

**BILL ANALYSIS**

H.B. 8  
By: Buckley  
Public Education  
Committee Report (Unamended)

**BACKGROUND AND PURPOSE**

The bill author has informed the committee that 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 to better enable both stakeholder involvement and responsiveness by, among other provisions, implementing an instructionally supportive statewide assessment program, revising the manner in which indicators of achievement and public school performance ratings under the public school accountability system are modified and implemented, establishing a grant program for public school district local accountability plans, and providing for actions challenging Texas Education Agency decisions related to public school accountability to be settled in a timely manner.

**CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

**RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority previously granted to the State Board of Education is transferred to the Texas Education Agency in SECTIONS 1.004 and 4.013 of this bill.

**ANALYSIS**

H.B. 8 amends the Education Code and Labor Code to revise and set out provisions relating to public school accountability and transparency, including the implementation of an instructionally supportive statewide assessment program and the adoption and administration of certain tests 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 (TEA) decisions related to public school accountability.

**Article 1: Transition to Instructionally Supportive Assessment Program**

**Access to State Assessments and Assessment Results**

H.B. 8 requires TEA to make available to a parent, including a person standing in parental relation, the results of each state test administered to the parent's child under the instructionally supportive assessment program provided for by the bill and requires the results to be accessible by one click from the home page of a website maintained by TEA. The bill requires identifying information that is necessary to access a child's results to 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. The bill requires each public school district and open-enrollment charter school to provide to a parent of an enrolled child access to the TEA-maintained website through a parent portal maintained by the district or charter school and to notify the parent regarding that access each time TEA makes available the results of a test administered to the parent's child.

#### Instructionally Supportive Statewide Assessment Program

H.B. 8 replaces the knowledge- and skills-based statewide assessment program the State Board of Education (SBOE) is required under current law to create and implement by rule with an instructionally supportive statewide assessment program TEA is required to create and implement that provides for progress monitoring; is balanced, innovative, and streamlined; and is based on state curriculum standards adopted by the SBOE. The bill establishes that the primary objective of the instructionally supportive assessment program is to benefit Texas students. Accordingly, the bill replaces the requirement for the SBOE to consider the importance of maintaining stability in the statewide assessment program when adopting any subsequent modification of the rules with a requirement for TEA to consider the importance of maintaining stability in the instructionally supportive assessment program when modifying the program.

Additionally, H.B. 8 changes specified state policy with respect to the design of the assessment program from being designed to provide tests that are as short as practicable and to minimize the disruption to the educational program to being designed to do the following:

- provide information regarding student academic achievement and learning progress to the following:
  - public schools for the purpose of improving student instruction;
  - students, parents, and teachers for the purpose of guiding learning objectives; and
  - education researchers for the purpose of comparing student academic achievement and learning progress data at the national and statewide levels;
- evaluate the achievement level and learning progress of each assessed student in reading language arts, mathematics, science, and social studies;
- provide information to TEA for the purpose of making decisions regarding public school accountability, campus recognition, and the improvement of public school operations and management;
- identify the educational strengths and needs of individual students and the readiness of those students to be promoted to the next grade level or to graduate from high school;
- assess whether educational goals and curricular standards are being met at the campus, district, and state levels;
- provide information to help evaluate and develop educational programs and policies; and
- provide instructional staff with immediate, actionable, and useful information regarding student achievement of standards and benchmarks that may be used to improve the staff's delivery of student instruction.

The bill requires each district and charter school to administer tests as required under the public school accountability system in accordance with the instructionally supportive assessment program.

H.B. 8 establishes that a rule of the SBOE adopted under provisions relating to the statewide assessment program that is in effect on the bill's effective date remains in effect until changed by the commissioner of education in accordance with those provisions as amended by the bill. Except as otherwise provided, the bill's provisions relating to the instructionally supportive assessment program apply beginning with the 2027-2028 school year.

#### Transition of Assessment Program

Except as otherwise provided by the bill, H.B. 8 requires TEA, not later than the beginning of the 2027-2028 school year, to transition the program for tests administered under the public school accountability system from the State of Texas Assessment of Academic Readiness

(STAAR) assessment program to the instructionally supportive assessment program provided for under the bill's provisions. The bill requires TEA to contract with a nationally recognized provider of tests for the purpose of making this transition. The bill requires that students continue to be assessed under the STAAR assessment program until the instructionally supportive assessment program is available beginning with the 2027-2028 school year. During the 2025-2026, 2026-2027, and 2027-2028 school years, the bill requires TEA, districts, and charter schools to conduct any field testing of questions for tests proposed to be adopted or developed under the instructionally supportive assessment program necessary to implement the transition. The bill 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 status of the implementation of the instructionally supportive assessment program. The bill's provisions relating to the transition of the assessment program expire September 1, 2029.

