

BILL ANALYSIS

C.S.H.B. 764
By: Krause
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to reform the State of Texas Assessments of Academic Readiness (STAAR) and end-of-course assessments by ceasing administration of STAAR tests that are not federally required in elementary and middle school and by replacing high school end-of-course exams with post-secondary education entrance tests. C.S.H.B. 764 seeks to address this issue by removing requirements relating to end-of-course exams for high school students and replacing them with specified secondary-level tests.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Education in SECTION 14 of this bill and to the commissioner of education in SECTIONS 19 and 20 of this bill.

ANALYSIS

C.S.H.B. 764 amends the Education Code to remove requirements for the administration of statewide standardized tests in writing in grades four and seven, in social studies in grade eight, and in any additional subject and grade required by federal law. The bill removes requirements that the Texas Education Agency (TEA) adopt end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history and that the State Board of Education (SBOE) schedule and administer the tests. The bill requires TEA instead to provide for tests for each federally required secondary-level subject, including English language arts, mathematics, and science.

C.S.H.B. 764 requires the commissioner of education to identify a procedure for a public school district to select as a secondary-level test the SAT, the ACT, or any other nationally recognized, norm-referenced test designated by the commissioner. The bill requires a district to select one or more tests and requires a district that selects more than one test to administer the same test uniformly to students in the district to satisfy the requirement for the same subject. The bill removes and repeals provisions relating to end-of-course tests, with the exception of certain provisions relating to student performance on the tests, which the bill makes applicable to the district-selected secondary-level test.

C.S.H.B. 764 requires the district-selected secondary-level test to be a secured test and requires the commissioner to contract with a vendor to administer the test, complete the scoring of the test, and distribute the results to TEA and the relevant results to each district. The bill requires the district to distribute the relevant results to each district campus and to provide written notice

to the student and the person standing in parental relation to the student that states the student's results and whether the student performed satisfactorily on the test. The bill removes the authorization for the SBOE to adopt one appropriate, nationally recognized, norm-referenced test in reading and mathematics to be administered to a selected sample of students in the spring.

C.S.H.B. 764 requires the SBOE, if changes made to the federal Every Student Succeeds Act reduce the number or frequency of tests required to be administered to students, to adopt rules reducing the number or frequency of state-required tests and requires the commissioner to ensure that students are not assessed in subject areas or in grades that are no longer required to meet the minimum federal requirements.

C.S.H.B. 764 exempts a nationally recognized, norm-referenced secondary-level test selected by a district from the requirement that TEA ensure that tests required by the state are capable of being administered electronically. The bill requires the commissioner by rule to adopt a transition plan to implement the replacement by the bill of end-of-course tests with one or more district-selected secondary-level tests beginning with students enrolled in the ninth grade for the first time during the 2021-2022 school year. The bill requires the commissioner to provide for the retention, administration, and use of end-of-course tests, as the applicable requirements existed before their amendment by the bill, as an alternative means of assessment and fulfillment of accountability requirements for students entering a grade above the ninth grade or repeating ninth grade during the 2021-2022 school year. The bill requires each district to provide notice to an eighth-grade student informing the student of the specific requirements applicable to the student with regard to secondary-level testing and the level of performance required.

C.S.H.B. 764 requires TEA to adopt alternative adaptive tests that a district may administer in lieu of a district-selected test to satisfy applicable state or federal law requirements and sets out requirements for such a test. The bill requires SBOE to annually review each alternative adaptive test to ensure that it is relevant, valid, and reliable. The bill authorizes TEA to adopt an alternative adaptive test submitted by a district if the test complies with those requirements and serves as an adequate measure of grade level achievement and to contract for services to develop or administer the tests. The bill requires TEA to determine for each test the level of performance considered to be satisfactory and to develop a method to compile a student's score on each test during a school year into a single summative score for each assessed subject area. The bill requires a district to administer the alternative adaptive test electronically and to submit the results of such a test to TEA not later than three days after the administration of the test and requires TEA to provide reimbursement to a district for all costs associated with the administration of the test. The bill establishes, with certain exceptions, that a reference in law to a statewide standardized test under applicable statutory provisions includes an alternative adaptive test adopted by TEA or administered by a district in accordance with the bill's provisions. The bill requires the commissioner to adopt rules necessary to implement these provisions. The bill's provisions relating to alternative adaptive tests apply beginning with the 2022-2023 school year.

C.S.H.B. 764 entitles a student participating in the pilot program for the three-year high school diploma plan and entering the ninth grade for the first time during the 2021-2022 school year to a high school diploma if the student, among other requirements, performs satisfactorily as determined by the commissioner on the district-selected secondary-level test. The bill entitles any other student participating in the pilot program to a high school diploma if the student, among other requirements, performs satisfactorily on end-of-course tests, as those tests existed before replacement by the bill, for courses in which the student was enrolled.

C.S.H.B. 764 requires an individual graduation committee, for an 11th or 12th grade student who has failed to comply with end-of-course test performance requirements, as the requirements existed before amendment by the bill, to include on the committee the teacher of the course for each end-of-course test for which the student failed to perform satisfactorily and to consider that teacher's recommendation and the applicable course grade in determining whether the student is

qualified to graduate. The bill's provisions relating to individual graduation committees expire September 1, 2025.

C.S.H.B. 764 continues a person's eligibility to enroll in a dropout recovery program if the person fails to perform satisfactorily on an end-of-course test, as such a test existed before replacement by the bill. The bill specifies that an exemption to requirements under the Texas Success Initiative applies to a student's achievement on end-of-course tests, as those requirements existed before repeal by the bill. The bill removes social studies as a subject in which a campus may be awarded a distinction designation for outstanding performance in academic achievement.

C.S.H.B. 764 repeals a provision specifying, with regard to accountability reporting requirements, the manner of categorizing the results on a secondary-level test of a student who is enrolled below the high school level for purposes of data aggregation across grade levels.

C.S.H.B. 764 applies beginning with the 2021-2022 school year, except as otherwise provided.

C.S.H.B. 764 repeals the following provisions of the Education Code:

- Sections 39.023(a-15), (c-2), (c-4), (c-6), and (d);
- Section 39.023(c-7), as added by Chapter 1282 (H.B. 1244), Acts of the 86th Legislature, Regular Session, 2019;
- Section 39.023(c-7), as added by Chapter 1315 (H.B. 3906), Acts of the 86th Legislature, Regular Session, 2019;
- Section 39.0233;
- Section 39.024;
- Sections 39.025(a-1), (a-2), (a-3), (a-5), and (e-1);
- Section 39.053(d-1); and
- Section 39.203(d).

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 764 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision including the Texas Success Initiative diagnostic assessment, the PSAT, and the ACT-Plan among the test options for which the commissioner must identify a procedure for district selection.

The substitute includes provisions not contained in the original relating to alternative adaptive tests adopted by TEA that a district may administer.