

By: Shaheen

H.B. No. 812

A BILL TO BE ENTITLED

AN ACT

relating to the use of interim testing and adaptive, growth-based assessment instruments for certain required assessments of public school students.

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

SECTION 1. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.417 to read as follows:

Sec. 21.417. PROHIBITING USE OF CERTAIN ASSESSMENT INSTRUMENTS AS SOLE CRITERION IN TEACHER EVALUATION OR COMPENSATION. The results of an assessment instrument administered under Section 39.023(a), (b), or (n) may not be used as the sole criterion in evaluating teacher performance or determining teacher compensation.

SECTION 2. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02342 to read as follows:

Sec. 39.02342. INTERIM TESTING AND ADAPTIVE, GROWTH-BASED ASSESSMENT INSTRUMENTS. (a) In this section, "adaptive, growth-based assessment instrument" means an assessment instrument that:

(1) adjusts the level of difficulty for each student during administration of the assessment instrument to match the knowledge and ability demonstrated by the student on the assessment instrument; and

(2) measures each student's academic progress over a

1 period of time, regardless of the student's age, grade level, or
2 performance in class.

3 (b) Beginning with the 2022-2023 school year, the agency
4 shall ensure that each assessment instrument adopted or developed
5 under Section 39.023(a), (b), or (n) is administered during the
6 school year through statewide interim assessments. The results of
7 the interim assessments for each subject shall be combined to
8 determine a single summative score on that assessment instrument
9 for each student in the manner established by commissioner rule.

10 (c) An assessment instrument adopted or developed under
11 Section 39.023(a), (b), or (n) that is administered in an
12 electronic format must be an adaptive, growth-based assessment
13 instrument.

14 (d) In complying with this section, the agency may contract
15 with a nonprofit organization that specializes in developing
16 adaptive, growth-based assessment instruments.

17 (e) The commissioner shall adopt rules as necessary to
18 implement this section, including rules:

19 (1) providing the number and timing of the
20 administration of the statewide interim assessments to be
21 administered to a student for each assessment instrument described
22 by Subsection (b), which must include at least:

23 (A) one interim assessment administered at the
24 beginning of the school year; and

25 (B) one interim assessment administered at the
26 end of the school year; and

27 (2) establishing the criteria necessary to ensure an

1 assessment instrument is an adaptive, growth-based assessment
2 instrument.

3 SECTION 3. Section 39.053, Education Code, is amended by
4 adding Subsection (c-4) to read as follows:

5 (c-4) For purposes of Subsection (c)(2)(A), a student's
6 improvement on an assessment instrument required under Section
7 39.023(a), (b), or (n) must be measured from the beginning of the
8 school year for which the district or campus is being evaluated to
9 the end of that school year.

10 SECTION 4. This Act applies beginning with the 2022-2023
11 school year.

12 SECTION 5. Not later than September 1, 2022, the Texas
13 Education Agency shall adopt or develop each assessment instrument
14 required under Section 39.023(a), (b), or (n), Education Code, in
15 accordance with Section 39.02342, Education Code, as added by this
16 Act. In adopting or developing each assessment instrument, the
17 agency may not use or consider an assessment instrument included in
18 the State of Texas Assessments of Academic Readiness (STAAR) or the
19 State of Texas Assessments of Academic Readiness Alternate (STAAR
20 Alternate).

21 SECTION 6. Not later than September 1, 2022, the
22 commissioner of education shall:

23 (1) ensure that the assessment instruments adopted or
24 developed under Section 39.023(a), (b), or (n), Education Code, in
25 accordance with Section 39.02342, Education Code, as added by this
26 Act, comply to the greatest extent practicable with the
27 requirements for academic assessments provided under the Every

1 Student Succeeds Act (20 U.S.C. Section 6311) and any other
2 applicable federal law or regulation and identify any of those laws
3 or regulations with which the assessment instruments cannot
4 reasonably comply; and

5 (2) request from the United States Department of
6 Education a waiver from the application of any conflicting federal
7 law or regulation identified under Subdivision (1) of this section
8 or a written notification that a waiver is not required.

9 SECTION 7. This Act takes effect September 1, 2021.