88R3169 MEW-F

By:  Metcalf H.B. No. 2031

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of public school students and the provision of accelerated instruction to students who fail to achieve satisfactory performance on certain assessment instruments.

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

SECTION 1.  The heading to Section 28.0211, Education Code, is amended to read as follows:

Sec. 28.0211.  [~~ACCELERATED LEARNING COMMITTEE;~~] ACCELERATED INSTRUCTION[~~; MODIFIED TEACHER ASSIGNMENT~~].

SECTION 2.  Sections 28.0211(a-1), (a-4), (g), and (i), Education Code, are amended to read as follows:

(a-1)  Each time a student fails to perform satisfactorily on an assessment instrument administered under Section 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and [~~either:~~

[~~(1)  allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under Section 21.3521 for the subsequent school year in the applicable subject area; or~~

[~~(2)~~]  provide the student supplemental instruction under Subsection (a-4).

(a-4)  If a district receives funding under Section 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a school district [~~under Subsection (a-1)(2)~~] must:

(1)  include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;

(2)  be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;

(3)  be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;

(4)  be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;

(5)  include effective instructional materials designed for supplemental instruction;

(6)  be provided to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group;

(7)  be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the school district; and

(8)  to the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

(g)  This section does not preclude the retention at a grade level, in accordance with state law or school district policy, of a student who performs satisfactorily on an assessment instrument specified under Subsection (a-1) [~~(a)~~].

(i)  The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter A, Chapter 29, and who does not perform satisfactorily on an assessment instrument specified under Subsection (a-1) [~~(a)~~] and administered under Section 39.023(a) or (b) must meet to determine the manner in which the student will participate in an accelerated instruction program under this section.

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

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

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

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

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

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

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

(c)  The agency shall also adopt end-of-course assessment instruments for secondary-level courses in reading, mathematics, and science only as necessary to comply with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered only as necessary to meet the minimum requirements of that Act [~~Algebra I, biology, English I, English II, and United States history.  The Algebra I end-of-course assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology.  The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score~~].  A school district shall comply with State Board of Education rules regarding administration of the assessment instruments adopted under [~~listed in~~] this subsection.  If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection.  The State Board of Education shall administer the assessment instruments.  An end-of-course assessment instrument may be administered in multiple parts over more than one day.  The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

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

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

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

(a-1)  A student enrolled in a college preparatory mathematics or English language arts course under Section 28.014 who satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.334 on an assessment instrument designated by the coordinating board under that section administered at the end of the college preparatory mathematics or English language arts course satisfies the requirements concerning and is exempt from the administration of the mathematics or reading [~~Algebra I or the English I and English II~~] end-of-course assessment instrument [~~instruments~~], as applicable, [~~as prescribed by Section 39.023(c),~~] even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument designated by the coordinating board under Section 51.334 administered as provided by this subsection may retake that assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument.

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

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

SECTION 6.  The following provisions of the Education Code are repealed:

(1)  Sections 28.0211(a), (a-5), (c), (f), (f-1), (f-2), (f-3), (f-4), (f-5), (n), and (n-1); and

(2)  Section 39.023(c-9).

SECTION 7.  This Act applies beginning with the 2023-2024 school year.

SECTION 8.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.