

By: Bucy

H.B. No. 3676

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eliminating certain state-required end-of-course  
3 assessment instruments not required by federal law and eliminating  
4 graduation requirements based on satisfactory performance on  
5 certain end-of-course assessment instruments.

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

7 SECTION 1. Section 39.023, Education Code, is amended by  
8 amending Subsection (c) and adding Subsection (q) to read as  
9 follows:

10 (c) The agency shall also adopt end-of-course assessment  
11 instruments for secondary-level courses in Algebra I, biology, and  
12 English I [~~, English II, and United States history~~]. The Algebra I  
13 end-of-course assessment instrument must be administered with the  
14 aid of technology, but may include one or more parts that prohibit  
15 the use of technology. The English I [~~and English II~~]  
16 end-of-course assessment instrument [~~instruments~~] must [~~each~~]  
17 assess essential knowledge and skills in both reading and writing  
18 and must provide a single score. A school district shall comply  
19 with State Board of Education rules regarding administration of the  
20 assessment instruments listed in this subsection. If a student is  
21 in a special education program under Subchapter A, Chapter 29, the  
22 student's admission, review, and dismissal committee shall  
23 determine whether any allowable modification is necessary in  
24 administering to the student an assessment instrument required

1 under this subsection. The State Board of Education shall  
2 administer the assessment instruments. An end-of-course  
3 assessment instrument may be administered in multiple parts over  
4 more than one day. The State Board of Education shall adopt a  
5 schedule for the administration of end-of-course assessment  
6 instruments that complies with the requirements of Subsection  
7 (c-3).

8 (g) This subsection applies to end-of-course assessment  
9 instruments adopted under Subsection (c) for secondary-level  
10 courses in English II and United States history, as that subsection  
11 existed before amendment by \_\_\_B. No.\_\_\_\_, Acts of the 87th  
12 Legislature, Regular Session, 2021. The agency may retain  
13 assessment instruments described by this subsection, but may not  
14 require a school district to administer those assessment  
15 instruments. A school district may choose to administer an  
16 assessment instrument described by this subsection. An assessment  
17 instrument described by this subsection administered by a school  
18 district may not be used for accountability purposes to measure the  
19 performance of the district or a district campus.

20 SECTION 2. Section 39.025, Education Code, is amended by  
21 amending Subsections (a-1) and (a-3) and adding Subsections (h),  
22 (i), and (j) to read as follows:

23 (a-1) A student enrolled in a college preparatory  
24 mathematics or English language arts course under Section 28.014  
25 who satisfies the Texas Success Initiative (TSI) college readiness  
26 benchmarks prescribed by the Texas Higher Education Coordinating  
27 Board under Section 51.334 on an assessment instrument designated

1 by the coordinating board under that section administered at the  
2 end of the college preparatory mathematics or English language arts  
3 course satisfies the requirements concerning and is exempt from the  
4 administration of the Algebra I or the English I [~~and English II~~]  
5 end-of-course assessment instrument [~~instruments~~], as applicable,  
6 as prescribed by Section 39.023(c), even if the student did not  
7 perform satisfactorily on a previous administration of the  
8 applicable end-of-course assessment instrument. A student who  
9 fails to perform satisfactorily on the assessment instrument  
10 designated by the coordinating board under Section 51.334  
11 administered as provided by this subsection may retake that  
12 assessment instrument for purposes of this subsection or may take  
13 the appropriate end-of-course assessment instrument.

14 (a-3) A student who, after retaking an end-of-course  
15 assessment instrument for Algebra I [~~or English II~~], has failed to  
16 perform satisfactorily as required by Subsection (a), but who  
17 receives a score of proficient on the Texas Success Initiative  
18 (TSI) diagnostic assessment for mathematics [~~the corresponding~~  
19 ~~subject for which the student failed to perform satisfactorily on~~  
20 ~~the end-of-course assessment instrument~~] satisfies the requirement  
21 concerning the Algebra I [~~or English II~~] end-of-course assessment,  
22 as applicable. This subsection expires September 1, 2023.

23 (h) Notwithstanding Subsection (a), in order to receive a  
24 high school diploma, a student is not required to achieve a scale  
25 score that indicates satisfactory performance on an end-of-course  
26 assessment for secondary-level courses in English II or United  
27 States history after the effective date of \_\_\_\_B. No. \_\_\_\_\_, Acts of

1 the 87th Legislature, Regular Session, 2021, regardless of the date  
2 the student enters high school.

3 (i) Subject to Subsection (j), a school district or  
4 open-enrollment charter school policy that requires a student to  
5 demonstrate satisfactory performance on an end-of-course  
6 assessment for secondary-level courses in English II or United  
7 States history does not apply to a student of the district or school  
8 as of the effective date of \_\_\_\_B. No. \_\_\_\_\_, Acts of the 87th  
9 Legislature, Regular Session, 2021, regardless of the date that  
10 student enters high school or whether the student is currently  
11 enrolled in high school.

12 (j) The board of trustees of a school district or the  
13 governing body of an open-enrollment charter school with a policy  
14 described by Subsection (i) may readopt the policy after the  
15 effective date of \_\_\_\_B. No. \_\_\_\_\_, Acts of the 87th Legislature,  
16 Regular Session, 2021, to apply to district or charter school  
17 students enrolled in high school on or after the date the policy is  
18 readopted.

19 SECTION 3. This Act applies beginning with the 2021-2022  
20 school year.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2021.