

By: Lopez of Cameron

H.B. No. 277

A BILL TO BE ENTITLED

AN ACT

relating to the implementation of an instructionally supportive assessment program and the adoption and administration of assessment instruments in public schools.

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

SECTION 1. Section 11.185(b), Education Code, is amended to read as follows:

(b) Each plan adopted under Subsection (a) must:

(1) identify annual goals for students in each group evaluated under the closing the gaps domain under Section 39.053(c)(3);

(2) include annual goals for aggregate student growth on the third grade reading language arts or mathematics assessment instrument, as applicable, administered under Section 39.023 or on an alternative assessment instrument determined by the board of trustees;

(3) provide for targeted professional development for classroom teachers in kindergarten or first, second, or third grade who are assigned to campuses that the board of trustees identifies as not meeting the plan's goals;

(4) assign at least one district-level administrator or employee of the regional education service center for the district's region to:

(A) coordinate implementation of the plan; and

(B) submit an annual report to the board of trustees on the district's progress toward the goals set under the plan; and

(5) be reviewed annually by the board of trustees at a public meeting.

SECTION 2. Section 21.4552(c), Education Code, is amended to read as follows:

(c) The commissioner shall adopt criteria for selecting teachers who may attend a literacy achievement academy. In adopting selection criteria under this subsection, the commissioner shall:

(1) require a teacher to attend a literacy achievement academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that fails to satisfy any standard under Section 39.054(e) on the basis of student performance on the reading language arts assessment instrument administered under Section 39.023(a) to students in any grade level at the campus;

(2) grant priority to teachers employed by a school district at a campus at which 50 percent or more of the students enrolled are educationally disadvantaged; and

(3) provide a process through which a teacher not employed at a campus described by Subdivision (2) may attend the academy if the academy has available space and the school district employing the teacher pays the costs of the teacher's attendance.

SECTION 3. Section 28.0063(b), Education Code, as added by

H.B. No. 2, Acts of the 89th Legislature, Regular Session, 2025, is amended to read as follows:

(b) A reading or mathematics instrument adopted under Subsection (a) must:

(1) be based on scientific research concerning, as applicable:

(A) foundational literacy skills in reading development and comprehension; or

(B) foundational numeracy skills in mathematics;

(2) be capable of being administered at the beginning, middle, and end of the school year;

(3) be designed to assess the performance of students in, as applicable:

(A) the foundational literacy skills components of the essential knowledge and skills adopted under Section 28.002 for language arts; or

(B) the foundational numeracy skills components of the essential knowledge and skills adopted under Section 28.002 for mathematics;

(4) be capable of monitoring student progress in a manner that allows school district staff to identify specific foundational literacy or numeracy skills in need of targeted instruction;

(5) assess whether a student's skills identified as in need of targeted instruction indicate that the student is at risk, as determined by the agency, of not achieving satisfactory performance on the third grade reading language arts or mathematics

assessment administered under Section 39.023;

(6) for a reading instrument for students in kindergarten and first grade, include the applicable elements and criteria to serve as the required screenings for dyslexia and related disorders under Section 38.003; and

(7) for a reading instrument, allow a school district to generate a report regarding a student's reading progress, including progress from previous administrations of the same instrument, that is clear and easy to understand that may be distributed to the student's parent in English, Spanish, or, to the extent practicable, any other language spoken by the parent.

SECTION 4. 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 language arts [~~or Algebra I, English I, or English II, as applicable,~~] for that school year.

SECTION 5. Section 29.056(g), Education Code, is amended to read as follows:

(g) A district may transfer an emergent bilingual student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program

1 as determined by:

2 (1) agency-approved tests administered at the end of  
3 each school year to determine the extent to which the student has  
4 developed oral and written language proficiency and specific  
5 language skills in English;

6 (2) satisfactory performance on the reading language  
7 arts assessment instrument under Section 39.023(a) or [~~an English~~  
8 ~~language arts assessment instrument under Section~~] 39.023(c), as  
9 applicable, with the assessment instrument administered in  
10 English, or, if the student is enrolled in the first or second  
11 grade, an achievement score at or above the 40th percentile in the  
12 reading and language arts sections of an English standardized test  
13 approved by the agency; and

14 (3) agency-approved norm-referenced or  
15 criterion-referenced tests and the results of a subjective teacher  
16 evaluation.

