

By: Oliverson

H.B. No. 4386

A BILL TO BE ENTITLED

AN ACT

relating to the authorization of alternative assessment instruments for use under the public school accountability system.

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

SECTION 1. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.040 to read as follows:

Sec. 39.040. ALTERNATIVE ASSESSMENT INSTRUMENTS. (a) The commissioner by rule shall adopt procedures to identify nationally recognized assessment instruments as additional alternative assessment instruments that may be used to evaluate student achievement for purposes of complying with accountability requirements under this chapter.

(b) Additional alternative assessment instruments identified as provided by Subsection (a) may be used:

(1) for grades three through eight, provided that the commissioner obtains any necessary waiver from the application of any conflicting federal law or regulation as provided by Subsection (d); and

(2) for secondary-level courses.

(c) The procedures adopted to identify all additional alternative assessment instruments under Subsection (a) must be consistent with the federal procedures required by the Every Student Succeeds Act (20 U.S.C. Section 6311) for state approval of nationally recognized high school academic assessment instruments

1 that are available for local selection, including requiring each
2 additional alternative assessment instrument identified to be
3 aligned with the essential knowledge and skills for the appropriate
4 grade level in the subject assessed.

5 (d) For purposes of using additional alternative assessment
6 instruments in grades three through eight, the commissioner shall
7 seek a waiver from the application of any conflicting federal law or
8 regulation as a result of the use of multiple assessment
9 instruments for assessing students in the same grade.

10 SECTION 2. Not later than September 1, 2020, the
11 commissioner of education shall:

12 (1) adopt rules regarding alternative assessment
13 instruments as required by Section 39.040, Education Code, as added
14 by this Act; and

15 (2) request from the United States Department of
16 Education a waiver from the application of any conflicting federal
17 law or regulation as required by Section 39.040(d), Education Code,
18 as added by this Act, or a written notification that a waiver is not
19 required.

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