

By: Slaton

H.B. No. 4198

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a school district policy to exempt district students  
3 from the administration of certain assessment instruments and from  
4 certain promotion and graduation requirements based on a student's  
5 satisfactory performance on those assessment instruments.

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

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

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

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

16 (b-4) A school district may offer the curriculum described  
17 in Subsections (b-1)(1) through (4) in an applied manner. Courses  
18 delivered in an applied manner must cover the essential knowledge  
19 and skills, and the student shall be administered the applicable  
20 end-of-course assessment instrument as provided by Sections  
21 39.023(c) and 39.025, unless the student is enrolled in a district  
22 that has exempted district students from the administration of the  
23 applicable assessment instrument under a policy adopted under  
24 Section 39.02303.

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

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

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

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

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

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

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

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

24 (c) Notwithstanding any other law, a student does not fail  
25 to perform satisfactorily on an assessment instrument administered  
26 under this subchapter if the student is not administered the  
27 assessment instrument because the school district policy adopted

1 under Subsection (a) exempts district students from the  
2 administration of the assessment instrument.

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

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

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

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

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

20 SECTION 5. As soon as practicable after the effective date  
21 of this Act, the commissioner of education shall request from the  
22 United States Department of Education a waiver from the application  
23 of any conflicting federal law or regulation requiring the  
24 administration of assessment instruments to a student enrolled in a  
25 school district that has adopted a district policy under Section  
26 39.02303, Education Code, as added by this Act, exempting district  
27 students from the administration of assessment instruments in a

1 subject area for which administration of assessment instruments is  
2 required under the Every Student Succeeds Act (20 U.S.C. Section  
3 7801).

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

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