17 SECTION 6. Section 29.1543(a), Education Code, as added by  
18 H.B. No. 2, Acts of the 89th Legislature, Regular Session, 2025, is  
19 amended to read as follows:

20 (a) The agency shall produce and make available to the  
21 public on the agency's Internet website annual district and  
22 campus-level reports containing information from the previous  
23 school year on early education in school districts and  
24 open-enrollment charter schools. A report under this section must  
25 contain:

26 (1) the information required by Section 29.1532(c) to  
27 be reported through the Public Education Information Management

1 System (PEIMS);

2 (2) a description of the reading instruments  
3 administered in accordance with Section 28.006(c-2);

4 (3) the number of students who were administered a  
5 reading instrument administered in accordance with Section  
6 28.006(c-2);

7 (4) the number of students whose scores from a reading  
8 instrument administered in accordance with Section 28.006(c-2)  
9 indicate kindergarten readiness in reading;

10 (5) the number of kindergarten students who were  
11 enrolled in a prekindergarten program, including a program offered  
12 through a partnership under Section 29.153, in the previous school  
13 years in the same district or school as the district or school in  
14 which the student attends kindergarten;

15 (6) the number and percentage of students who perform  
16 satisfactorily on the third grade reading language arts or  
17 mathematics assessment instrument administered under Section  
18 39.023, disaggregated by whether the student was eligible for free  
19 prekindergarten under Section 29.153;

20 (7) the number of students described by Subdivision  
21 (6) who attended kindergarten in the district, disaggregated by:

22 (A) whether the student met the kindergarten  
23 readiness standard on a reading instrument adopted under Section  
24 28.006;

25 (B) whether the student attended prekindergarten  
26 in the district, including a program offered through a partnership  
27 under Section 29.153; and

(C) the type of prekindergarten the student attended, if applicable;

(8) the information described by Subdivisions (6) and (7) disaggregated by whether the student is educationally disadvantaged; and

(9) the number of students identified as having a vision disorder or other vision problem requiring vision care under the screening program described by Section 36.004, Health and Safety Code, disaggregated by:

(A) grade level;

(B) gender;

(C) race;

(D) ethnicity;

(E) the student's status as educationally disadvantaged;

(F) the number of times the student was previously identified as having a vision disorder or other vision problem;

(G) the identified vision disorder or problem;

and

(H) the type of screening equipment used for the screening.

SECTION 7. Section 39.022, Education Code, is amended to read as follows:

Sec. 39.022. INSTRUCTIONALLY SUPPORTIVE ASSESSMENT PROGRAM. (a) To ensure school accountability for student achievement that achieves the goals provided under Section 4.002,

1 ~~the~~ [The] State Board of Education by rule shall create and  
2 implement an instructionally supportive [a] statewide assessment  
3 program that:

4           (1) provides for progress monitoring;  
5           (2) is balanced, innovative, and streamlined; and  
6           (3) is knowledge- and skills-based [~~to ensure school~~  
7 ~~accountability for student achievement that achieves the goals~~  
8 ~~provided under Section 4.002~~].

9           (b) The primary objective of an instructionally supportive  
10 assessment program created and implemented under this section is to  
11 benefit the students of this state.

12           (c) After adopting rules under this section, the State Board  
13 of Education shall consider the importance of maintaining stability  
14 in the instructionally supportive [~~statewide~~] assessment program  
15 when adopting any subsequent modification of the rules.

16           (d) [~~(b)~~] It is the policy of this state that the  
17 instructionally supportive [~~statewide~~] assessment program be  
18 designed to:

19           (1) provide information regarding student academic  
20 achievement and learning progress to:

21                   (A) public schools for the purpose of improving  
22 student instruction [~~provide assessment instruments that are as~~  
23 ~~short as practicable~~];

24                   (B) students, parents, and teachers for the  
25 purpose of guiding learning objectives;

26                   (C) education researchers for the purpose of  
27 comparing student academic achievement and learning progress data



1 at the national and statewide levels; and

2 (D) the public for the purpose of allowing the  
3 public to assess the costs and benefits of using public money for  
4 the assessment program;

