

By: Muñoz

H.B. No. 298

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:

ARTICLE 1. TRANSITION TO INSTRUCTIONALLY SUPPORTIVE ASSESSMENT PROGRAM

SECTION 1.001. 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, the agency ~~[The State Board of Education by rule]~~ shall create and implement an instructionally supportive ~~[a]~~ statewide assessment program that:

(1) provides for progress monitoring;
(2) is balanced, innovative, and streamlined; and
(3) is based on essential knowledge and skills adopted by the State Board of Education under Section 28.002 ~~[knowledge- and skills-based to ensure school accountability for student achievement that achieves the goals provided under Section 4.002]~~.

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

1 (c) The agency ~~[After adopting rules under this section, the~~
2 ~~State Board of Education]~~ shall consider the importance of
3 maintaining stability in the instructionally supportive
4 ~~[statewide]~~ assessment program when modifying the program
5 ~~[adopting any subsequent modification of the rules]~~.

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

9 (1) provide information regarding student academic
10 achievement and learning progress to:

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

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

16 (C) education researchers for the purpose of
17 comparing student academic achievement and learning progress data
18 at the national and statewide levels;

19 (2) evaluate the achievement level and learning
20 progress of each assessed student in reading language arts,
21 mathematics, science, and social studies;

22 (3) provide information to the agency for the purpose
23 of making decisions regarding public school accountability, campus
24 recognition, and the improvement of public school operations and
25 management;

26 (4) identify the educational strengths and needs of
27 individual students and the readiness of those students to be

1 promoted to the next grade level or to graduate from high school;

2 (5) assess whether educational goals and curricular
3 standards are being met at the campus, district, and state levels;

4 (6) provide information to help evaluate and develop
5 educational programs and policies; and

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

10 ~~[(2) minimize the disruption to the educational~~
11 ~~program].~~

12 (e) Each school district and open-enrollment charter school
13 shall administer assessment instruments as required under this
14 chapter in accordance with the instructionally supportive
15 assessment program.

16 SECTION 1.002. Subchapter B, Chapter 39, Education Code, is
17 amended by adding Sections 39.0225 and 39.0226 to read as follows:

18 Sec. 39.0225. TRANSITION OF ASSESSMENT PROGRAM. (a)
19 Except as otherwise provided by this section, not later than the
20 beginning of the 2027-2028 school year, the agency shall transition
21 the program for assessment instruments administered under this
22 subchapter from the State of Texas Assessment of Academic Readiness
23 (STAAR) assessment program to the instructionally supportive
24 assessment program described by Section 39.022.

25 (b) The agency shall contract with a nationally recognized
26 provider of assessment instruments for the purpose of making the
27 transition described by Subsection (a).

1 (c) Students shall continue to be assessed under the State
2 of Texas Assessment of Academic Readiness (STAAR) assessment
3 program until the instructionally supportive assessment program
4 described by Section 39.022 is available beginning with the
5 2027-2028 school year.

6 (d) During the 2025-2026, 2026-2027, and 2027-2028 school
7 years, the agency, school districts, and open-enrollment charter
8 schools shall conduct any field testing of questions for assessment
9 instruments proposed to be adopted or developed under Section
10 39.023 necessary to implement the transition under this section.

11 (e) Not later than February 15, 2027, the agency shall
12 submit to the governor, the lieutenant governor, the speaker of the
13 house of representatives, and the chairs of the standing
14 legislative committees with primary jurisdiction over public
15 school assessments a report regarding the status of the
16 implementation of the instructionally supportive assessment
17 program described by Section 39.022.

18 (f) This section expires September 1, 2029.

19 Sec. 39.0226. ASSESSMENT INSTRUMENT STUDY. (a) The
20 commissioner shall enter into a memorandum of understanding with a
21 public institution of higher education to conduct a study on items
22 proposed to be included in an assessment instrument required to be
23 administered under Section 39.023(a) under the instructionally
24 supportive assessment program described by Section 39.022. The
25 study must determine whether, for each item that is designed to be
26 on grade level, the item:

27 (1) is written at a reading level appropriate for

students at that grade level; and

(2) includes only:

(A) passages, questions, answers, or other content aligned with the essential knowledge and skills adopted by the State Board of Education under Section 28.002 for the applicable subject for that grade level or a previous grade level; and

(B) passages written at a reading level not higher than that grade level.