#### Study of Certain Tests Under the Program

H.B. 8 requires the 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 the beginning-of-year, middle-of-year, and end-of-year tests required to be administered under the instructionally supportive assessment program, as provided for under the bill's provisions. The study must determine whether, for each item that is designed to be on grade level, the item meets the following criteria:

- is written at a reading level appropriate for students at that grade level; and
- includes only passages, questions, answers, or other content aligned with the state curriculum standards adopted by the SBOE for the applicable subject for that grade level or a previous grade level and passages written at a reading level not higher than that grade level.

The bill 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. The bill's provisions relating to the study expire December 31, 2028.

#### Procedures for the Adoption and Administration of Certain Tests Under the Instructionally Supportive Assessment Program

##### *Replacing Statewide Standardized Tests and Revising Certain State Curriculum Standards*

H.B. 8 replaces the requirement for TEA to adopt or develop statewide standardized tests with a requirement for TEA, in creating and implementing the instructionally supportive assessment program, to instead adopt or develop appropriate beginning-of-year, middle-of-year, and end-of-year tests. Accordingly, the bill changes the tests that TEA is prohibited from adopting or developing based on common core state standards from a statewide standardized test to a test adopted or developed under the program. The bill revises the requirements for an applicable test to be designed to assess certain state curriculum standards by changing from reading to reading language arts the state curriculum standard which an applicable test must be designed to assess and the subject in which all students, with certain exceptions, must be assessed annually in grades three through eight. The bill retains the requirements that an applicable test be designed to assess state curriculum standards in mathematics, social studies, and science and that all students, subject to the same exceptions, be assessed as follows:

- annually in mathematics in grades three through eight;
- in social studies in grade eight;
- in science in grades five and eight; and
- in any other subject and grade required by federal law.

Except as otherwise provided, the bill's provisions replacing statewide standardized tests and revising reading language arts state curriculum standards apply beginning with the 2027-2028 school year.

### *End-of-Course Tests for Certain Secondary-Level Courses*

H.B. 8 revises the requirement for TEA to adopt end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history by giving TEA the option of developing those tests as an alternative to adopting the tests. The bill removes the requirement for the SBOE to administer the end-of-course tests and for a district to comply with SBOE rules regarding such administration. Except as otherwise provided, these bill provisions apply beginning with the 2027-2028 school year.

### *Optional Interim Testing*

H.B. 8 repeals the requirement for TEA to adopt or develop optional interim tests for each subject or course for each grade level subject to assessment. Instead, the bill requires TEA, in addition to the previously referenced requirement of adopting or developing end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history, to provide for the availability of optional beginning-of-year and middle-of-year tests for those courses. Except as otherwise provided, the bill's provision requiring TEA to provide for certain optional interim tests applies beginning with the 2027-2028 school year.

### *Notification of Test Results*

H.B. 8 replaces the requirement for TEA to notify districts and campuses of the results of tests administered under the statewide assessment program not later than the 21st day after the date the test is administered with a requirement for TEA to provide such notice with respect to tests administered under the instructionally supportive assessment program in accordance with the timeline provided under the bill's provisions. The bill requires the district to provide to the parent of an enrolled student the results of each test administered under the instructionally supportive assessment program to the student and instructions for accessing any online portal maintained by TEA that provides results of tests administered to the student. Except as otherwise provided, the bill's provisions relating to the notification of test results apply beginning with the 2027-2028 school year.

### *Statutory Provisions Subject to Certain Rules*

H.B. 8 changes the statutory provisions under which provisions relating to the adoption and administration of certain tests are subject to modification by adopted rules from provisions providing for SBOE rules regarding the statewide assessment program to provisions providing for the commissioner's rulemaking authority for the public school accountability system generally. The bill also subjects its provisions relating to the adoption or development and administration requirements for tests under the instructionally supportive assessment program to modification by commissioner rule under those provisions regarding the public school accountability system. The bill clarifies that each test developed under such rules must be reliable and valid and must meet any applicable federal requirements for measurement of student progress. Except as otherwise provided, these bill provisions apply beginning with the 2025-2026 school year.

