

**BILL ANALYSIS**

Senate Research Center

H.B. 8  
By: Buckley et al. (Bettencourt)  
Finance  
8/27/2025  
Engrossed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recent lawsuits and feedback from educational leaders underscore a growing need for reforms to the public school accountability system and the state testing program. H.B. 8 seeks to reconstruct the state testing program and refine the metrics by which public schools are evaluated. H.B. 8 implements an instructionally supportive state testing program, revises the manner in which indicators and public school performance ratings under the public school accountability system are modified and implemented, and provides for actions challenging Texas Education Agency decisions related to public school accountability.

H.B. 8 amends current law relating to public school accountability and transparency, including the implementation of an instructionally supportive assessment program and the adoption and administration of assessment instruments in public schools, indicators of achievement, public school performance ratings, and interventions and sanctions under the public school accountability system, a grant program for school district local accountability plans, and actions challenging Texas Education Agency decisions related to public school accountability.

**RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Board of Education is rescinded in SECTION 1.002 (Section 39.022, Education Code), SECTION 1.011 (Section 39.023, Education Code), and SECTION 4.021 (Sections 33.0812, 39.029, and 39.032, Education Code) of this bill.

Rulemaking authority previously granted to the State Board of Education is transferred to the Texas Education Agency in SECTION 1.004 (Section 39.023, Education Code) and SECTION 4.013 (Section 39.027, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 2.005 (Section 39.054, Education Code) and SECTION 4.012 (Section 39.025, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 1.011 (Section 39.023, Education Code) and SECTION 4.021 (Sections 33.0812 and 39.032, Education Code) of this bill.

**SECTION BY SECTION ANALYSIS**

ARTICLE 1. TRANSITION TO INSTRUCTIONALLY SUPPORTIVE ASSESSMENT PROGRAM

SECTION 1.001. Amends Section 26.005, Education Code, as follows:

Sec. 26.005. New heading: ACCESS TO STATE ASSESSMENTS AND ASSESSMENT RESULTS. (a) Creates this subsection from existing text. Creates an exception under Section 39.02301(m), rather than 39.023(e) (relating to requiring the Texas Education Agency (TEA) to release the questions and answer keys to certain assessment instruments every third year).

(b) Requires TEA to make available to a parent the results of each state assessment instrument administered under Section 39.023 (Adoption and Administration of Instruments) to the parent's child. Requires that the results be accessible by one click from the home page of an Internet website maintained by TEA. Requires that identifying information that is necessary to access a child's results meet TEA security protocols, be unique to the child, and be under the control of the child's parent without the need to secure additional information from a third party.

(c) Requires each school district and open-enrollment charter school to provide to a parent of a child enrolled at the district or school access to the Internet website described by Subsection (b) through a parent portal maintained by the district or school and notify the parent regarding that access each time TEA makes available the results of an assessment instrument administered to the parent's child.

SECTION 1.002. Amends Section 39.022, Education Code, as follows:

Sec. 39.022. New heading: **INSTRUCTIONALLY SUPPORTIVE ASSESSMENT PROGRAM.** (a) Requires TEA, rather than the State Board of Education (SBOE) by rule, to ensure school accountability for student achievement that achieves the goals provided under Section 4.002 (Public Education Academic Goals), to create and implement an instructionally supportive statewide assessment program that provides for progress monitoring; is balanced, innovative, and streamlined; and is based on essential knowledge and skills adopted by SBOE under Section 28.002 (Required Curriculum), rather than a statewide assessment program that is knowledge- and skills-based to ensure school accountability for student achievement that achieves the goals provided under Section 4.002.

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

(c) Creates this subsection from existing text. Requires TEA, rather than SBOE after adopting rules under this section, to consider the importance of maintaining stability in the instructionally supportive assessment program when modifying the program, rather than in the statewide assessment program when adopting any subsequent modification of the rules.

(d) Redesignates existing Subsection (b) as Subsection (d). Provides that it is the policy of this state that the instructionally supportive assessment program be designed to meet certain criteria. Deletes existing text providing that it is the policy of this state that the statewide assessment program be designed to provide assessment instruments that are as short as practicable and minimize the disruption to the educational program.

(e) Requires each school district and open-enrollment charter school to administer assessment instruments as required under Chapter 39 (Public School System Accountability) in accordance with the instructionally supportive assessment program.

(f) Authorizes the instructionally supportive assessment program to be referred to as the Student Success Tool.

SECTION 1.003. Amends Subchapter B, Chapter 39, Education Code, by adding Sections 39.0225 and 39.0226, as follows:

Sec. 39.0225. **TRANSITION OF ASSESSMENT PROGRAM.** (a) Requires TEA, except as otherwise provided by this section, not later than the beginning of the 2027–2028 school year, to transition the program for assessment instruments administered under this subchapter from the State of Texas Assessment of Academic Readiness (STAAR)

assessment program to the instructionally supportive assessment program described by Section 39.022.

(b) Requires TEA to contract with a nationally recognized provider of assessment instruments for the purpose of making the transition described by Subsection (a).

(c) Requires students to continue to be assessed under the State of Texas Assessment of Academic Readiness (STAAR) assessment program until the instructionally supportive assessment program described by Section 39.022 is available beginning with the 2027–2028 school year.

(d) Requires TEA, school districts, and open-enrollment charter schools, during the 2025–2026, 2026–2027, and 2027–2028 school years, to conduct any field testing of questions for assessment instruments proposed to be adopted or developed under Section 39.023 necessary to implement the transition under this section.

(e) Requires TEA, not later than February 15, 2027, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing legislative committees with primary jurisdiction over public school assessments a report regarding the plan for and status of the implementation of the instructionally supportive assessment program described by Section 39.022. Requires that the report include parent, student, and teacher feedback regarding the development of the program.

(f) Provides that this section expires September 1, 2029.

Sec. 39.0226. ASSESSMENT INSTRUMENT STUDY. (a) Requires the commissioner of education (commissioner) to enter into a memorandum of understanding with a public institution of higher education to conduct a study on items proposed to be included in an assessment instrument required to be administered under Section 39.023(a) under the instructionally supportive assessment program described by Section 39.022. Requires that the study determine whether, for each item that is designed to be on grade level, the item is written at a reading level appropriate for students at that grade level and includes only certain content.

(b) Requires the commissioner, not later than December 1, 2028, to 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) Provides that this section expires December 31, 2028.