(b) Not later than December 1, 2028, the commissioner shall submit to the legislature and the chairs of the standing legislative committees with primary jurisdiction over primary and secondary education a report that includes the results of the study conducted under Subsection (a).

(c) This section expires December 31, 2028.

SECTION 1.003. Section 39.023, Education Code, is amended by amending Subsections (a), (a-3), (c), (h), (i), and (l) and adding Subsection (q) to read as follows:

(a) In creating and implementing the instructionally supportive assessment program under Section 39.022, the [The] agency shall adopt or develop appropriate beginning-of-year, middle-of-year, and end-of-year [criterion-referenced] assessment instruments 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 (1) mathematics, annually in grades three through
2 eight;
- 3 (2) reading language arts, annually in grades three
4 through eight;
- 5 (3) social studies, in grade eight;
- 6 (4) science, in grades five and eight; and
- 7 (5) any other subject and grade required by federal
8 law.

9 (a-3) The agency may not adopt or develop an [~~a~~
10 ~~criterion-referenced~~] assessment instrument under this section
11 based on common core state standards as defined by Section
12 [28.002](#)(b-1). This subsection does not prohibit the use of college
13 advanced placement tests or international baccalaureate
14 examinations as those terms are defined by Section [28.051](#).

15 (c) The agency shall also adopt or develop end-of-course
16 assessment instruments for secondary-level courses in Algebra I,
17 biology, English I, English II, and United States history and
18 provide for the availability of optional beginning-of-year and
19 middle-of-year assessment instruments for those courses. The
20 Algebra I end-of-course assessment instrument must be administered
21 with the aid of technology, but may include one or more parts that
22 prohibit the use of technology. The English I and English II
23 end-of-course assessment instruments must each assess essential
24 knowledge and skills in both reading and writing and must provide a
25 single score. [~~A school district shall comply with State Board of~~
26 ~~Education rules regarding administration of the assessment~~
27 ~~instruments 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).]~~

(h) The agency shall notify school districts and campuses of the results of assessment instruments administered under this section in accordance with the timeline provided by Section 39.02301 ~~[not later than the 21st day after the date the assessment instrument is administered]~~. The school district shall:

(1) disclose to each district teacher the results of assessment instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered; and

(2) provide to the parent of a student enrolled in the district:

(A) the results of each assessment instrument administered under this section to the student; and

(B) instructions for accessing any online portal maintained by the agency that provides results of assessment instruments administered to the student.

(i) The provisions of this section and Section 39.02301~~[7~~

1 ~~except Subsection (d),]~~ are subject to modification by rules
2 adopted under Section [39.001](#) [~~39.022~~]. Each assessment instrument
3 adopted or developed under those rules [~~and each assessment~~
4 ~~instrument required under Subsection (d)]~~ must be reliable and
5 valid and must meet any applicable federal requirements for
6 measurement of student progress.

7 (1) The agency [~~State Board of Education~~] shall adopt rules
8 for the administration of the assessment instruments adopted under
9 Subsection (a) in Spanish to emergent bilingual students in grades
10 three through five, as defined by Section [29.052](#), whose primary
11 language is Spanish, and who are not otherwise exempt from the
12 administration of an assessment instrument under Section
13 [39.027](#)(a)(1) or (2). Each emergent bilingual student whose primary
14 language is Spanish, other than a student to whom Subsection (b)
15 applies, may be assessed using assessment instruments in Spanish
16 under this subsection for up to three years or assessment
17 instruments in English under Subsection (a). The language
18 proficiency assessment committee established under Section [29.063](#)
19 shall determine which students are administered assessment
20 instruments in Spanish under this subsection.

21 (g) The agency shall approve a list of alternative
22 norm-referenced assessment instruments that meet the requirements
23 of this subchapter and that a school district or open-enrollment
24 charter school may administer in place of a beginning-of-year or
25 middle-of-year assessment instrument adopted or developed under
26 this section. The agency shall:

27 (1) ensure the list approved under this subsection

includes multiple alternative assessment instruments; and

(2) adopt a process by which a school district or open-enrollment charter school may submit to the agency an assessment instrument to be included on the list approved under this subsection.