5 (2) evaluate the achievement level and learning  
6 progress of each assessed student in reading language arts,  
7 mathematics, and science;

8 (3) provide information to the agency for the purpose  
9 of making decisions regarding public school accountability, campus  
10 recognition, and the improvement of public school operations and  
11 management;

12 (4) identify the educational strengths and needs of  
13 individual students and the readiness of those students to be  
14 promoted to the next grade level or to graduate from high school;

15 (5) assess whether educational goals and curricular  
16 standards are being met at the campus, district, state, and  
17 national levels;

18 (6) provide information to help evaluate and develop  
19 educational programs and policies; and

20 (7) provide instructional staff with immediate,  
21 actionable, and useful information regarding student achievement  
22 of standards and benchmarks that may be used to improve the staff's  
23 delivery of student instruction ~~and~~

24 ~~[(2) minimize the disruption to the educational~~  
25 ~~program].~~

26 SECTION 8. Section [39.023](#), Education Code, is amended by  
27 amending Subsections (a), (a-1), (a-2), (a-3), (a-11), (a-12),

(a-13), (b), (b-1), (c), (c-1), (c-8), (g), (h), and (n) and adding Subsections (a-5), (a-10), (o-1), (q), and (r) to read as follows:

(a) In creating and implementing the instructionally supportive assessment program under Section 39.022, the ~~[The]~~ agency shall adopt nationally norm-referenced ~~[or—develop appropriate criterion-referenced]~~ assessment instruments that are capable of being administered at the beginning, middle, and end of the school year and designed to assess essential knowledge and skills in reading language arts, 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 language arts, 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.

(a-1) An ~~[The agency shall develop]~~ assessment instrument adopted ~~[instruments required]~~ under Subsection (a) must provide for the assessment of students in a manner that ~~[allows, to the extent practicable]:~~

(1) ensures the score a student receives provides ~~[to provide]~~ reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241;

1 ~~and~~

2 (2) allows for an appropriate range of performances to  
3 serve as a valid indication of growth in student achievement;

4 (3) focuses primarily on supporting excellent  
5 instruction, while also providing essential summative information  
6 that fulfills applicable federal requirements;

7 (4) consists only of questions written at the  
8 appropriate reading level for the applicable grade level, as  
9 determined by Lexile measures or another research-based  
10 readability metric approved by the agency in coordination with the  
11 advisory committees established under Section [39.02302](#);

12 (5) does not require a student to complete a separate,  
13 standalone essay or extended constructed response component;

14 (6) for a reading language arts assessment, assesses  
15 writing skills through questions integrated within the context of  
16 the overall assessment;

17 (7) is adaptive to each student-appropriate  
18 measurement of individual student performance and growth;

19 (8) provides, not later than 24 hours after the date  
20 the assessment instrument is administered, detailed diagnostic  
21 reports of individual student results that include recommendations  
22 based on a student's performance on the assessment instrument for  
23 teachers and parents regarding practical and useful instructional  
24 strategies to better meet the individual needs of the student;

25 (9) for a beginning-of-year or middle-of-year  
26 assessment instrument, includes instructional growth projections  
27 for individual students based on each student's results; and

1           (10) for an end-of-year assessment:

2                   (A) measures student performance in relation to  
3 state curriculum standards and a student's annual through-year  
4 instructional growth;

5                   (B) fulfills the state's public school  
6 accountability plan for purposes of satisfying federal public  
7 school accountability requirements;

8                   (C) provides valid, reliable, and useful  
9 results; and

10                   (D) complies with applicable peer review  
11 requirements under federal law.

12           (a-2) Except as required by federal law, a student is not  
13 required to be assessed in a subject otherwise assessed at the  
14 student's grade level under Subsection (a) if the student:

15                   (1) is enrolled in a course in the subject intended for  
16 students above the student's grade level and will be administered  
17 an assessment instrument adopted [~~or developed~~] under Subsection  
18 (a) that aligns with the curriculum for the course in which the  
19 student is enrolled; or

20                   (2) is enrolled in a course in the subject for which  
21 the student will receive high school academic credit and will be  
22 administered an end-of-course assessment instrument adopted under  
23 Subsection (c) for the course.