SECTION 1.004. Amends Section 39.023, Education Code, by amending Subsections (a), (a-3), (b), (c), (h), (i), and (l) and adding Subsections (q), (q-1), and (q-2), as follows:

(a) Requires TEA, in creating and implementing the instructionally supportive assessment program under Section 39.022, to adopt or develop appropriate beginning-of-year, middle-of-year, and end-of-year assessment instruments, rather than criterion-referenced assessment instruments, designed to assess essential knowledge and skills in certain subjects, including reading language arts. Deletes existing text requiring all students, other than students assessed or exempted under certain provisions, except as provided by Subsection (a-2) (relating to providing that a student is not required to be assessed in a subject if the student meets certain criteria), to be assessed in social studies in grade eight. Makes conforming and nonsubstantive changes.

(a-3) Prohibits TEA from adopting or developing an assessment instrument, rather than a criterion-referenced assessment instrument, under this section based on common core state standards as defined by Section 28.002(b-1) (relating to defining "common core state standards").

(b) Requires TEA to develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), who has been identified as having a significant cognitive disability and for whom an end-of-year assessment instrument adopted or developed under Subsection (a) or an end-of-course assessment instrument adopted or developed under Subsection (c), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by TEA guidelines and the student's admission, review, and dismissal committee. Provides that a student determined to be eligible to be administered an alternative assessment instrument under this subsection is exempt from the administration of a beginning-of-year or middle-of-year assessment instrument adopted or developed under Subsection (a) or (c).

Deletes existing text requiring TEA to develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to certain students, including assessment instruments approved by the commissioner that measure growth. Deletes existing text requiring that the assessment instruments developed or adopted under this subsection, including the assessment instruments approved by the commissioner, to the extent allowed under federal law, provide a district with options for the assessment of students under this subsection.

(c) Requires TEA to also adopt or develop end-of-course assessment instruments for secondary-level courses in certain subjects and provide for the availability of optional beginning-of-year and middle-of-year assessment instruments for those courses.

Deletes existing text requiring TEA to also adopt end-of-course assessment instruments for secondary-level courses in English II and United States history. Deletes existing text requiring a school district to comply with SBOE rules regarding administration of the assessment instruments listed in this subsection. Deletes existing text requiring a student's admission, review, and dismissal committee, if the student is in a special education program under Subchapter A, Chapter 29, to determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. Deletes existing text requiring SBOE to administer the assessment instruments. Deletes existing text authorizing an end-of-course assessment instrument to be administered in multiple parts over more than one day. Deletes existing text requiring SBOE to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3) (relating to requiring SBOE to ensure that certain assessment instruments are not administered on the first instructional day of a week). Makes conforming and nonsubstantive changes.

(h) Requires TEA to 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, rather than not later than the 21st day after the date the assessment instrument is administered. Requires the school district to take certain actions, including providing to the parent of a student enrolled in the district the results of each assessment instrument administered under this section to the student and instructions for accessing any online portal maintained by TEA that provides results of assessment instruments administered to the student. Makes nonsubstantive changes.

(i) Provides that the provisions of this section and Section 39.02301, rather than the provisions of this section except Subsection (d) (relating to authorizing the commissioner to participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments), are subject to modification by rules adopted under Section 39.001, rather than Section 39.022. Requires that each assessment instrument adopted or developed under those rules, rather than adopted under those rules and each assessment instrument required under Subsection (d), be reliable and valid and meet any applicable federal requirements for measurement of student progress.

(l) Requires TEA, rather than SBOE, to adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to emergent bilingual students in grades three through five, as defined by Section 29.052 (Definitions), whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under certain provisions of Section 39.027.

(q) Requires TEA to approve a list of alternative norm-referenced assessment instruments that meet the requirements of Subchapter B (Assessment of Academic Skills) and that a school district or open-enrollment charter school is authorized to administer in place of a beginning-of-year or middle-of-year assessment instrument adopted or developed under this section. Requires TEA to ensure the list approved under this subsection includes multiple alternative assessment instruments and adopt a process by which a school district or open-enrollment charter school is authorized to submit to TEA an assessment instrument to be included on the list approved under this subsection.

(q-1) Authorizes TEA to approve for inclusion on the list under Subsection (q) any assessment instrument that has shared data sufficient to establish an accurate calculation to measure student through-year instructional growth and improvement for purposes of Section 39.053(c-5) (relating to requiring that a student's performance on an end-of-course assessment instrument be included in the student's academic achievement record).

(q-2) Authorizes TEA, for the 2027–2028 or 2028–2029 school year, to provide provisional approval for use as an alternative beginning-of-year or middle-of-year assessment instrument under Subsection (q) an alternative norm-referenced assessment instrument that does not meet the requirements of this subchapter if the administrator of the assessment instrument provides to TEA an acceptable plan for bringing the assessment instrument into compliance with the requirements of this subchapter. Provides that this subsection expires September 1, 2029.

SECTION 1.005. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.02301, as follows:

Sec. 39.02301. **ADOPTION OR DEVELOPMENT AND ADMINISTRATION REQUIREMENTS FOR ASSESSMENT INSTRUMENTS.** (a) Requires that an assessment instrument adopted or developed under Section 39.023 meet certain criteria.

(b) Requires that an assessment instrument, before the assessment instrument adopted or developed under Section 39.023(a) is authorized to be administered under that subsection, on the basis of empirical evidence, be determined to be valid and reliable by the advisory committees established under Section 39.02302 (Advisory Committees for Assessment Instruments) or an entity that is, as determined by the commissioner, independent of TEA and of any other entity that developed the assessment instrument.

(c) Requires that an item, before the item is authorized to be included on an assessment instrument administered under Section 39.023 that was developed by TEA, be reviewed and approved by a committee composed of teachers in this state. Requires TEA to 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. Requires TEA, in selecting teachers to invite, to accept and prioritize nominations of qualifying teachers by regional education service centers. Requires at least three-quarters of participating committee members, for each proposed item, to agree that certain criteria are met.

(d) Requires that the writing portion of a reading language arts assessment instrument adopted or developed under Section 39.023 be designed to assess writing using open-ended questions that are grade-level appropriate, administered separately, and scored using a process that involves classroom teachers in setting

grading standards and allows for a school district or open-enrollment charter school to submit student responses for rescoring under Subsection (d-1).

(d-1) Requires TEA to automatically rescore the writing portion of a reading language arts assessment instrument administered to a student under Section 39.023 if TEA determines the student's score on the writing portion improved by one point.

(e) Requires TEA, for an end-of-year or end-of-course assessment instrument adopted or developed under Section 39.023, to adopt or develop criterion-referenced assessment instruments designed to assess and report student performance for, at minimum, each performance standard under Section 39.0241 (Performance Standards).

(f) Requires the commissioner, in setting performance levels for a criterion-referenced assessment instrument adopted or developed under Subsection (e), to implement procedures to maintain the validity and reliability of the assessment instrument, including procedures for field testing items approved by the teacher committees described by Subsection (c). Requires the commissioner, except as necessary to comply with college readiness recommendations made by the commissioner of higher education under Section 39.0241(a-1) (relating to requiring the commissioner, in collaboration with the commissioner of higher education, to determine the level of performance necessary to indicate college readiness), to ensure the performance levels are set at levels consistent with performance levels set for previous school years, including by implementing procedures that equate the performance levels or by conducting standards-setting processes.