SECTION 1.004. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02301 to read as follows:

Sec. 39.02301. ADOPTION OR DEVELOPMENT AND ADMINISTRATION REQUIREMENTS FOR ASSESSMENT INSTRUMENTS. (a) An assessment instrument adopted or developed under Section 39.023 must:

(1) measure student performance in relation to the essential knowledge and skills adopted by the State Board of Education under Section 28.002 for the subject area and grade level being assessed;

(2) include items that have been evaluated for readability using research-based readability metrics approved by the agency in consultation with the advisory committees established under Section 39.02302;

(3) meet industry standards of validity and reliability;

(4) comply with applicable requirements under federal law, including peer review requirements; and

(5) be designed to report student academic growth, including by:

(A) reporting a student's norm-referenced growth based on a comparison of the student's performance on the assessment instrument to the student's performance on a previously

administered assessment instrument, as applicable, to measure through-year growth;

(B) for an end-of-year or end-of-course assessment instrument, reporting year-over-year growth in student achievement; and

(C) for a beginning-of-year or middle-of-year assessment instrument, being adaptive to each student to measure and report individual student growth.

(b) Before an assessment instrument adopted or developed under Section 39.023(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 the advisory committees established under Section 39.02302 or an entity that is, as determined by the commissioner, independent of the agency and of any other entity that developed the assessment instrument.

(c) Before an item may be included on an assessment instrument administered under Section 39.023 that was developed by the agency, the item must be reviewed and approved by a committee composed of teachers in this state. The agency shall form each committee by inviting a total of approximately 40 teachers representing each region of this state who teach the grade level and subject area assessed by the items under review to participate in the committee. For each proposed item, at least three-quarters of participating committee members must agree that:

(1) the item is aligned with the essential knowledge and skills adopted by the State Board of Education under Section 28.002 for the applicable grade level and subject area;

1 (2) the item is appropriate for the grade level and
2 subject area being assessed and is written at an appropriate
3 reading level for the grade level being assessed;

4 (3) the item is free from bias and factual error; and

5 (4) students in the member's classroom would have an
6 opportunity to learn the content included in the item before the
7 administration of the applicable end-of-year or end-of-course
8 assessment instrument.

9 (d) The writing portion of a reading language arts
10 assessment instrument adopted or developed under Section [39.023](#)
11 must be designed to assess writing using open-ended questions that
12 are:

13 (1) grade-level appropriate;

14 (2) administered separately; and

15 (3) scored using a process that:

16 (A) involves classroom teachers in setting
17 grading standards; and

18 (B) allows for a school district or
19 open-enrollment charter school to submit student responses for
20 rescoring.

21 (e) For an end-of-year or end-of-course assessment
22 instrument adopted or developed under Section [39.023](#), the agency
23 shall adopt or develop criterion-referenced assessment instruments
24 designed to assess and report student performance for, at minimum,
25 each performance standard under Section [39.0241](#).

26 (f) In setting performance levels for a
27 criterion-referenced assessment instrument adopted or developed

1 under Subsection (e), the commissioner shall implement procedures
2 to maintain the validity and reliability of the assessment
3 instrument, including procedures for field testing items approved
4 by the teacher committees described by Subsection (c). Except as
5 necessary to comply with college readiness recommendations made by
6 the commissioner of higher education under Section 39.0241(a-1),
7 the commissioner shall ensure the performance levels are set at
8 levels consistent with performance levels set for previous school
9 years, including by implementing procedures that equate the
10 performance levels or by conducting standards-setting processes.

11 (g) On or before September 1 of each year, the commissioner
12 shall make the following information available on the agency's
13 Internet website for each criterion-referenced assessment
14 instrument administered under Section 39.023(a), (c), or (l):

15 (1) the number of questions on the assessment
16 instrument;

17 (2) the number of questions that must be answered
18 correctly to achieve satisfactory performance as determined by the
19 commissioner under Section 39.0241(a);

20 (3) the number of questions that must be answered
21 correctly to achieve satisfactory performance under the college
22 readiness performance standard as provided by Section 39.0241; and

23 (4) the corresponding scale scores.

