

By: Shaheen

H.B. No. 21

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of interim testing and adaptive, growth-based
3 assessment instruments for certain required assessments of public
4 school students and prohibiting the use of the results of certain
5 required assessments of public school students for certain
6 purposes.

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

8 SECTION 1. Subchapter I, Chapter 21, Education Code, is
9 amended by adding Section 21.416 to read as follows:

10 Sec. 21.416. PROHIBITING USE OF CERTAIN ASSESSMENT
11 INSTRUMENTS AS SOLE CRITERION IN TEACHER EVALUATION OR
12 COMPENSATION. The results of an assessment instrument administered
13 under Section 39.023(a), (b), or (n) may not be used as the sole
14 criterion in evaluating teacher performance or determining teacher
15 compensation.

16 SECTION 2. Subchapter B, Chapter 39, Education Code, is
17 amended by adding Section 39.0264 to read as follows:

18 Sec. 39.0264. SCHOOL DISTRICT ADOPTION AND ADMINISTRATION
19 OF INTERIM TESTING AND ADAPTIVE, GROWTH-BASED ASSESSMENT
20 INSTRUMENTS. (a) In this section, "adaptive, growth-based
21 assessment instrument" means an assessment instrument that:

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

1 instrument; and

2 (2) measures each student's academic progress over a
3 period of time, regardless of the student's age, grade level, or
4 performance in class.

5 (b) The commissioner shall apply to the United States
6 Department of Education for a waiver of the requirement under the
7 Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to
8 administer the same assessment instruments to all public school
9 students.

10 (c) If the United States Department of Education grants a
11 waiver described by Subsection (b), a school district may adopt or
12 develop assessment instruments in accordance with this section and
13 administer those assessment instruments in lieu of the assessment
14 instruments required under Section 39.023(a), (b), or (n) in each
15 subject and at each grade level for which an assessment instrument
16 is required to be administered under Section 39.023(a).

17 (d) Each assessment instrument administered under this
18 section must be administered during the school year through
19 statewide interim assessments. The results of the interim
20 assessments for each subject shall be combined to determine a
21 single summative score on that assessment instrument for each
22 student in the manner established by commissioner rule.

23 (e) An assessment instrument administered under this
24 section in an electronic format must be an adaptive, growth-based
25 assessment instrument.

26 (f) In adopting or developing assessment instruments under
27 this section, a school district may contract with a nonprofit

1 organization that specializes in developing adaptive, growth-based
2 assessment instruments.

3 (g) The commissioner shall adopt rules as necessary to
4 implement this section, including rules:

5 (1) providing the number and timing of the
6 administration of the statewide interim assessments to be
7 administered to a student for each assessment instrument described
8 by Subsection (c), which must include at least:

9 (A) one interim assessment administered at the
10 beginning of the school year; and

11 (B) one interim assessment administered at the
12 end of the school year; and

13 (2) establishing the criteria necessary to ensure an
14 assessment instrument is an adaptive, growth-based assessment
15 instrument.

16 (h) A reference in law to an assessment instrument adopted
17 or developed under Section 39.023(a), (b), or (n) includes an
18 assessment instrument adopted or developed and administered by a
19 school district in accordance with a waiver described by Subsection
20 (b) and this section.

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

23 (c-4) For purposes of Subsection (c)(2)(A), a student's
24 improvement on an assessment instrument administered under Section
25 39.0264 must be measured from the beginning of the school year for
26 which the district or campus is being evaluated to the end of that
27 school year.

1 SECTION 4. This Act applies beginning with the 2024-2025
2 school year.

3 SECTION 5. Not later than May 1, 2024, the commissioner of
4 education shall apply to the United States Department of Education
5 for a waiver of the requirement under the Every Student Succeeds Act
6 (20 U.S.C. Section 6301 et seq.) to administer the same assessment
7 instruments to all public school students.

8 SECTION 6. This Act takes effect on the 91st day after the
9 last day of the legislative session.