

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 22, 2019**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4242** by Bernal ( relating to the consideration of reading level in the adoption of certain assessment instruments and associated student performance levels and to the temporary suspension of accountability sanctions for public schools.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4242, Committee Report 1st House, Substituted: a negative impact of (\$421,000) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$210,500)
2021	(\$210,500)
2022	(\$10,500)
2023	(\$10,500)
2024	(\$10,500)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>
2020	(\$210,500)
2021	(\$210,500)
2022	(\$10,500)
2023	(\$10,500)
2024	(\$10,500)

## **Fiscal Analysis**

Under the bill, the Texas Education Agency (TEA) could not use a passage in a state assessment unless that passage had been evaluated by a committee to ensure that the reading level of the passage was appropriate for the grade level being tested. The committee would have to consist of at least 10 educators nominated by an education service center (ESC).

TEA would have to submit a report to the State Board of Education demonstrating that each state assessment was appropriate for the grade level being tested and included only passages written at or below the appropriate grade level. TEA would be prohibited from field-testing an item without that item being evaluated for readability. The agency would be required to release the reading level of each passage when it releases questions and answer keys.

The bill would require TEA to contract for a study to determine whether state assessments administered during the 2018-19 and 2019-2020 school years were written at the appropriate reading levels. The University of Texas at Austin, Texas Tech University, and Texas A&M University would be required to oversee the design, completion, and evaluation of the study. TEA would be required to submit a report summarizing the results of the study to the Legislature and hold a public hearing with representatives from the three universities by December 1, 2019.

The bill would prohibit student performance on state assessments from being used as a factor in determining campus closure or student promotion after the 2018-2019 school year. If the report determined that an assessment administered in the 2019-2020 school year was written at a reading level above the grade level being tested, student performance on that assessment could not be used in campus sanctions or student promotion after that school year.

The bill would apply beginning with the 2019-2020 school year. The bill would take immediate effect if it receives a two-thirds vote in each house of the Legislature. Otherwise the bill would take effect September 1, 2019.

## **Methodology**

In fiscal year 2020 and 2021, the agency would be required to contract for a study of each STAAR assessment and end-of-course exam that was administered during the 2018-2019 school year and the 2019-2020 school year and then report its findings to the Legislature. Costs associated with this evaluation would total \$200,000 in each fiscal year of the biennium.

There would be a cost for the agency to access at least five nationally recognized readability formulas, as required by the bill. While TEA currently has access to two such measures, the cost to provide information from three additional tools would be approximately \$10,500 per fiscal year.

According to TEA, the bill's requirement of readability evaluation of passages used in state assessments could be accomplished within the agency's existing resources. The review could be incorporated into the agency's existing process of review.

This analysis assumes that the bill's provisions relating to Texas A&M University, Texas Tech University, and the University of Texas at Austin could be absorbed within existing resources.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Texas Education Agency, 710 Texas A&M University System  
Administrative and General Offices, 768 Texas Tech University System  
Administration

**LBB Staff:** WP, HL, AM, THo