) do not apply to a

1 classroom portfolio method used to assess writing performance.

2 (b-1) The agency, in conjunction with appropriate
3 interested persons, shall redevelop assessment instruments adopted
4 or developed under Subsection (b) for administration to
5 significantly cognitively disabled students in a manner consistent
6 with federal law. An assessment instrument under this subsection
7 may not require a teacher to prepare tasks or materials for a
8 student who will be administered such an assessment instrument. A
9 classroom portfolio method used to assess writing performance may
10 require a teacher to prepare tasks and materials [~~Assessment~~
11 ~~instruments adopted or developed under this subsection shall be~~
12 ~~administered not later than the 2014-2015 school year~~].

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

1 Board of Education shall administer the assessment instruments. An
2 end-of-course assessment instrument may be administered in
3 multiple parts over more than one day [~~The State Board of Education~~
4 ~~shall adopt a schedule for the administration of end-of-course~~
5 ~~assessment instruments that complies with the requirements of~~
6 ~~Subsection (c-3)] .~~

7 (c-3) Except as provided by Subsection (c-7), in [~~In~~]
8 adopting a schedule for the administration of assessment
9 instruments under this section, the State Board of Education shall
10 require:

11 (1) assessment instruments administered under
12 Subsection (a) to be administered on a schedule so that the first
13 assessment instrument is administered at least two weeks later than
14 the date on which the first assessment instrument was administered
15 under Subsection (a) during the 2006-2007 school year; and

16 (2) the spring administration of end-of-course
17 assessment instruments under Subsection (c) to occur in each school
18 district not earlier than the first full week in May, except that
19 the spring administration of the end-of-course assessment
20 instruments in English I and English II must be permitted to occur
21 at an earlier date.

22 (c-7) Subsection (c-3) does not apply to a classroom
23 portfolio method used to assess writing performance if student
24 performance under that method is less than 50 percent of a student's
25 overall assessed performance in writing.

26 SECTION 2. As soon as practicable after the effective date
27 of this Act, the commissioner of education shall adopt rules

1 necessary to implement the changes in law made by this Act.

2 SECTION 3. This Act applies beginning with the 2019-2020
3 school year.

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