(g) Requires the commissioner, on or before September 1 of each year, to make certain information available on TEA's Internet website for each criterion-referenced assessment instrument administered under Section 39.023(a), (c), or (l).

(h) Requires that an assessment instrument adopted or developed under Section 39.023 be designed to support accommodations for students in a special education program under Subchapter A, Chapter 29. Requires a student's admission, review, and dismissal committee, if the student is in a special education program under Subchapter A, Chapter 29, to determine whether any allowable accommodation is necessary in administering to the student an assessment instrument required under Section 39.023.

(i) Requires TEA to 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. Requires that the schedule provide for the administration of an assessment instrument within an assessment administration schedule window that includes at least the following applicable range: for a beginning-of-year assessment instrument, between the fourth Monday in August and September 30; for a middle-of-year assessment instrument, between January 2 and February 21; and 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) Authorizes an assessment instrument administered under Section 39.023 to be administered in multiple parts over more than one day. Requires TEA to adopt procedures to reduce total administration time.

(k) Requires that an assessment instrument adopted or developed under Section 39.023 be designed to minimize the impact on student instructional time so that certain criteria are met.

(l) Requires TEA, subject to Subsection (d-1), to 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. Provides that 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.

(l-1) Requires TEA, for assessment instruments administered under Section 39.023 that do not require adjudication or post-equating, to notify school districts and campuses of an enrolled student's raw scores on the assessment instrument not later than two business days after the date on which the student completes the assessment instrument.

(m) Requires TEA, at least every third year, to release the questions and answer keys to each end-of-year and end-of-course assessment instrument administered under Section 39.023, excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument or a question on an assessment instrument that will be reused for other assessment instruments, after the last time the instrument is administered for that school year. Provides that, to ensure a valid bank of questions for use each year, TEA is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. Authorizes TEA to defer releasing questions and answer keys as required by this subsection to the extent necessary to develop additional assessment instruments.

SECTION 1.006. Amends Section 39.025(a-2), Education Code, as amended by S.B. 1418, Acts of the 89th Legislature, Regular Session, 2025, as follows:

(a-2) Requires the commissioner to determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, the SAT, the ACT, an assessment instrument designated by the Texas Higher Education Coordinating Board (THECB) under Section 51.334 (Assessment Instruments), or any nationally recognized norm-referenced assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the assessment instrument are required to be used to satisfy the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by Subsection (a) (relating to requiring the commissioner to adopt rules requiring a student in the foundation high school program to be administered certain end-of-course assessments only for a course in which the student is enrolled and for which the assessment instrument is administered). Authorizes a student to take a test or other assessment instrument authorized under this subsection in lieu of the appropriate end-of-course assessment instrument.

SECTION 1.007. Amends the heading to Section 39.0263, Education Code, to read as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED OR CAMPUS-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS.

SECTION 1.008. Amends Sections 39.0263(a) and (b), Education Code, as follows:

(a) Redefines "benchmark assessment instrument."

(b) Prohibits a school district or campus, except as provided by Subsection (c), from administering to any student:

(1) in grades three through eight, a benchmark assessment instrument other than an alternative assessment instrument under Section 39.023(q); and

(2) in a grade other than the grades described by Subdivision (1), more than two benchmark assessment instruments during a school year before the administration of an end-of-year or end-of-course assessment instrument, rather than to prepare the student for a corresponding state-administered assessment instrument.

SECTION 1.009. Amends Section 39.0263(c), Education Code, as amended by S.B. 1418, Acts of the 89th Legislature, Regular Session, 2025, as follows:

(c) Provides that the prohibition prescribed by this section does not apply to certain assessments, including a diagnostic assessment included in a screening or testing for dyslexia or a related disorder or an assessment instrument required under state law, including under Chapter 28 (Courses of Study; Advancement) or 29 or this chapter. Makes nonsubstantive changes.

SECTION 1.010. Amends Section 39.0301, Education Code, by amending Subsection (a-1) and adding Subsection (a-2), as follows:

(a-1) Requires the commissioner, in establishing procedures under Subsection (a)(1) (relating to requiring the commissioner to establish procedures for the administration of certain assessment instruments adopted or developed under Section 39.023) for the administration of assessment instruments, to ensure that the procedures meet certain criteria, including that the procedures include instructions to help mitigate potential student test anxiety. Makes nonsubstantive changes.

(a-2) Creates this subsection from existing text and makes no further changes.

SECTION 1.011. Amends Section 39.304, Education Code, as follows:

Sec. 39.304. TEACHER REPORT CARD. Requires each school district to provide to each teacher the information made available under Section 39.02301(l) for the current and previous school year for all students taught by the teacher who were assessed on an assessment instrument under Section 39.023.

Deletes existing text requiring each school district to prepare a report of the comparisons made under Section 39.034 (Measure of Annual Improvement in Student Achievement) and provided to the district under Section 39.302 (Report to District: Comparisons for Annual Performance Assessment) and provide the report at the beginning of the school year to each teacher for all students, including incoming students, who were assessed on an assessment instrument under Section 39.023 and all students under Subdivision (1) (relating to requiring each school district to provide to each teacher the information made available under Section 39.02301(l) for the current and previous school year for all students taught by the teacher who were assessed on an assessment instrument under Section 39.023) who were provided instruction by that teacher in the subject for which the assessment instrument was administered under Section 39.023.

Deletes text of existing Subsection (b) requiring that the report 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. Makes a nonsubstantive change.

SECTION 1.012. Repealers: Sections 39.023(a-1) (relating to requiring TEA to develop certain assessment instruments in a certain manner) and (a-4) (relating to authorizing SBOE to designate sections of a mathematics assessment instrument for a grade level that meets certain criteria), Education Code.

Repealers: Sections 39.023(a-11) (relating to requiring an assessment, before the assessment instrument adopted or developed under Subsection (a) is authorized to be administered under that subsection, to on the basis of empirical evidence, be determined to be valid and reliable) and (a-12) (relating to prohibiting an assessment instrument adopted or developed under Subsection (a) from having more than three parts), Education Code.

Repealers: Sections 39.023(a-13) (relating to the amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a)) and (a-14) (relating to providing that Subsections (a-12) and (a-13) do not apply to the administration of assessment instruments for a grade level if certain criteria are met), Education Code.

Repealers: Sections 39.023(a-15) (relating to providing that Subsections (a-12) and (a-13) do not apply to a classroom portfolio method used to assess writing performance) and (b-1) (relating to requiring TEA to redevelop certain assessment instruments for administration to significantly cognitively disabled students in a manner consistent with federal law), Education Code.