24           (a-3) The agency may not adopt or develop a nationally  
25 norm-referenced or criterion-referenced assessment instrument  
26 under this section based on common core state standards as defined  
27 by Section 28.002(b-1). This subsection does not prohibit the use

of college advanced placement tests or international baccalaureate examinations as those terms are defined by Section 28.051.

(a-5) The agency shall annually review and validate the readability of each item on an assessment instrument adopted under Subsection (a) to confirm alignment of the item with grade-level expectations and ensure that the item accurately measures student mastery of essential knowledge and skills without introducing undue complexity that is not related to the assessed standard.

(a-10) An assessment instrument adopted under Subsection (a) must be administered as closely as possible to the following schedule:

(1) for a beginning-of-year assessment instrument, between October 1 and October 31;

(2) for a middle-of-year assessment instrument, between January 13 and February 21; and

(3) for an end-of-year assessment instrument, between May 15 and May 30.

(a-11) Before an assessment instrument adopted ~~[or developed]~~ under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the agency and of any other entity that developed the assessment instrument.

(a-12) An assessment instrument adopted ~~[or developed]~~ under Subsection (a) must be designed to minimize the impact on student instructional time ~~[may not have more than three parts. A part of an assessment instrument must be designed]~~ so that:

1           (1) for a beginning-of-year or middle-of-year  
2 assessment instrument ~~[if]~~ administered to students in grades three  
3 and four, 85 percent of students are expected ~~[will be able]~~ to  
4 complete the assessment instrument ~~[that part]~~ within 60 minutes;  
5 ~~[and]~~

6           (2) for a beginning-of-year or middle-of-year  
7 assessment instrument ~~[if]~~ administered to students in grades five  
8 through eight, 85 percent of students are expected ~~[will be able]~~ to  
9 complete the assessment instrument ~~[that part]~~ within 75 minutes;  
10 and

11           (3) for an end-of-year assessment instrument  
12 administered to students in grades three through eight, 85 percent  
13 of students are expected to complete the assessment instrument  
14 within 90 minutes.

15           (a-13) The amount of time allowed for administration of an  
16 assessment instrument in reading language arts, mathematics, or  
17 science adopted ~~[or developed]~~ under Subsection (a) may not exceed  
18 six ~~[eight]~~ hours, and the administration may occur in multiple  
19 parts over more than one day.

20           (b) The agency shall ~~[develop or]~~ adopt appropriate  
21 nationally norm-referenced ~~[criterion-referenced]~~ alternative  
22 assessment instruments to be administered to each student in a  
23 special education program under Subchapter A, Chapter 29, for whom  
24 an assessment instrument adopted under Subsection (a), even with  
25 allowable accommodations, would not provide an appropriate measure  
26 of student achievement, as determined by the student's admission,  
27 review, and dismissal committee~~[, including assessment instruments]~~

1 ~~approved by the commissioner that measure growth~~]. The assessment  
2 instruments ~~[developed or]~~ adopted under this subsection~~[,~~  
3 ~~including the assessment instruments approved by the~~  
4 ~~commissioner,~~] must, to the extent allowed under federal law,  
5 provide a district with options for the assessment of students  
6 under this subsection. The agency may not adopt a performance  
7 standard that indicates that a student's performance on the  
8 alternate assessment does not meet standards if the lowest level of  
9 the assessment accurately represents the student's developmental  
10 level as determined by the student's admission, review, and  
11 dismissal committee.

12 (b-1) The agency, in conjunction with appropriate  
13 interested persons, shall redevelop assessment instruments adopted  
14 ~~[or developed]~~ under Subsection (b) for administration to  
15 significantly cognitively disabled students in a manner consistent  
16 with federal law. An assessment instrument under this subsection  
17 may not require a teacher to prepare tasks or materials for a  
18 student who will be administered such an assessment instrument. A  
19 classroom portfolio method used to assess writing performance may  
20 require a teacher to prepare tasks and materials.

