

By: Herrero

H.B. No. 4591

A BILL TO BE ENTITLED

AN ACT

relating to eliminating state-required assessment instruments and certain end-of-course assessment instruments.

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

SECTION 1. Section 39.023, Education Code, is amended by amending Subsections (c) and (c-2), repealing Subsections (a) 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~~

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

(c) ~~The agency shall also adopt end-of-course assessment~~

1 ~~instruments for secondary-level courses in Algebra I, biology,~~
2 ~~English I, English II, and United States history. The Algebra I~~
3 ~~end-of-course assessment instrument must be administered with the~~
4 ~~aid of technology. The English I and English II end-of-course~~
5 ~~assessment instruments must each assess essential knowledge and~~
6 ~~skills in both reading and writing in the same assessment~~
7 ~~instrument and must provide a single score]. A school district is~~
8 ~~not required to [shall] comply with State Board of Education rules~~
9 ~~regarding administration of the assessment instruments adopted~~
10 ~~under [listed in] this subsection. If a student is in a special~~
11 ~~education program under Subchapter A, Chapter 29, the student's~~
12 ~~admission, review, and dismissal committee shall determine whether~~
13 ~~any allowable modification is necessary in administering to the~~
14 ~~student an assessment instrument required under this subsection.~~
15 ~~The State Board of Education shall administer the assessment~~
16 ~~instruments. The State Board of Education shall adopt a schedule~~
17 ~~for the administration of end-of-course assessment instruments~~
18 ~~that complies with the requirements of Subsection (c-3).~~

19 (c-2) The agency may not adopt end-of-course assessment
20 instruments for courses for which end-of-course assessment
21 instruments are not adopted under [not listed in] Subsection (c). A
22 student's performance on an end-of-course assessment instrument
23 adopted under this subsection is not subject to the performance
24 requirements established under Subsection (c) or Section 39.025.

25 ~~[(c-3) In adopting a schedule for the administration of~~
26 ~~assessment instruments under this section, the State Board of~~
27 ~~Education shall require:~~

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

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

12 (q) Notwithstanding any provision of this section or other
13 law, Texas is not required to comply with the Every Student Succeeds
14 Act (20 U.S.C. Section 6301 et seq.).

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

17 (a-1) A student enrolled in a college preparatory
18 mathematics or English language arts course under Section 28.014
19 who satisfies the Texas Success Initiative (TSI) college readiness
20 benchmarks prescribed by the Texas Higher Education Coordinating
21 Board under Section 51.334 on an assessment instrument designated
22 by the coordinating board under that section administered at the
23 end of the college preparatory mathematics or English language arts
24 course satisfies the requirements concerning and is exempt from the
25 administration of the [~~Algebra I or the English I and English II~~]
26 end-of-course assessment instruments, as applicable, [~~as~~
27 ~~prescribed by Section 39.023(c),~~] even if the student did not

1 perform satisfactorily on a previous administration of the
2 applicable end-of-course assessment instrument. A student who
3 fails to perform satisfactorily on the assessment instrument
4 designated by the coordinating board under Section 51.334
5 administered as provided by this subsection may retake that
6 assessment instrument for purposes of this subsection or may take
7 the appropriate end-of-course assessment instrument.

8 SECTION 3. 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 in
14 academic achievement in reading [~~English language arts~~],
15 mathematics, or science [~~, or social studies~~].

16 SECTION 4. This Act applies beginning with the 2019-2020
17 school year.

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