Repealers: Sections 39.023(c-1) (relating to requiring TEA to develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement) and (c-3) (relating to requiring SBOE to ensure that assessment instruments are not administered on the first instructional day of a week), Education Code.

Repealers: Sections 39.023(c-6) (relating to requiring TEA, in adopting an end-of-course assessment instrument under this section, to consider the use of an existing assessment instrument that is currently available) and (c-7) (relating to providing that Subsection (c-3) does not apply to a classroom portfolio method used to assess writing performance if student performance under that method meets certain criteria), Education Code.

Repealers: Sections 39.023(c-8) (relating to providing that beginning with the 2022–2023 school year, not more than 75 percent of the available points on an assessment instrument are authorized to be attributable to questions presented in a multiple choice format) and (c-10) (relating to authorizing an entity that operates a dropout recovery education program to administer an assessment instrument), Education Code.

Repealers: Sections 39.023(d) (relating to authorizing the commissioner to participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments) and (e) (relating to requiring TEA to release the questions and answer keys to certain assessment instrument every third year), Education Code.

Repealers: Sections 39.023(e-1) (relating to authorizing TEA to defer releasing assessment instrument questions and answer keys) and (f) (relating to requiring that the assessment instruments be designed to include assessment of a student's problem-solving ability and complex-thinking skills), Education Code.

Repealers: Sections 39.023(g) (relating to authorizing SBOE to adopt one appropriate, nationally recognized, norm-referenced assessment instrument in reading and mathematics to be administered to a selected sample of students in the spring) and (n) (relating to requiring TEA to adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to certain students).

Repealers: Sections 39.023(o) (relating to requiring TEA to adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment under this section), and (p) (relating to requiring the commissioner, on or before September 1 of each year, to make certain information available on TEA's Internet website for certain assessment instruments administered), Education Code.

Repealers: Sections 39.025(a-1) (relating to providing that a student meeting certain criteria is exempt from the administration of certain assessment instruments even if the student did not perform satisfactorily on a previous administration to the assessment instrument) and (a-3) (relating to providing that a student who meets certain criteria satisfies the requirement concerning certain end-of-course assessments), Education Code.

Repealers: Sections 39.026 (Local Option) and 39.0262 (Administration of District-Required Assessment Instruments in Certain Subject Areas), Education Code.

Repealers: Sections 39.034(c) (relating to requiring TEA to use a student's previous years' performance data on an assessment instrument required under this subchapter to determine the student's expected annual improvement) and (d) (relating to requiring TEA to determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on certain assessment instruments), Education Code.

Repealer: Section 39.034(d-1) (relating to requiring TEA to report the necessary annual improvement required under Subsection (d) to the district), Education Code.

Repealers: Sections 39.302 (Report to District: Comparisons for Annual Performance Assessment) and 39.303 (Report to Parents), Education Code.

## ARTICLE 2. ACCOUNTABILITY AND INTERVENTIONS AND SANCTIONS

SECTION 2.001. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0511, as follows:

Sec. 39.0511. **WAIVER REQUEST FOR CERTAIN FEDERAL ACCOUNTABILITY-RELATED REQUIREMENTS.** (a) Provides that this section applies to a school district campus in which at least 90 percent of the students have been identified as having a significant cognitive disability and receive special education services under Subchapter A, Chapter 29.

(b) Requires the commissioner, not later than January 1, 2026, to apply to the United States Department of Education for a waiver of requirements under the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) related to the rate of participation in the assessment program and high school graduation rates for each school district campus to which this section applies.

(c) Provides that this section expires September 1, 2027.

SECTION 2.002. Transfers Section 39.054(b-1), Education Code, to Section 39.052, Education Code, redesignates it as Section 39.052(b-1), Education Code, and amends it to make a conforming change.

SECTION 2.003. Amends Section 39.053, Education Code, by amending Subsections (a), (c), and (f) and adding Subsections (c-4), (c-5), (c-6), (c-7), (c-8), (f-1), (f-2), (f-3), and (f-4), as follows:

(a) Provides that the commissioner periodically is required to review the indicators of the quality of learning and achievement for the consideration of appropriate revisions and authorized, if the commissioner determines an indicator otherwise required under Subchapter C (Accreditation) is not valid or reliable, to exclude the indicator from the set of indicators adopted under Section 39.053 (Performance Indicators: Achievement).

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

(1) in the student achievement domain, certain indicators of student achievement that are required to include, for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account

for certain measures, including students who demonstrate military readiness through verified enlistment, rather than students who enlist, in the armed forces of the United States or the Texas National Guard or by achieving a passing score, set by the commissioner based on recent passing scores set by the branches of the armed forces, on the Armed Services Vocational Aptitude Battery Test and successfully completing a Junior Reserve Officer Training Corps program;

(2) makes no changes to this subdivision; and

(3) in the closing the gaps domain, the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups and socioeconomic backgrounds.

Deletes existing text requiring school districts and campuses to be evaluated based on three domains of indicators of achievement adopted under this section that include, in the closing the gaps domain, the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups, socioeconomic backgrounds, and other factors, including students formerly receiving special education services, students continuously enrolled, and students who are mobile. Makes conforming and nonsubstantive changes.

(c-4) Requires TEA to study the college, career, and military readiness indicators adopted under Subsection (c) to determine the correlation of each indicator with postsecondary success, including the correlation of industry certifications with wages and available jobs. Requires that the value assigned to each indicator be based on the strength of the indicator's correlation with successful outcomes and updated in accordance with Subsection (f-1).

(c-5) Requires TEA to develop a measure of student through-year instructional growth and improvement from the beginning of the school year through the end of the school year for evaluating the performance of campuses serving grade levels in which beginning-of-year and middle-of-year assessment instruments adopted or developed under Section 39.023 are required to be administered.

(c-6) Requires the commissioner, notwithstanding Subsections (f-1) and (f-3), to incorporate into the indicators adopted under this subchapter the measure developed under Subsection (c-5) not later than the 2029–2030 school year. Provides that this subsection expires September 1, 2031.

(c-7) Requires TEA, for purposes of Subsection (c)(3), to use appropriate alternative prior-year data to evaluate the performance under that subsection of a newly established campus that lacks the prior-year data necessary to complete a portion of the calculation methodology that relies on prior-year campus data.

(c-8) Requires TEA, for purposes of evaluating school districts and campuses based on a college, career, and military readiness indicator adopted under Subsection (c) that requires the use of prior-year information, to ensure that a school district is authorized to submit additional prior-year information relating to the indicator during the specified time period during which the district is authorized to submit additional current-year information for that indicator.

