87R11718 GCB-D

By:  Slaton H.B. No. 4198

A BILL TO BE ENTITLED

AN ACT

relating to a school district policy to exempt district students from the administration of certain assessment instruments and from certain promotion and graduation requirements based on a student's satisfactory performance on those assessment instruments.

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

SECTION 1.  Section 28.021, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1)  Subsection (c)(3) does not apply to an assessment instrument administered under Section 39.023(a), (b), or (l), if the school district in which the student is enrolled has exempted district students from the administration of the assessment instrument under a district policy adopted under Section 39.02303.

SECTION 2.  Section 28.025(b-4), Education Code, is amended to read as follows:

(b-4)  A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025, unless the student is enrolled in a district that has exempted district students from the administration of the applicable assessment instrument under a policy adopted under Section 39.02303.

SECTION 3.  Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02303 to read as follows:

Sec. 39.02303.  SCHOOL DISTRICT OPTION TO EXEMPT STUDENTS FROM ADMINISTRATION OF CERTAIN ASSESSMENT INSTRUMENTS. (a) The board of trustees of each school district may adopt a policy exempting students from the administration of any of the following assessment instruments:

(1)  the social studies assessment instrument administered in grade eight as provided by Section 39.023(a);

(2)  the United States history end-of-course assessment instrument as provided by Section 39.023(c);

(3)  the English II end-of-course assessment instrument as provided by Section 39.023(c);

(4)  any other assessment instrument administered under this subchapter that is not required by federal law; and

(5)  any federally required assessment instrument for which the commissioner of education obtains a waiver described by Subsection (d).

(b)  At the beginning of each school year, a school district or open-enrollment charter school shall notify the parent or guardian of each student enrolled in the district or school that the parent or guardian may request information regarding the district's policy adopted under Subsection (a).

(c)  Notwithstanding any other law, a student does not fail to perform satisfactorily on an assessment instrument administered under this subchapter if the student is not administered the assessment instrument because the school district policy adopted under Subsection (a) exempts district students from the administration of the assessment instrument.

(d)  The commissioner of education shall request from the United States Department of Education a waiver from the application of any conflicting federal law or regulation requiring the administration of assessment instruments to students in certain subject areas.

SECTION 4.  Section 39.025, Education Code, is amended by adding Subsection (a-6) to read as follows:

(a-6)  If a school district in which a student is enrolled has exempted district students, under a district policy adopted under Section 39.02303, from the administration of an end-of-course assessment instrument administered under Section 39.023(c):

(1)  the requirement under Subsection (a) for satisfactory performance on that end-of-course assessment instrument does not apply; and

(2)  the student may not be denied a high school diploma under this section because the student was not administered the applicable assessment instrument.

SECTION 5.  As soon as practicable after the effective date of this Act, the commissioner of education shall request from the United States Department of Education a waiver from the application of any conflicting federal law or regulation requiring the administration of assessment instruments to a student enrolled in a school district that has adopted a district policy under Section 39.02303, Education Code, as added by this Act, exempting district students from the administration of assessment instruments in a subject area for which administration of assessment instruments is required under the Every Student Succeeds Act (20 U.S.C. Section 7801).

SECTION 6.  This Act applies beginning with the 2021-2022 school year.

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.