21 (c) The agency shall also adopt end-of-course assessment  
22 instruments for secondary-level courses in reading language arts,  
23 mathematics, and science, for the purpose of complying with the  
24 Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.), to be  
25 administered only as necessary to meet the minimum requirements of  
26 that law ~~[Algebra I, biology, English I, English II, and United~~  
27 ~~States history. The Algebra I end-of-course assessment instrument~~

1 ~~must be administered with the aid of technology, but may include one~~  
2 ~~or more parts that prohibit the use of technology. The English I and~~  
3 ~~English II end-of-course assessment instruments must each assess~~  
4 ~~essential knowledge and skills in both reading and writing and must~~  
5 ~~provide a single score].~~ A school district shall comply with State  
6 Board of Education rules regarding administration of the assessment  
7 instruments listed in this subsection. If a student is in a special  
8 education program under Subchapter A, Chapter 29, the student's  
9 admission, review, and dismissal committee shall determine whether  
10 any allowable modification is necessary in administering to the  
11 student an assessment instrument required under this subsection.  
12 The State Board of Education shall administer the assessment  
13 instruments. An end-of-course assessment instrument may be  
14 administered in multiple parts over more than one day. The State  
15 Board of Education shall adopt a schedule for the administration of  
16 end-of-course assessment instruments that complies with the  
17 requirements of Subsection (c-3).

18 (c-1) An ~~[The agency shall develop any]~~ assessment  
19 instrument adopted by the agency ~~[required]~~ under this section must  
20 allow ~~[in a manner that allows]~~ for the measurement of annual  
21 improvement in student achievement as required by Sections  
22 39.034(c) and (d).

23 (c-8) Not ~~[Beginning with the 2022-2023 school year, not]~~  
24 more than 25 ~~[75]~~ percent of the available points on an assessment  
25 instrument adopted ~~[developed]~~ under Subsection (a) or (c) may be  
26 attributable to questions presented as technology-enhanced or  
27 constructed-response items ~~[in a multiple choice format]~~.



1           (g) The State Board of Education may adopt one appropriate,  
2 nationally recognized, norm-referenced assessment instrument in  
3 reading language arts and mathematics to be administered to a  
4 selected sample of students in the spring. If adopted, a  
5 norm-referenced assessment instrument must be a secured test. The  
6 state may pay the costs of purchasing and scoring the adopted  
7 assessment instrument and of distributing the results of the  
8 adopted instrument to the school districts. A district that  
9 administers the norm-referenced test adopted under this subsection  
10 shall report the results to the agency in a manner prescribed by the  
11 commissioner.

12           (h) The agency shall notify school districts and campuses of  
13 the results of end-of-year and end-of-course assessment  
14 instruments administered under this section and preliminary  
15 academic accountability ratings assigned to the district and campus  
16 by the agency based on those results not later than the 14th [~~21st~~]  
17 day after the date the applicable end-of-year or end-of-course  
18 assessment instrument is administered. The school district shall  
19 disclose to each district teacher the results of assessment  
20 instruments administered to students taught by the teacher in the  
21 subject for the school year in which the assessment instrument is  
22 administered.

23           (n) This subsection applies only to a student who is  
24 determined to have dyslexia or a related disorder and who is an  
25 individual with a disability under 29 U.S.C. Section 705(20) and  
26 its subsequent amendments. The agency shall adopt [~~or develop~~]  
27 appropriate norm-referenced [~~criterion-referenced~~] assessment

1 instruments designed to assess the ability of and to be  
2 administered to each student to whom this subsection applies for  
3 whom the assessment instruments adopted under Subsection (a), even  
4 with allowable modifications, would not provide an appropriate  
5 measure of student achievement, as determined by the committee  
6 established by the board of trustees of the district to determine  
7 the placement of students with dyslexia or related disorders. The  
8 committee shall determine whether any allowable modification is  
9 necessary in administering to a student an assessment instrument  
10 required under this subsection. The assessment instruments  
11 required under this subsection shall be administered on the same  
12 schedule as the assessment instruments administered under  
13 Subsection (a).

14 (o-1) The agency shall adopt the following optional  
15 assessment instruments that a school district or open-enrollment  
16 charter school may elect to administer:

17 (1) an assessment instrument in social studies for  
18 students in grade eight; and

19 (2) an end-of-course assessment instrument for United  
20 States history.

21 (q) If there is a conflict between this section and a  
22 federal law or regulation, including the Every Student Succeeds Act  
23 (20 U.S.C. Section 6301 et seq.), the agency shall seek a waiver  
24 from the application of the conflicting federal law or regulation.