(f) Provides that the commissioner, annually, is required to define and authorized to modify the state standards for each indicator adopted under this subchapter, rather than the state standard for the current school year for each achievement indicator adopted under this section, in consultation with educators, parents, and business and industry representatives, as necessary. Requires the commissioner to increase the rigor by which the commissioner determines the overall performance ratings under Section 39.054(a) (relating to requiring the commissioner to adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating), rather than establish and modify standards, to continuously improve student performance

to, not later than the 15th year after the date the commissioner modifies the performance standards under Subsection (f-1), achieve certain goals, including ensuring this state ranks nationally, rather than is a national leader, in the top five states in preparing students for postsecondary success and on the National Assessment of Educational Progress or its successor assessment. Makes nonsubstantive changes.

(f-1) Requires the commissioner, beginning with the indicators adopted for the 2027–2028 school year and as required to meet the goals under Subsection (f), to increase the scores needed to achieve performance standards on indicators adopted under this subchapter only every fifth school year unless an indicator adopted under Subsection (c) requires adjustment before that school year to ensure consistency of performance standards.

(f-2) Requires the commissioner, not later than the 30th day before the date the commissioner adopts a rule modifying the performance standards under Subsection (f-1), to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing legislative committees with primary jurisdiction over public school accountability a report that includes certain information.

(f-3) Requires the commissioner, for each of the two school years preceding a school year the commissioner increases a score under Subsection (f-1), to report, in a manner that can be reviewed by school administrators, the overall performance of school districts and campuses under that increased score. Requires TEA to provide copies of the report required under this subsection to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing legislative committees with primary jurisdiction over public school accountability.

(f-4) Requires the commissioner, in reporting the performance of school districts and campuses on indicators adopted under this subchapter for a school year in which the score needed to achieve performance standards on one or more of those indicators was increased under Subsection (f-1), to include in the report an informational report on the performance of districts and campuses during the preceding school year under the increased score.

SECTION 2.004. Amends Subchapter C, Chapter 39, Education Code, by adding Sections 39.0531, 39.0532, 39.0534, and 39.0535, as follows:

Sec. 39.0531. **INDUSTRY CERTIFICATION LIST.** (a) Requires TEA, THECB, and the Texas Workforce Commission (TWC) to jointly develop and make available a list of industry certifications that are eligible for purposes of Section 39.053(c)(1)(B)(v) (relating to students who earn industry certifications). Requires the entities described by this subsection, in developing the list, to consider certain groups of certifications.

(b) Requires that the industry certifications included in the list developed under Subsection (a) meet certain criteria.

(c) Requires the entities described by Subsection (a) to regularly review and, if necessary, update the eligibility of industry certifications under that subsection, including whether the programs of study for those certifications still meet the requirements under Subsections (a) and (b) in consultation with the advisory council established under Chapter 312 (Industry-Based Certification Advisory Council), Labor Code, and, to the extent practicable, concurrently with the modification of performance standards under Section 39.053(f-1).

(d) Requires the entities described by Subsection (a), if, after reviewing an industry certification under Subsection (b), the entities determine the certification is no longer eligible for purposes of Section 39.053(c)(1)(B)(v) and should be removed from the list developed under Subsection (a), to the extent practicable, to post on their respective Internet websites information regarding the removal of the

certification not later than two years before the date the entities intend to remove the certification from the list.

(e) Provides that, during the three years following a determination under Subsection (d) that an industry certification is no longer eligible for purposes of Section 39.053(c)(1)(B)(v), a school district is authorized to receive the benefit of achievement indicators based on that industry certification for purposes of Section 39.053(c) (relating to requiring that school districts and campuses be evaluated based on three domains of indicators of achievement) only for a cohort of students who were participating in the program of study aligned with that certification during the school year TEA determines the certification is no longer eligible and earn the certification within the three-year period.

**Sec. 39.0532. REPORTING OF LOCAL INDICATORS OF STUDENT ENGAGEMENT AND WORKFORCE DEVELOPMENT.** (a) Requires TEA to collect for reporting purposes only information provided by school districts and open-enrollment charter schools under Subsection (b) regarding local indicators of student engagement and workforce development.

(b) Provides that a school district or open-enrollment charter school is authorized to, but is not required to, provide to TEA information regarding certain indicators at a district or school campus that serves students in prekindergarten through eighth grade.

(c) Requires TEA to post the information collected under Subsection (a) on the Texas School Accountability Dashboard developed under Section 39.309 (Texas School Accountability Dashboard).

(d) Prohibits this section from being construed to limit the authority to modify performance indicators under Section 39.053 to include indicators described by this section.

**Sec. 39.0534. ACCOUNTABILITY ADVISORY COMMITTEE.** (a) Requires the commissioner to establish an accountability advisory committee to advise the commissioner and TEA regarding the adoption and modification of performance standards and indicators required under this chapter. Requires the committee to meet at least once during the year preceding the school year for which the commissioner proposes to modify the performance standards under Section 39.053(f-1).

(b) Requires the committee to include a staff member from the Office of the Governor, a staff member from the office of the lieutenant governor, a staff member from the office of the speaker of the house of representatives, a staff member from the office of each chair of a standing legislative committee with primary jurisdiction over primary and secondary education, and a representative of each stakeholder group described by Section 39.053(f).

(c) Requires the committee to provide minutes of each committee meeting within a reasonable time after the meeting to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the standing legislative committees with primary jurisdiction over primary and secondary education.

**Sec. 39.0535. PERFORMANCE INDICATORS STUDY.** (a) Requires the commissioner to enter into a memorandum of understanding with an institution of higher education to conduct a study regarding methods to diversify the performance standards required for domains and indicators of achievement adopted under this subchapter, such as the potential impact of developing indicators that account for educator quality, advanced academic coursework, student engagement, workforce development, parental engagement, and school climate.

(b) Requires the commissioner, not later than December 1, 2028, to 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) Provides that this section expires December 31, 2028.

SECTION 2.005. Amends Section 39.054, Education Code, by amending Subsections (a), (a-3), (a-4), and (a-5) and adding Subsections (a-6), (a-7), and (c), as follows:

(a) Requires the commissioner, except as provided by Subsection (a-4), to adopt rules to evaluate school district and campus performance and, each school year, assign each district and campus an overall performance rating of A, B, C, D, or F. Requires the commissioner, in addition to the overall performance rating, each school year, to assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c).

(a-3) Creates an exception under Subsection (c).

(a-4) Creates an exception under Subsection (a-6).

(a-5) Requires that any interventions or sanctions to which a school district or campus is subject under Chapter 39A (Accountability Interventions and Sanctions) continue during a period in which the district or campus is assigned an overall performance rating of "Not Rated."

(a-6) Prohibits the commissioner from assigning an overall performance rating of "Not Rated" to all school districts or all campuses on a statewide basis.