24 (h) An assessment instrument adopted or developed under
25 Section 39.023 must be designed to support accommodations for
26 students in a special education program under Subchapter A, Chapter
27 29. 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 accommodation is necessary in administering to the student an assessment instrument required under Section 39.023.

(i) The agency shall adopt a schedule for the administration of assessment instruments under Section 39.023 for each school year and provide the schedule to each school district and open-enrollment charter school two years before the school year to which the schedule applies. The schedule must provide for the administration of an assessment instrument within an assessment administration schedule window in the following applicable range:

(1) for a beginning-of-year assessment instrument, between the fourth Monday in August and September 30;

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

(3) for an end-of-year assessment instrument, between May 1 and May 30, except that the writing portion of an end-of-year reading language arts assessment instrument must be administered between April 1 and April 15.

(j) An assessment instrument administered under Section 39.023 may be administered in multiple parts over more than one day. The agency shall adopt procedures to reduce total administration time.

(k) An assessment instrument adopted or developed under Section 39.023 must be designed to minimize the impact on student instructional time so that:

(1) for each beginning-of-year or middle-of-year

assessment instrument separately administered to students in grades three and four, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 60 minutes;

(2) for each beginning-of-year or middle-of-year assessment instrument separately administered to students in grades five through eight, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 75 minutes;

(3) for each end-of-year assessment instrument separately administered to students in grades three and four, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 90 minutes; and

(4) for each end-of-year assessment instrument separately administered to students in grades five through eight, 85 percent of students who do not require accommodations are expected to complete the assessment instrument within 105 minutes.

(1) The agency shall notify school districts and campuses of the results of assessment instruments administered under Section 39.023 not later than two business days after the date the applicable administration schedule window under Subsection (i) closes. The results should include a diagnostic report for each student and recommendations for use by teachers and parents for practical and useful instructional strategies to better meet the individual needs of the student based on the student's performance on the assessment instrument.

(m) At least every third year, the agency shall release the

1 questions and answer keys to each end-of-year and end-of-course
2 assessment instrument administered under Section 39.023, excluding
3 any assessment instrument administered to a student for the purpose
4 of retaking the assessment instrument or a question on an
5 assessment instrument that will be reused for other assessment
6 instruments, after the last time the instrument is administered for
7 that school year. To ensure a valid bank of questions for use each
8 year, the agency is not required to release a question that is being
9 field-tested and was not used to compute the student's score on the
10 instrument. The agency may defer releasing questions and answer
11 keys as required by this subsection to the extent necessary to
12 develop additional assessment instruments.

13 SECTION 1.005. Section 39.0263, Education Code, is amended
14 by adding Subsection (c-1) to read as follows:

15 (c-1) The prohibition prescribed by this section does not
16 apply to an assessment instrument administered during the 2027-2028
17 or 2028-2029 school year that is under review but not yet approved
18 by the agency for inclusion in the list of approved alternative
19 beginning-of-year and middle-of-year assessment instruments under
20 Section 39.023(q). This subsection expires September 1, 2029.

21 SECTION 1.006. Section 39.304, Education Code, is amended
22 to read as follows:

23 Sec. 39.304. TEACHER REPORT CARD. ~~[(a)]~~ Each school
24 district shall ~~[prepare a report of the comparisons made under~~
25 ~~Section 39.034 and provided to the district under Section 39.302~~
26 ~~and]~~ provide ~~[the report at the beginning of the school year]~~ to ~~[+~~

27 ~~[(1)]~~ each teacher the information made available

under Section 39.02301(1) for the current and previous school year
for all students taught by the teacher~~[, including incoming~~
~~students,~~] who were assessed on an assessment instrument under
Section 39.023~~[, and~~

~~[(2) all students under Subdivision (1) who were~~
~~provided instruction by that teacher in the subject for which the~~
~~assessment instrument was administered under Section 39.023].~~

~~[(b) The report shall indicate whether the student~~
~~performed satisfactorily or, if the student did not perform~~
~~satisfactorily, whether the student met the standard for annual~~
~~improvement under Section 39.034.]~~

SECTION 1.007. The following provisions of the Education
Code are repealed:

(1) Sections 39.023(a-1), (a-4), (a-11), (a-12),
(a-13), (a-14), (a-15), (a-16), (c-1), (c-3), (c-6), (c-7), (c-8),
(c-10), (d), (e), (e-1), (f), (g), (o), and (p);

(2) Sections 39.025(a-1) and (a-3);

(3) Sections 39.034(c), (d), and (d-1);

(4) Section 39.302; and

(5) Section 39.303.