25 (r) Notwithstanding any provision of this section or other  
26 law, if changes to federal law or regulations, including the Every  
27 Student Succeeds Act (20 U.S.C. Section 6301 et seq.), reduce the

1 number or frequency of assessment instruments required to be  
2 administered to students, the State Board of Education shall adopt  
3 rules reducing the number or frequency of assessment instruments  
4 required to be administered to students under state law, and the  
5 agency shall ensure that students are not required to be assessed in  
6 subject areas or in grade levels that are no longer required to meet  
7 the minimum requirements of the law.

8 SECTION 9. Sections 39.025(a-1) and (a-3), Education Code,  
9 are amended to read as follows:

10 (a-1) A student enrolled in a college preparatory  
11 mathematics or English language arts course under Section 28.014  
12 who satisfies the Texas Success Initiative (TSI) college readiness  
13 benchmarks prescribed by the Texas Higher Education Coordinating  
14 Board under Section 51.334 on an assessment instrument designated  
15 by the coordinating board under that section administered at the  
16 end of the college preparatory mathematics or English language arts  
17 course satisfies the requirements concerning and is exempt from the  
18 administration of the applicable mathematics or reading language  
19 arts [~~Algebra I or the English I and English II~~] end-of-course  
20 assessment instruments[~~, as applicable,~~] as prescribed by Section  
21 39.023(c), even if the student did not perform satisfactorily on a  
22 previous administration of the applicable end-of-course assessment  
23 instrument. A student who fails to perform satisfactorily on the  
24 assessment instrument designated by the coordinating board under  
25 Section 51.334 administered as provided by this subsection may  
26 retake that assessment instrument for purposes of this subsection  
27 or may take the appropriate end-of-course assessment instrument.

1           (a-3) A student who, after retaking an end-of-course  
2 assessment instrument for mathematics or reading language arts  
3 ~~[Algebra I or English II]~~, has failed to perform satisfactorily as  
4 required by Subsection (a), but who receives a score of proficient  
5 on the Texas Success Initiative (TSI) diagnostic assessment for the  
6 corresponding subject for which the student failed to perform  
7 satisfactorily on the end-of-course assessment instrument  
8 satisfies the requirement concerning the mathematics or reading  
9 language arts ~~[Algebra I or English II]~~ end-of-course assessment,  
10 as applicable.

11           SECTION 10. Section 39.027(e), Education Code, is amended  
12 to read as follows:

13           (e) The commissioner shall adopt a norm-referenced ~~[develop~~  
14 ~~an]~~ assessment system that shall be used for evaluating the  
15 academic progress, including reading proficiency in English, of all  
16 emergent bilingual students, as defined by Section 29.052. A  
17 student who is exempt from the administration of an assessment  
18 instrument under Subsection (a)(1) or (2) who achieves reading  
19 proficiency in English as determined by the assessment system  
20 adopted ~~[developed]~~ under this subsection shall be administered the  
21 assessment instruments described by Sections 39.023(a) and (c).  
22 The performance under the assessment system adopted ~~[developed]~~  
23 under this subsection of students to whom Subsection (a)(1) or (2)  
24 applies shall be included in the indicator systems under Section  
25 39.301, as applicable, the performance report under Section 39.306,  
26 and the comprehensive biennial report under Section 39.332. This  
27 information shall be provided in a manner that is disaggregated by

the bilingual education or special language program, if any, in which the student is enrolled.

SECTION 11. Section 39.028, Education Code, is amended to read as follows:

Sec. 39.028. COMPARISON OF STATE RESULTS TO NATIONAL RESULTS. The state assessment program shall obtain nationally comparative results for the subject areas and grade levels for which norm-referenced or criterion-referenced assessment instruments are adopted under Section 39.023.