(a-7) Requires TEA, if TEA makes changes to the assessment program under Section 39.022 for assessment instruments administered under this subchapter that require new standards for issuing performance ratings under Section 39.054 (Methods and Standards for Evaluating Performance), to conduct a performance comparison analysis between the program as changed and the preceding program to establish roughly comparable standards for issuing performance ratings.

(c) Requires the commissioner to make the information under Subsection (a-3) (relating to requiring that certain information, not later than August 15 of each year, be made publicly available) available as soon as reasonably possible in years in which the standards are modified or recalibrated or in which a new assessment instrument is offered.

SECTION 2.006. Amends Section 39.0541, Education Code, as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. (a) Authorizes the commissioner, subject to Subsection (b), to adopt indicators and standards under this subchapter at any time before issuing, rather than at any time during a school year before, the evaluation of a school district or campus.

(b) Requires that district and campus performance ratings for a school year, if the commissioner does not initially adopt performance standards by the July 15 immediately preceding that school year, be based on the performance standards in effect for the preceding school year.

SECTION 2.007. Amends Section 39.0542(a), Education Code, as follows:

(a) Requires the commissioner, not later than July 15 of each year, rather than each school year, to provide each school district a document in a simple, accessible format that explains the accountability performance standards adopted under Sections 39.0241 and 39.053(f) for the following school year and the measures, methods, and procedures that

will be applied for that school year in assigning each school district and campus a performance rating under Section 39.054.

SECTION 2.008. Amends Section 39.0544, Education Code, by adding Subsection (f), as follows:

(f) Requires TEA, from money appropriated or otherwise available for the purpose, to establish a grant program to assist at least one school district in each education service center region in developing a local accountability plan that complies with the requirements of Section 39.0544 (Local Accountability System).

SECTION 2.009. Amends Section 39.201(a), Education Code, as follows:

(a) Requires the commissioner, rather than requires the commissioner, not later than August 8 of each year, to award distinction designations for outstanding performance as provided by Subchapter G (Distinction Designations) concurrently with the assignment of performance ratings under Section 39.054. Requires that a distinction designation awarded to a district or campus under this subchapter be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054, rather than Section 39.054(a).

SECTION 2.010. Amends Section 39A.107(c), Education Code, to require the commissioner, if the commissioner does not approve a campus turnaround plan, to order certain actions, including operation of the campus by an entity with which the school district contracts under Section 11.174 (Contract Regarding Operation of District Campus). Makes a nonsubstantive change.

SECTION 2.011. Amends Section 39A.108, Education Code, as follows:

Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN. Requires, rather than authorizes, a school district, in consultation with a campus intervention team, subject to Section 39A.110(a) (relating to authorizing the board of trustees of a school district, if a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year following the order, to take certain actions), following approval of a campus turnaround plan by the commissioner, to take any actions needed to implement, rather than prepare for the implementation of, the plan.

SECTION 2.012. Amends Section 39A.110(a), Education Code, as follows:

(a) Provides that, if a campus for which a campus turnaround plan has been ordered under Section 39A.101 (Order for Preparation of Campus Turnaround Plan) receives an acceptable performance rating subsequent to the order, the school district is no longer required to implement the campus turnaround plan.

Deletes existing text authorizing the board of trustees of the school district, if a campus for which a campus turnaround plan has been ordered under Section 39A.101 receives an acceptable performance rating for the school year following the order, to implement the campus turnaround plan, implement a modified version of the campus turnaround plan, or withdraw the campus turnaround plan.

SECTION 2.013. Amends Subchapter Z, Chapter 39A, Education Code, by adding Section 39A.908, as follows:

Sec. 39A.908. INTERVENTIONS AND SANCTIONS WHILE ASSIGNMENT OF PERFORMANCE RATINGS ENJOINED. (a) Requires that any previously imposed interventions or sanctions to which the district, school, or campus is subject, notwithstanding any other law, during a period in which TEA is enjoined from assigning performance ratings to a school district, open-enrollment charter school, or district or school campus, continue throughout that period.

(b) Requires TEA, as soon as practicable after the dissolution of an injunction described by Subsection (a), to:

(1) assign performance ratings for each school year and to each school district, open-enrollment charter school, and district or school campus for which TEA was enjoined from assigning performance ratings; and

(2) as applicable, impose any appropriate interventions or sanctions authorized under this chapter based on the ratings assigned under Subdivision (1).

(c) Requires TEA, notwithstanding any other law, if TEA is permanently enjoined from assigning performance ratings to a school district, open-enrollment charter school, or district or school campus for a school year, to consider the district, school, or campus to have received a "Not Rated" rating for that school year for purposes of:

(1) calculating consecutive years of performance; and

(2) determining whether to impose an intervention or sanction authorized under this chapter.

(d) Authorizes TEA, to ensure the expeditious implementation of interventions or sanctions under this chapter, to modify or waive a deadline or time frame required by law or TEA rule applicable to the assignment of performance ratings for a school year for which TEA was enjoined from assigning performance ratings.

(e) Requires TEA, except as provided by Subsection (f), to impose an intervention or sanction described by Subsection (b)(2) or (c)(2) as required by law unless the intervention or sanction, as determined by the commissioner, has been superseded by a subsequent intervention or sanction or is authorized to be removed based on the subsequent performance of a school district, open-enrollment charter school, or district or school campus.

(f) Requires the commissioner to impose an intervention described by certain provisions, as applicable, on a school district, open-enrollment charter school, or district or school campus if the district, school, or campus would have been subject to commissioner action under the applicable section based on the performance rating of the district, school, or campus for a school year for which TEA was enjoined from assigning performance ratings, regardless of the performance of the district, school, or campus in a subsequent school year.

(g) Requires the commissioner, except as provided by Subsection (h), to revoke a charter holder's charter for an open-enrollment charter school for which the charter holder received a charter renewal based on the absence of a performance rating for a school year for which TEA was enjoined from assigning a performance rating if, after the assignment of performance ratings for that year, the charter would not have been renewed under Section 12.1141(d) (relating to prohibiting the commissioner, if a charter holder submits to the commissioner a petition for renewal of the charter, from renewing the charter), regardless of the performance of the school in a subsequent school year.

(h) Provides that Subsection (g) does not apply to a charter holder for which TEA has renewed the charter based on the charter holder entering into and meeting the requirements of a performance agreement with TEA.

SECTION 2.014. Amends Section 2308A.007, Government Code, as follows:

Sec. 2308A.007. CREDENTIAL LIBRARY. (a) Requires, rather than authorizes, THECB and TWC jointly to establish a publicly accessible web-based library of

credentials, such as diplomas, certificates, certifications, digital badges, apprenticeships, licenses, or degrees, that meet certain criteria.