ARTICLE 2. CONFORMING CHANGES AND CHANGES RELATED TO TRANSITION OF
ASSESSMENT PROGRAM

SECTION 2.001. Section 7.056(e), Education Code, is amended
to read as follows:

(e) Except as provided by Subsection (f), a school campus or
district may not receive an exemption or waiver under this section
from:

1 (1) a prohibition on conduct that constitutes a
2 criminal offense;

3 (2) a requirement imposed by federal law or rule,
4 including a requirement for special education or bilingual
5 education programs; or

6 (3) a requirement, restriction, or prohibition
7 relating to:

8 (A) essential knowledge or skills under Section
9 28.002 or high school graduation requirements under Section 28.025;

10 (B) public school accountability as provided by
11 Subchapters B, C, D, and J, Chapter 39, and Chapter 39A;

12 (C) extracurricular activities under Section
13 33.081 ~~[or participation in a University Interscholastic League~~
14 ~~area, regional, or state competition under Section 33.0812]~~;

15 (D) health and safety under Chapter 38;

16 (E) purchasing under Subchapter B, Chapter 44;

17 (F) elementary school class size limits, except
18 as provided by Section 25.112;

19 (G) removal of a disruptive student from the
20 classroom under Subchapter A, Chapter 37;

21 (H) at-risk programs under Subchapter C, Chapter
22 29;

23 (I) prekindergarten programs under Subchapter E,
24 Chapter 29;

25 (J) educator rights and benefits under
26 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
27 A, Chapter 22;

(K) special education programs under Subchapter A, Chapter 29;

(L) bilingual education programs under Subchapter B, Chapter 29; or

(M) the requirements for the first day of instruction under Section 25.0811.

SECTION 2.002. 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

1 plan; and

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

4 SECTION 2.003. Section 21.4552(c), Education Code, is
5 amended to read as follows:

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

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

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

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

25 SECTION 2.004. Section 26.005, Education Code, is amended
26 to read as follows:

27 Sec. 26.005. ACCESS TO STATE ASSESSMENTS. Except as

provided by Section 39.02301(m) [~~39.023(e)~~], a parent is entitled to access to a copy of each state assessment instrument administered under Section 39.023 to the parent's child.

SECTION 2.005. Sections 28.0063(b) and (f), Education Code, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, are 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.

(f) If the commissioner determines that a beginning-of-year or middle-of-year ~~[an interim]~~ assessment instrument adopted or developed under Section 39.023 ~~[39.023(o)]~~ provides the same intended outcomes as an instrument adopted or approved under this section, the commissioner may substitute that beginning-of-year or middle-of-year ~~[interim]~~ assessment instrument for an instrument adopted or approved under this section.

SECTION 2.006. Sections 28.0211(a-8) and (o), Education Code, are 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.

(o) This section does not require the administration of a fifth or eighth grade assessment instrument in a subject under Section 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Section 39.023(a) that aligns with the curriculum for the course in which the student is enrolled; or

(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted or developed under Section 39.023(c) for the course.

SECTION 2.007. Section 28.023(c), Education Code, is amended to read as follows:

(c) A school district shall give a student in grade level six or above credit for a subject on the basis of an examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination

1 score on the student's transcript and the student is not required to
2 take an end-of-course assessment instrument adopted or developed
3 under Section 39.023(c) for that subject.

4 SECTION 2.008. Section 29.056(g), Education Code, is
5 amended to read as follows:

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

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

15 (2) satisfactory performance on the reading language
16 arts assessment instrument under Section 39.023(a) or an English
17 language arts assessment instrument under Section 39.023(c), as
18 applicable, with the assessment instrument administered in
19 English, or, if the student is enrolled in the first or second
20 grade, an achievement score at or above the 40th percentile in the
21 reading and language arts sections of an English standardized test
22 approved by the agency; and

23 (3) agency-approved criterion-referenced tests and
24 the results of a subjective teacher evaluation.