SECTION 12. Section 39.053(c), Education Code, is amended to read as follows:

(c) School districts and campuses must be evaluated based on three domains of indicators of achievement adopted under this section that include:

(1) in the student achievement domain, indicators of student achievement that must include:

(A) for evaluating the performance of districts and campuses generally:

(i) an indicator that accounts for the results of assessment instruments required under Sections 39.023(a), (c), and (l), as applicable for the district and campus, including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(a) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the

assessment instruments, aggregated across grade levels by subject area; and

(b) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) an indicator that accounts for the results of assessment instruments required under Section 39.023(b), as applicable for the district and campus, including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area; and

(B) for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for:

(i) students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.334 on an assessment instrument in reading language arts or mathematics designated by the coordinating board under that section;

(ii) students who satisfy relevant performance standards on advanced placement tests or similar assessments;

(iii) students who earn dual course credits in the dual credit courses;

(iv) students who enlist in the armed forces of the United States or the Texas National Guard;

(v) students who earn industry certifications;

(vi) students admitted into postsecondary industry certification programs that require as a prerequisite for entrance successful performance at the secondary level;

(vii) students whose successful completion of a course or courses under Section 28.014 indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;

(viii) students who successfully met standards on a composite of indicators that through research indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;

(ix) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) subject to the exclusions provided by Subsections (g), (g-1), (g-2), (g-3), and (g-4);

(x) students who successfully completed an OnRamps dual enrollment course;

(xi) students who successfully completed a practicum or internship approved by the State Board of Education;

(xii) students who are awarded an associate

1 degree; and

2 (xiii) students who successfully completed  
3 a program of study in career and technical education;

4 (2) in the school progress domain, indicators for  
5 effectiveness in promoting student learning, which must include:

6 (A) for assessment instruments, including  
7 assessment instruments under Subdivisions (1)(A)(i) and (ii), the  
8 percentage of students who met the standard for improvement, as  
9 determined by the commissioner; and

10 (B) for evaluating relative performance, the  
11 performance of districts and campuses compared to similar districts  
12 or campuses; and

13 (3) in the closing the gaps domain, the use of  
14 disaggregated data to demonstrate the differentials among students  
15 from different racial and ethnic groups, socioeconomic  
16 backgrounds, and other factors, including:

17 (A) students formerly receiving special  
18 education services;

19 (B) students continuously enrolled; and

20 (C) students who are mobile.

21 SECTION 13. Section 39.203(c), Education Code, is amended  
22 to read as follows:

23 (c) In addition to the distinction designations described  
24 by Subsections (a) and (b), a campus that satisfies the criteria  
25 developed under Section 39.204 shall be awarded a distinction  
26 designation by the commissioner for outstanding performance in  
27 academic achievement in reading [~~English~~] language arts,



1 mathematics, or science[, ~~or social studies~~].

2 SECTION 14. Section 39A.064(a), Education Code, is amended  
3 to read as follows:

4 (a) Notwithstanding [~~Section 39A.0545(b) or~~] any other law,  
5 the commissioner may require a school district or open-enrollment  
6 charter school to comply with all requirements of the strong  
7 foundations grant program under Section 29.0881 at a campus that:

8 (1) includes students at any grade level from  
9 prekindergarten through fifth grade;

10 (2) is assigned an overall performance rating of D or  
11 F; and

12 (3) is in the bottom five percent of campuses in the  
13 state based on student performance on the grade three reading  
14 language arts assessment administered under Section 39.023(a)  
15 during the previous school year, as determined by the commissioner.

16 SECTION 15. Effective September 1, 2026, Section 48.317(c),  
17 Education Code, as added by H.B. No. 2, Acts of the 89th  
18 Legislature, Regular Session, 2025, and effective September 1,  
19 2026, is amended to read as follows:

20 (c) Subject to Subsection (d), beginning with the 2030-2031  
21 school year, the agency shall reduce the school district's  
22 entitlement under this chapter each school year by the total amount  
23 of grant money received by a student under Subsection (a) for each  
24 student who:

25 (1) fails to perform satisfactorily on the third grade  
26 reading language arts assessment instrument administered under  
27 Section 39.023(a);

1           (2) received and used a grant under Section 28.02111;  
2 and

3           (3) was enrolled in the district from kindergarten  
4 through third grade.

5       SECTION 16. Section 39.023(c-9), Education Code, is  
6 repealed.

7       SECTION 17. This Act applies beginning with the 2026-2027  
8 school year.

9       SECTION 18. Except as otherwise provided by this Act, this  
10 Act takes effect immediately if it receives a vote of two-thirds of  
11 all the members elected to each house, as provided by Section 39,  
12 Article III, Texas Constitution. If this Act does not receive the  
13 vote necessary for immediate effect, this Act takes effect on the  
14 91st day after the last day of the legislative session.