

By: Landgraf

H.B. No. 92

A BILL TO BE ENTITLED

AN ACT

relating to eliminating certain state-required assessment instruments and certain end-of-course assessment instruments not required by federal law.

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

SECTION 1. Section 28.0211(a-8), Education Code, is amended to read as follows:

(a-8) A school district may not be required to provide supplemental instruction under Subsection (a-1)(2) to a student in more than two subject areas per school year. If the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, the district shall prioritize providing supplemental instruction to the student in mathematics and reading~~[, or Algebra I, English I, or English II, as applicable,]~~ for that school year.

SECTION 2. 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 (1) mathematics, annually in grades three through
2 eight;
3 (2) reading, annually in grades three through eight;
4 (3) ~~[social studies, in grade eight,~~
5 ~~[(4)]~~ science, in grades five and eight; and
6 (4) ~~[(5)]~~ any other subject and grade required by
7 federal law.

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

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

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

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

22 SECTION 3. Sections 39.025(a-1) and (a-3), Education Code,
23 are amended to read as follows:

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

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

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

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

26 (c) In addition to the distinction designations described
27 by Subsections (a) and (b), a campus that satisfies the criteria

1 developed under Section 39.204 shall be awarded a distinction
2 designation by the commissioner for outstanding performance in
3 academic achievement in reading [~~English language arts~~],
4 mathematics, or science[, ~~or social studies~~].

5 SECTION 5. Section 39.023(c-9), Education Code, is
6 repealed.

7 SECTION 6. This Act applies beginning with the 2025-2026
8 school year.

9 SECTION 7. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2025.