25 SECTION 2.009. Section 29.1543(a), Education Code, as added
26 by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, is
27 amended to read as follows:

1 (a) The agency shall produce and make available to the
2 public on the agency's Internet website annual district and
3 campus-level reports containing information from the previous
4 school year on early education in school districts and
5 open-enrollment charter schools. A report under this section must
6 contain:

7 (1) the information required by Section 29.1532(c) to
8 be reported through the Public Education Information Management
9 System (PEIMS);

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

12 (3) the number of students who were administered a
13 reading instrument administered in accordance with Section
14 28.006(c-2);

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

18 (5) the number of kindergarten students who were
19 enrolled in a prekindergarten program, including a program offered
20 through a partnership under Section 29.153, in the previous school
21 years in the same district or school as the district or school in
22 which the student attends kindergarten;

23 (6) the number and percentage of students who perform
24 satisfactorily on the third grade reading language arts or
25 mathematics assessment instrument administered under Section
26 39.023, disaggregated by whether the student was eligible for free
27 prekindergarten under Section 29.153;

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

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

(B) whether the student attended prekindergarten in the district, including a program offered through a partnership 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;

1 and

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

4 SECTION 2.010. Sections 39.02342(a) and (b), Education
5 Code, are amended to read as follows:

6 (a) Subject to Subsection (c) and notwithstanding Section
7 39.023, a school district may administer in paper format a
8 nonadaptive assessment instrument adopted or developed by the
9 agency as a substitute for an assessment instrument required under
10 Section 39.023(a), (c), or (l) [in paper format] to any student
11 whose parent, guardian, or teacher in the applicable subject area
12 requests the assessment instrument be administered to the student
13 in paper format.

14 (b) A request for the administration of an assessment
15 instrument in paper format to a student under this section must be
16 submitted to the school district not later than a reasonable date as
17 determined by the agency, which must be not later than the 60th day
18 before the date the applicable assessment administration schedule
19 window under Section 39.02301(i) closes[-

20 ~~[(1) for a fall administration of an assessment~~
21 ~~instrument, not later than September 15 of the school year in which~~
22 ~~the assessment instrument will be administered, and~~

23 ~~[(2) for a spring administration of an assessment~~
24 ~~instrument, not later than December 1 of the school year in which~~
25 ~~the assessment instrument will be administered].~~

26 SECTION 2.011. Section 39.0236, Education Code, is amended
27 by adding Subsection (e) to read as follows:

1 (e) The agency shall implement the pilot program
2 established under this section beginning with the 2028-2029 school
3 year. This subsection expires September 1, 2029.

4 SECTION 2.012. Section 39.0238(b), Education Code, is
5 amended to read as follows:

6 (b) The board of trustees of a school district or the
7 governing body of an open-enrollment charter school may consider
8 the dates of religious holy days or periods of observance likely to
9 be observed by the students enrolled in the district or school
10 during the ~~[period set by the State Board of Education for the~~
11 ~~administration of]~~ assessment administration schedule window
12 ~~[instruments required]~~ under Section 39.02301(i) ~~[39.023]~~ in
13 establishing:

14 (1) the district's or school's calendar for that
15 school year; and

16 (2) the instructional days within that period on which
17 district or school students are administered the required
18 assessment instruments, provided that the board of trustees or
19 governing body may not exclude more than two instructional days
20 from that period based solely on the occurrence of a single
21 religious holy day or period of observance.

22 SECTION 2.013. Sections 39.025(b), (e-1), and (f),
23 Education Code, are amended to read as follows:

24 (b) Each time an end-of-course assessment instrument
25 adopted or developed under Section 39.023(c) is administered, a
26 student who failed to achieve a score requirement under Subsection
27 (a) may retake the assessment instrument. A student is not required

1 to retake a course as a condition of retaking an end-of-course
2 assessment instrument.

3 (e-1) Nothing in this section has the effect of prohibiting
4 the administration of an end-of-course assessment instrument
5 listed in Section 39.023(c) to a student enrolled below the high
6 school level who is enrolled in the course for which the assessment
7 instrument is adopted or developed. The commissioner shall adopt
8 rules necessary to ensure that the student's performance on the
9 assessment instrument is considered in the same manner for purposes
10 of this section as the performance of a student enrolled at the high
11 school level.

