

By: Huberty

H.B. No. 3906

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and 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 21.410(c), Education Code, is amended to read as follows:

(c) The commissioner shall annually identify each high-need campus in a school district using criteria established by the commissioner by rule, including performance on the language arts ~~reading~~ assessment instrument administered under Section 39.023. The commissioner shall also use the criteria to rank campuses in order of greatest need.

SECTION 2. Section 21.4551(c), Education Code, is amended to read as follows:

(c) The commissioner by rule shall require a teacher to attend a reading academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that fails to satisfy any standard under Section 39.054(e) on the basis of student performance on the language arts ~~reading~~ assessment instrument administered under Section 39.023(a) to students in any grade level at the campus.

SECTION 3. Section 28.006(c-1), Education Code, is amended

1 to read as follows:

2 (c-1) Each school district shall administer at the
3 beginning of the seventh grade a reading instrument adopted by the
4 commissioner to each student whose performance on the assessment
5 instrument in language arts [~~reading~~] administered under Section
6 39.023(a) to the student in grade six did not demonstrate reading
7 proficiency, as determined by the commissioner. The district shall
8 administer the reading instrument in accordance with the
9 commissioner's recommendations under Subsection (a)(1).

10 SECTION 4. Section 28.0061(b), Education Code, is amended
11 to read as follows:

12 (b) A school district is eligible to participate in the
13 pilot program if, as determined by the commissioner, the district
14 has low student performance on:

15 (1) a reading instrument administered in accordance
16 with Section 28.006(c); or

17 (2) a third grade language arts [~~reading~~] assessment
18 instrument administered under Section 39.023(a).

19 SECTION 5. Section 28.0211(a), Education Code, is amended
20 to read as follows:

21 (a) Except as provided by Subsection (b) or (e), a student
22 may not be promoted to:

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

27 (2) the ninth grade program to which the student would

otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and language arts ~~[reading]~~ assessment instruments under Section 39.023.

SECTION 6. Section 29.056(g), Education Code, is amended to read as follows:

(g) A district may transfer a student of limited English proficiency out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

(1) agency-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;

(2) satisfactory performance on the language arts ~~[reading]~~ assessment instrument under Section 39.023(a) or an English language arts assessment instrument under Section 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and

(3) agency-approved criterion-referenced tests and the results of a subjective teacher evaluation.

SECTION 7. Section 39.023, Education Code, is amended by amending Subsections (a), (a-12), (a-13), (b-1), (c), and (c-3) and adding Subsections (a-3), (a-14), (a-15), and (c-7) to read as

1 follows:

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

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

13 (2) language arts, including reading and writing,
14 annually in grades three through eight;

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

17 ~~[(4)]~~ social studies, in grade eight;

18 (4) ~~[(5)]~~ science, in grades five and eight; and

19 (5) ~~[(6)]~~ any other subject and grade required by
20 federal law.

21 (a-3) For purposes of Subsection (a)(1), the commissioner
22 by rule may designate sections of a mathematics assessment
23 instrument for a grade level that:

24 (1) may be completed with the aid of technology; and

25 (2) must be completed without the aid of technology.

26 (a-12) An assessment instrument adopted or developed under
27 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 the administration of assessment instruments for a grade level if the time restriction imposed would result in a determination by the commissioner that an assessment instrument is no longer valid and reliable.

(a-15) Subsections (a-12) and (a-13) do not apply to a classroom portfolio method used to assess writing performance.

(b-1) The agency, in conjunction with appropriate interested persons, shall redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. An assessment instrument under this subsection may not require a teacher to prepare tasks or materials for a

1 student who will be administered such an assessment instrument. A
2 classroom portfolio method used to assess writing performance may
3 require a teacher to prepare tasks and materials [~~Assessment~~
4 ~~instruments adopted or developed under this subsection shall be~~
5 ~~administered not later than the 2014-2015 school year~~].

6 (c) The agency shall also adopt end-of-course assessment
7 instruments for secondary-level courses in Algebra I, biology,
8 English I, English II, and United States history. The Algebra I
9 end-of-course assessment instrument must be administered with the
10 aid of technology, but may include one or more parts that prohibit
11 the use 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 State
22 Board of Education shall administer the assessment instruments. An
23 end-of-course assessment instrument may be administered in
24 multiple parts over more than one day [~~The State Board of Education~~
25 ~~shall adopt a schedule for the administration of end-of-course~~
26 ~~assessment instruments that complies with the requirements of~~
27 ~~Subsection (c-3)~~].

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

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

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

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

20 SECTION 8. As soon as practicable after the effective date
21 of this Act, the commissioner of education shall adopt rules
22 necessary to implement the changes in law made by this Act.

23 SECTION 9. This Act applies beginning with the 2019-2020
24 school year.

25 SECTION 10. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

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1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2019.