(a-1) Requires that the credential library established under this section include the information included in the electronic tools or platforms developed by THECB under Section 61.09022(a) (relating to requiring THECB to develop one or more electronic tools or platforms to provide information to assist prospective postsecondary students in assessing the value of certain programs), Education Code, and the list of industry certifications developed under Section 39.053, Education Code, and ensure data interoperability between relevant state agencies. Makes nonsubstantive changes.

(b) Requires, rather than authorizes, THECB and TWC jointly to designate a host agency to contract with an experienced and recognized third-party vendor, rather than a host agency or operating entity, for the credential library established under this section. Makes a conforming change.

(c) Makes a conforming change to this subsection.

SECTION 2.015. Amends Sections 312.003(a) and (c), Labor Code, as amended by H.B. 2 and H.B. 120, Acts of the 89th Legislature, Regular Session, 2025, as follows:

(a) Requires the industry-based certification advisory council (advisory council) to develop an inventory of industry-recognized certifications that are authorized to be earned by a public high school student through a career and technology education program and that meet certain criteria, including meeting the requirements of Section 39.0531(b), Education Code. Makes nonsubstantive changes.

(c) Requires, rather than authorizes, the advisory council, in developing the inventory, to consult with certain entities.

SECTION 2.016. Repealer: Section 39A.106 (Date Campus Turnaround Plan Takes Effect), Education Code.

Repealer: Section 39A.110(b) (relating to authorizing a school district required to implement a campus turnaround plan to modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan), Education Code.

### ARTICLE 3. TRANSPARENCY REGARDING PUBLIC SCHOOL PERFORMANCE

SECTION 3.001. Amends Section 7.057(d), Education Code, to authorize a person aggrieved by an action of TEA or decision of the commissioner under Section 7.057 (Appeals) to appeal to a district court in Travis County.

SECTION 3.002. Amends the heading to Section 39.001, Education Code, to read as follows:

Sec. 39.001. RULES; ACTION FOR DECLARATORY JUDGMENT.

SECTION 3.003. Amends Section 39.001, Education Code, by adding Subsection (c), as follows:

(c) Requires a school district or open-enrollment charter school to bring an action for declaratory judgment under Section 2001.038 (Declaratory Judgement), Government Code, challenging the validity or applicability of a rule adopted under this chapter or Chapter 39A not later than nine months after the date the rule is adopted.

SECTION 3.004. Amends Subchapter A, Chapter 39, Education Code, by adding Section 39.009, as follows:

Sec. 39.009. COMPLIANCE WITH CERTAIN CHAPTER REQUIREMENTS; LEGISLATIVE OVERSIGHT. (a) Provides that failure to comply with a requirement of Subchapter B, C, or D (Financial Accountability):

(1) does not prevent the administration of a statewide assessment instrument required under Subchapter B or the assignment of performance ratings under Section 39.054; and

(2) is prohibited from being the basis of a challenge to a performance rating assigned under Section 39.054 or an intervention or sanction imposed under this chapter or Chapter 39A.

(b) Provides that each standing legislative committee with primary jurisdiction over primary and secondary education is required to establish a process to receive information regarding a failure to comply with a requirement of Subchapter B, C, or D and authorized to require TEA to provide justification for that failure. Requires TEA to notify each committee if TEA is aware that the commissioner or TEA has failed to meet a deadline or other requirement under Subchapter B, C, or D.

SECTION 3.005. Amends Section 39.151(e), Education Code, as follows:

(e) Prohibits a school district or open-enrollment charter school from challenging on any basis, including a lack of commissioner or TEA authority, a TEA decision relating to an academic or financial accountability rating under this chapter, including a decision relating to a determination of consecutive school years of unacceptable performance ratings, in another proceeding unless the district or school has exhausted the district's or school's remedies under Section 39.151 (Review by Commissioner: Accountability Determination), rather than if the district or school has had an opportunity to challenge the decision under this section.

SECTION 3.006. Amends Section 45.105(c-1), Education Code, as follows:

(c-1) Prohibits federal, state, or local funding, including funding under Chapters 46 (Assistance With Instructional Facilities and Payment of Existing Debt), 48 (Foundational School Program), and 49 (Options for Local Revenue Levels in Excess of Entitlement), rather than funds described by Subsection (c) (relating to authorized uses of local school funds from district taxes, tuition fees of students not entitled to a free education, other local sources, and state funds not designated for a specific purpose), notwithstanding any other law, from being used to initiate or maintain any action or proceeding against the state or an agency or officer of the state, including an action or proceeding that includes a claim of ultra vires conduct, rather than arising out of a decision, order, or determination that is final and unappealable under a provision of the Education Code, except that funds are authorized to be used for an action or proceeding that is specifically authorized by a provision of this code or by Section 2001.038, Government Code, rather than a rule adopted under this code and that results in a final and unappealable decision, order, or determination.

#### ARTICLE 4. CONFORMING CHANGES AND CHANGES RELATED TO TRANSITION OF ASSESSMENT PROGRAM

SECTION 4.001. Amends Section 7.056(e), Education Code, as follows:

(e) Deletes existing text prohibiting a school campus or district, except as provided by Subsection (f) (relating to authorizing a school district or campus that is required to develop and implement a student achievement improvement plan to receive an exemption or waiver from certain laws and rules), from receiving an exemption or waiver under Section 7.056 (Waivers and Exemptions) from a requirement, restriction, or prohibition relating to participation in a University Interscholastic League area, regional, or state

competition under Section 33.0812 (Scheduling Extracurricular Activities Prohibited in Certain Circumstances).

SECTION 4.002. Amends Section 11.185(b), Education Code, to make a conforming change.

SECTION 4.003. Amends Section 21.4552(c), Education Code, to make a conforming change.

SECTION 4.004. Amends Sections 28.0063(b) and (f), Education Code, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, as follows:

(b) Makes a conforming change to this subsection.

(f) Authorizes the commissioner, if the commissioner determines that a beginning-of-year or middle-of-year assessment instrument, rather than an interim assessment instrument, adopted or developed under Section 39.023, rather than Section 39.023(o) (relating to requiring TEA to adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment) provides the same intended outcomes as an instrument adopted or approved under Section 28.0063 (Early Literacy and Numeracy Instruments), to substitute that beginning-of-year or middle-of-year assessment instrument for an instrument adopted or approved under this section. Makes a conforming change.

SECTION 4.005. Amends Sections 28.0211(a-8) and (o), Education Code, to make conforming changes.

SECTION 4.006. Amends Section 28.023(c), Education Code, to make a conforming change.

SECTION 4.007. Amends Section 29.056(g), Education Code, to make a conforming change.

SECTION 4.008. Amends Section 29.1543(a), Education Code, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, to make a conforming change.