12 (f) The commissioner shall by rule adopt a transition plan
13 to implement the amendments made by Chapter 1312 (S.B. No. 1031),
14 Acts of the 80th Legislature, Regular Session, 2007, replacing
15 general subject assessment instruments administered at the high
16 school level with end-of-course assessment instruments. The rules
17 must provide for the end-of-course assessment instruments adopted
18 or developed under Section 39.023(c) to be administered beginning
19 with students enrolled in the ninth grade for the first time during
20 the 2011-2012 school year. During the period under which the
21 transition to end-of-course assessment instruments is made:

22 (1) for students entering a grade above the ninth
23 grade during the 2011-2012 school year or students repeating ninth
24 grade during the 2011-2012 school year, the commissioner shall
25 retain, administer, and use for purposes of accreditation and other
26 campus and district accountability measures under this chapter the
27 assessment instruments required by Section 39.023(a) or (c), as

1 that section existed before amendment by Chapter 1312 (S.B.
2 No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and

3 (2) a student subject to Subdivision (1) may not
4 receive a high school diploma unless the student has performed
5 satisfactorily on the SAT, the ACT, the Texas Success Initiative
6 (TSI) diagnostic assessment, or the current assessment instrument
7 or instruments administered for graduation purposes as provided by
8 Subsection (f-1) or on each required assessment instrument
9 administered under Section 39.023(c), as that section existed
10 before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th
11 Legislature, Regular Session, 2007.

12 SECTION 2.014. Section 39.027(b), Education Code, is
13 amended to read as follows:

14 (b) The agency [~~State Board of Education~~] shall adopt rules
15 under which a dyslexic student who is not exempt under Subsection
16 (a) may use procedures including oral examinations if appropriate
17 or may be allowed additional time or the materials or technology
18 necessary for the student to demonstrate the student's mastery of
19 the competencies the assessment instruments are designed to
20 measure.

21 SECTION 2.015. Section 39.030(a), Education Code, is
22 amended to read as follows:

23 (a) In adopting academic skills assessment instruments
24 under this subchapter, the agency [~~State Board of Education~~] or a
25 school district shall ensure the security of the instruments and
26 tests in their preparation, administration, and grading. Meetings
27 or portions of meetings held by the agency [~~State Board of~~

1 ~~Education]~~ or a school district at which individual assessment
2 instruments or assessment instrument items are discussed or adopted
3 are not open to the public under Chapter 551, Government Code, and
4 the assessment instruments or assessment instrument items are
5 confidential.

6 SECTION 2.016. Section 39.031, Education Code, is amended
7 to read as follows:

8 Sec. 39.031. COST. The cost of preparing, administering,
9 or grading the assessment instruments and releasing the question
10 and answer keys under Section 39.02301(m) [~~39.023(e)~~] shall be paid
11 from amounts appropriated to the agency.

12 SECTION 2.017. Section 39.035(a), Education Code, is
13 amended to read as follows:

14 (a) Subject to Subsection (b), the agency may conduct field
15 testing of questions for any assessment instrument administered
16 under Section 39.023(a), (b), (c), [~~(d)~~] or (l) that is separate
17 from the administration of the assessment instrument not more
18 frequently than every other school year.

19 SECTION 2.018. Section 39.053(c), Education Code, is
20 amended to read as follows:

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

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

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

1 (i) an indicator that accounts for the
2 results of assessment instruments required under Sections
3 39.023(a), (c), and (l), as applicable for the district and campus,
4 including the results of assessment instruments required for
5 graduation retaken by a student, aggregated across grade levels by
6 subject area, including:

7 (a) for the performance standard
8 determined by the commissioner under Section 39.0241(a), the
9 percentage of students who performed satisfactorily on the
10 assessment instruments, aggregated across grade levels by subject
11 area; and

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

17 (ii) an indicator that accounts for the
18 results of assessment instruments required under Section
19 39.023(b), as applicable for the district and campus, including the
20 percentage of students who performed satisfactorily on the
21 assessment instruments, as determined by the performance standard
22 adopted by the agency, aggregated across grade levels by subject
23 area; and

