

By: Herrero

H.B. No. 3210

A BILL TO BE ENTITLED

1 AN ACT
2 relating to eliminating certain state-required assessment
3 instruments and certain end-of-course assessment instruments not
4 required by federal law.

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

6 SECTION 1. Section 39.023(a), Education Code, as effective
7 until September 1, 2021, is amended to read as follows:

8 (a) The agency shall adopt or develop appropriate
9 criterion-referenced assessment instruments designed to assess
10 essential knowledge and skills in reading, ~~[writing,~~ mathematics,
11 ~~[social studies,~~ and science. Except as provided by Subsection
12 (a-2), all students, other than students assessed under Subsection
13 (b) or (1) or exempted under Section 39.027, shall be assessed in:

14 (1) mathematics, annually in grades three through
15 eight;

16 (2) reading, annually in grades three through eight;

17 (3) ~~[writing, including spelling and grammar, in~~
18 ~~grades four and seven,~~

19 ~~[(4) social studies, in grade eight,~~

20 ~~[(5)] science, in grades five and eight; and~~

21 (4) ~~[(6)]~~ any other subject and grade required by
22 federal law.

23 SECTION 2. Section 39.023(a), Education Code, as effective
24 September 1, 2021, is amended to read as follows:

1 (a) The agency shall adopt or develop appropriate
2 criterion-referenced assessment instruments designed to assess
3 essential knowledge and skills in reading, mathematics, [~~social~~
4 ~~studies,~~] and science. Except as provided by Subsection (a-2), all
5 students, other than students assessed under Subsection (b) or (l)
6 or exempted under Section 39.027, shall be assessed in:

7 (1) mathematics, annually in grades three through
8 eight;

9 (2) reading, annually in grades three through eight;

10 (3) [~~social studies, in grade eight,~~

11 [~~(4)~~] science, in grades five and eight; and

12 (4) [~~(5)~~] any other subject and grade required by
13 federal law.

14 SECTION 3. Section 39.023, Education Code, is amended by
15 amending Subsections (c), (c-2), and (c-3) and adding Subsection
16 (q) to read as follows:

17 (c) The agency shall also adopt end-of-course assessment
18 instruments for secondary-level courses in reading, mathematics,
19 and science only as necessary to comply with the Every Student
20 Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered
21 only as necessary to meet the minimum requirements of that Act
22 [~~Algebra I, biology, English I, English II, and United States~~
23 ~~history. The Algebra I end-of-course assessment instrument must~~
24 ~~be administered with the aid of technology, but may include one or~~
25 ~~more parts that prohibit the use of technology. The English I and~~
26 ~~English II end-of-course assessment instruments must each assess~~
27 ~~essential knowledge and skills in both reading and writing and must~~

1 ~~provide a single score~~]. A school district shall comply with State
2 Board of Education rules regarding administration of the assessment
3 instruments adopted under [~~listed in~~] this subsection. If a
4 student is in a special education program under Subchapter A,
5 Chapter 29, the student's admission, review, and dismissal
6 committee shall determine whether any allowable modification is
7 necessary in administering to the student an assessment instrument
8 required under this subsection. The State Board of Education shall
9 administer the assessment instruments. An end-of-course
10 assessment instrument may be administered in multiple parts over
11 more than one day. The State Board of Education shall adopt a
12 schedule for the administration of end-of-course assessment
13 instruments that complies with the requirements of Subsection
14 (c-3).

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

22 (c-3) In [~~Except as provided by Subsection (c-7), in~~]
23 adopting a schedule for the administration of assessment
24 instruments under this section, the State Board of Education shall
25 ensure that assessment instruments administered under Subsection
26 (a) or (c) are not administered on the first instructional day of a
27 week.

1 (g) Notwithstanding any provision of this section or other
2 law, if changes made to the Every Student Succeeds Act (20 U.S.C.
3 Section 6301 et seq.) reduce the number or frequency of assessment
4 instruments required to be administered to students, the State
5 Board of Education shall adopt rules reducing the number or
6 frequency of assessment instruments administered to students under
7 state law, and the commissioner shall ensure that students are not
8 assessed in subject areas or in grades that are no longer required
9 to meet the minimum requirements of that Act.

10 SECTION 4. Section 39.025(a-1), Education Code, is amended
11 to read as follows:

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

1 retake that assessment instrument for purposes of this subsection
2 or may take the appropriate end-of-course assessment instrument.

3 SECTION 5. Section 39.203(c), Education Code, is amended to
4 read as follows:

5 (c) In addition to the distinction designations described
6 by Subsections (a) and (b), a campus that satisfies the criteria
7 developed under Section 39.204 shall be awarded a distinction
8 designation by the commissioner for outstanding performance in
9 academic achievement in reading [~~English language arts~~],
10 mathematics, or science [~~, or social studies~~].

11 SECTION 6. Section 39.023(c-7), as added by Chapter 1282
12 (H.B. 1244), Acts of the 86th Legislature, Regular Session, 2019,
13 is repealed.

14 SECTION 7. To the extent of any conflict, this Act prevails
15 over another Act of the 87th Legislature, Regular Session, 2021,
16 relating to nonsubstantive additions to and corrections in enacted
17 codes.

18 SECTION 8. This Act applies beginning with the 2021-2022
19 school year.

20 SECTION 9. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2021.