SECTION 4.009. Amends Sections 39.02342(a) and (b), Education Code, as follows:

(a) Authorizes a school district, subject to Subsection (c) (relating to prohibiting the number of students who are administered an assessment instrument in paper format for any single administration from exceeding three percent of the number of students enrolled in the school district) and notwithstanding Section 39.023, to administer in paper format a nonadaptive assessment instrument adopted or developed by TEA as a substitute for an assessment instrument required under certain provisions of Section 39.023 to any student whose parent, guardian, or teacher in the applicable subject area requests the assessment instrument be administered to the student in paper format. Makes a nonsubstantive change.

(b) Provides that a request for the administration of an assessment instrument in paper format to a student under Section 39.02342 (Paper Administration of Assessment Instruments on Request) is required to be submitted to the school district not later than a reasonable date as determined by TEA, which is prohibited from being later than the 60th day before the date the applicable assessment administration schedule window under Section 39.02301(i) (relating to requiring TEA to adopt rules as necessary to administer Section 39.02301 (Writing Assessment Study; Pilot Program)) closes.

Deletes existing text requiring that a request for the administration of an assessment instrument in paper format to a student under this section be submitted to the school district, for a fall administration of an assessment instrument, not later than September 15 of the school year in which the assessment instrument will be administered and, for a spring administration of an assessment instrument, not later than December 1 of the school year in which the assessment instrument will be administered.

SECTION 4.010. Amends Section 39.0236, Education Code, by adding Subsection (e), as follows:

(e) Requires TEA to implement the pilot program established under Section 39.0236 (Integrated Formative Assessment Pilot Program) beginning with the 2028–2029 school year. Provides that this subsection expires September 1, 2029.

SECTION 4.011. Amends Section 39.0238(b), Education Code, as follows:

(b) Authorizes the board of trustees of a school district or the governing body of an open-enrollment charter school to consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district or school during the assessment administration schedule window under Section 39.02301(i), rather than during the period set by SBOE for the administration of assessment instruments required under Section 39.023, in establishing certain calendar dates.

SECTION 4.012. Amends Sections 39.025(b), (e-1), and (f), Education Code, to make conforming changes.

SECTION 4.013. Amends Section 39.027(b), Education Code, as follows:

(b) Requires TEA, rather than SBOE, to adopt rules under which a dyslexic student who is not exempt under Subsection (a) (relating to authorizing a student to be administered an accommodated or alternative assessment or granted an exemption from a postponement of the administration of an assessment instrument under certain provisions of Section 39.023) is authorized to use procedures including oral examinations if appropriate or allowed additional time or the materials or technology necessary for the student to demonstrate the student's mastery of the competencies the assessment instruments are designed to measure.

SECTION 4.014. Amends Section 39.030(a), Education Code, to require TEA, rather than SBOE, or a school district, in adopting academic skills assessment instruments under this subchapter, to ensure the security of the instruments and tests in their preparation, administration, and grading, and to make a conforming change.

SECTION 4.015. Amends Section 39.031, Education Code, to require that the cost of preparing, administering, or grading the assessment instruments and releasing the question and answer keys under Section 39.02301(m), rather than Section 39.023(e), be paid from amounts appropriated to TEA.

SECTION 4.016. Amends Section 39.035(a), Education Code, to make a conforming change.

SECTION 4.017. Amends Section 39.202, Education Code, as amended by S.B. 1418, Acts of the 89th Legislature, Regular Session, 2025, as follows:

Sec. 39.202. ACADEMIC DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES. Requires the commissioner to adopt criteria for the designation under Section 39.202 (Academic Distinction Designation for Districts and Campuses), including percentages of students who met the standard for annual improvement, as determined by TEA, rather than as determined by TEA under Section 39.034, on assessment instruments required under certain provisions of Section 39.023 aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Section 39.202(1)(A) (relating to requiring the commissioner to adopt criteria for the designation under Section 39.202, including percentages of students who performed satisfactorily).

SECTION 4.018. Amends Section 39.203(a), Education Code, to require the commissioner to award a campus a distinction designation for outstanding performance in improvement in student achievement if the campus is ranked in the top 25 percent of campuses in the state in annual

improvement in student achievement as determined by the commissioner, rather than as determined under Section 39.034.

SECTION 4.019. Amends Section 39A.064(a), Education Code, as follows:

(a) Authorizes the commissioner, notwithstanding any other law, rather than notwithstanding Section 39A.0545(b) (relating to providing that the interventions and sanctions based on failure to satisfy performance standards apply only to a district or campus ordered to develop a targeted improvement plan only if the district or campus is assigned certain overall performance scores) or any other law, to require a school district or open-enrollment charter school to comply with all requirements of the strong foundations grant program under Section 29.0881 at a campus that meets certain requirements. Makes a conforming change.

SECTION 4.020. Amends Section 48.317(c), Education Code, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, effective September 1, 2026, to make a conforming change.

SECTION 4.021. Repealers: Sections 33.0812 (Scheduling Extracurricular Activities Prohibited in Certain Circumstances) and 39.029 (Migratory Children), Education Code.

Repealer: Section 39.032 (Assessment Instrument Standards; Civil Penalty), Education Code.

## ARTICLE 5. TRANSITION AND EFFECTIVE DATE

SECTION 5.001. Provides that a rule of SBOE 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 5.002. Provides that the changes in law made by Sections 39.009(a) and 39.0541(a), Education Code, as added by this Act, and Sections 39.053(a), and 39.054, Education Code, as amended by this Act, apply to an action or determination related to public school accountability and accountability ratings beginning with the 2022–2023 school year, regardless of whether the action or determination occurred before, on, or after the effective date of this Act.

SECTION 5.003. (a) Provides that 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) Provides that, except as otherwise provided by this Act, Sections 7.056, 28.0063, 39.022, 39.023, 39.02342, 39.025(a-2), 39.0263, 39.031, 39.035, 39.202, 39.203, and 39.304, Education Code, as amended by this Act, Sections 39.02301 and 39.053(c-5), Education Code, as added by this Act, and the repeal by this Act of Sections 33.0812, 39.025(a-1) and (a-3), 39.026, 39.0262, 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.

(c) Provides that, except as otherwise provided by this Act, the changes in law made by Section 39.053, Education Code, as amended by this Act, and Section 39.0531, Education Code, as added by this Act, apply to accountability ratings beginning with the 2027–2028 school year.

SECTION 5.004. Provides that the changes in law made by Sections 39A.108 and 39A.110(a), Education Code, as amended by this Act, apply to a campus for which a campus turnaround plan has been ordered before, on, or after the effective date of this Act.

SECTION 5.005. Effective date, except as otherwise provided by this Act: upon passage or on the 91st day after the last day of the legislative session.