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

27 (i) students who satisfy the Texas Success

1 Initiative (TSI) college readiness benchmarks prescribed by the
2 Texas Higher Education Coordinating Board under Section 51.334 on
3 an assessment instrument in reading language arts or mathematics
4 designated by the coordinating board under that section;

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

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

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

12 (v) students who earn industry
13 certifications;

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

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

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

27 (ix) high school graduation rates, computed

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

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

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

9 (xii) students who are awarded an associate
10 degree; and

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

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

15 (A) for assessment instruments, including
16 assessment instruments under Subdivisions (1)(A)(i) and (ii), the
17 percentage of students who met the standard for improvement, as
18 determined by the commissioner; and

19 (B) for evaluating relative performance, the
20 performance of districts and campuses compared to similar districts
21 or campuses; and

22 (3) in the closing the gaps domain, the use of
23 disaggregated data to demonstrate the differentials among students
24 from different racial and ethnic groups, socioeconomic
25 backgrounds, and other factors, including:

26 (A) students formerly receiving special
27 education services;

(B) students continuously enrolled; and

(C) students who are mobile.

SECTION 2.019. Section 39.202, Education Code, as amended by S.B. 1418, Acts of the 89th Legislature, Regular Session, 2025, is amended to read as follows:

Sec. 39.202. ACADEMIC DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness. The commissioner shall adopt criteria for the designation under this section, including:

(1) percentages of students who:

(A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area; or

(B) met the standard for annual improvement, as determined by the agency [~~under Section 39.034~~], on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);

(2) percentages of:

(A) students who earned a nationally or internationally recognized business or industry certification or license;

(B) students who completed a coherent sequence of

1 career and technical courses;

2 (C) students who completed a dual credit course
3 or an articulated postsecondary course provided for local credit;

4 (D) students who achieved applicable College
5 Readiness Benchmarks or the equivalent on the PSAT, the SAT, the
6 ACT, or the PreACT assessment program; and

7 (E) students who received a score on either an
8 advanced placement test or an international baccalaureate
9 examination to be awarded college credit; and

10 (3) other factors for determining sufficient student
11 attainment of postsecondary readiness.

12 SECTION 2.020. Section 39.203(a), Education Code, is
13 amended to read as follows:

14 (a) The commissioner shall award a campus a distinction
15 designation for outstanding performance in improvement in student
16 achievement if the campus is ranked in the top 25 percent of
17 campuses in the state in annual improvement in student achievement
18 as determined by the commissioner [~~under Section 39.034~~].

19 SECTION 2.021. Section 39A.064(a), Education Code, is
20 amended to read as follows:

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

25 (1) includes students at any grade level from
26 prekindergarten through fifth grade;

27 (2) is assigned an overall performance rating of D or

F; and

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

SECTION 2.022. Effective September 1, 2026, Section 48.317(c), Education Code, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, and effective September 1, 2026, is amended to read as follows:

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

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

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

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

SECTION 2.023. The following provisions of the Education Code are repealed:

(1) Section 33.0812;

(2) Section 39.029; and

(3) Section 39.032.

ARTICLE 3. TRANSITION AND EFFECTIVE DATE

SECTION 3.001. A rule of the State Board of Education under Section 39.022, Education Code, that is in effect on the effective date of this Act remains in effect until changed by the commissioner of education in accordance with that section as amended by this Act.

SECTION 3.002. (a) Section 39.023(i), Education Code, as amended by this Act, and the repeal by this Act of Sections 39.023(c-3), (c-7), and (c-10), Education Code, apply beginning with the 2025-2026 school year.

(b) Except as otherwise provided by this Act, Sections 7.056, 28.0063, 39.022, 39.023, 39.02342, 39.0263, 39.031, 39.035, 39.053, 39.202, 39.203, and 39.304, Education Code, as amended by this Act, Section 39.02301, Education Code, as added by this Act, and the repeal by this Act of Sections 33.0812, 39.025(a-1) and (a-3), 39.029, 39.032, 39.034(c), (d), and (d-1), 39.302, and 39.303, Education Code, apply beginning with the 2027-2028 school year.

SECTION 3.003. Except as otherwise provided by this Act, 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 on the 91st day after the last day of the legislative session.