### *Administration of Certain Tests in Spanish*

H.B. 8 replaces the SBOE with TEA as the entity that is required to adopt rules for the administration of beginning-of-year, middle-of-year, and end-of-year tests assessing state curriculum standards in certain subjects in Spanish to emergent bilingual students in grades three through five whose primary language is Spanish, and who are not otherwise exempt from the administration of an applicable test. The bill's provisions relating to the administration of certain tests in Spanish to emergent bilingual students apply beginning with the 2027-2028 school year.

### *Approval and Administration of Alternative Tests*

H.B. 8 repeals the authorization for a district to adopt and administer criterion-referenced or economical, nationally recognized, and state-approved norm-referenced tests, or both, at any grade level that are in addition to tests adopted by TEA and administered by the SBOE. Instead, the bill requires TEA to do the following:

- approve a list of alternative norm-referenced tests that:
  - meet the requirements of statutory provisions relating to the assessment of academic skills; and
  - that a district or charter school may administer in place of a beginning-of-year or middle-of-year test adopted or developed under the instructionally supportive assessment program;
- ensure the approved list includes multiple alternative tests; and
- adopt a process by which a district or charter school may submit to TEA a test to be included on the list.

Except as otherwise provided, these bill provisions relating to alternative tests apply beginning with the 2027-2028 school year.

### Adoption or Development of and Administration Requirements for Certain Tests

#### *Requirements for Tests Under the Instructionally Supportive Assessment Program*

H.B. 8 requires a test adopted or developed under the instructionally supportive assessment program to do the following:

- measure student performance in relation to the state curriculum standards adopted by the SBOE for the subject area and grade level being assessed;
- include items that have been evaluated for readability using research-based readability metrics approved by TEA in consultation with the technical advisory committee and educator advisory committee appointed by the commissioner under state law;
- meet industry standards of validity and reliability;
- comply with applicable requirements under federal law, including peer review requirements; and
- be designed to report student academic growth, including by:
  - reporting a student's norm-referenced growth based on a comparison of the student's performance on the test to the student's performance on a previously administered test, as applicable, to measure through-year growth;
  - for an end-of-year or end-of-course test, reporting year-over-year growth in student achievement; and
  - for a beginning-of-year or middle-of-year test, being adaptive to each student to measure and report individual student growth.

Except as otherwise provided, the bill's provisions relating to requirements for tests under the program apply beginning with the 2027-2028 school year.

#### *Determining the Validity and Reliability of Tests*

H.B. 8 subjects beginning-of-year, middle-of-year, and end-of-year tests adopted or developed under the instructionally supportive assessment program to the provision under current law requiring an applicable test, on the basis of empirical evidence, to be determined to be valid and reliable before it may be administered. However, the bill changes the entities charged with making that determination from an entity that is independent of TEA and of any other entity that developed the test to the technical and educator advisory committees appointed by the commissioner or an entity that is, as determined by the commissioner, independent of TEA and any other entity that developed the test. Except as otherwise provided, the bill's provisions providing for the validity and reliability of certain tests under the program apply beginning with the 2027-2028 school year.

### *Review of Test Items by Committee of Teachers*

H.B. 8, before an item developed by TEA may be included on a test administered under the instructionally supportive assessment program, requires the item to be reviewed and approved by a committee composed of teachers in Texas. The bill requires TEA to form each committee by inviting a total of approximately 40 teachers representing each region of Texas 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:

- the item is aligned with the state curriculum standards adopted by the SBOE for the applicable grade level and subject area;
- the item is appropriate for the grade level and subject area being assessed and is written at an appropriate reading level for the grade level being assessed;
- the item is free from bias and factual error; and
- students in the member's classroom would have an opportunity to learn the content included in the item before the administration of the applicable end-of-year or end-of-course test.

Except as otherwise provided, the bill's provisions relating to the committee of teachers apply beginning with the 2027-2028 school year.

### *Writing Portion of Reading Language Arts Test*

H.B. 8 requires the writing portion of a reading language arts test adopted or developed under the instructionally supportive assessment program to 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 district or charter school to submit student responses for rescoring. Except as otherwise provided, this provision applies beginning with the 2027-2028 school year.

### *Criterion-Referenced Tests*

H.B. 8 requires TEA, for an end-of-year or end-of-course test adopted or developed under the instructionally supportive assessment program, to adopt or develop criterion-referenced tests designed to assess and report student performance for, at minimum, each accountability performance standard. In setting performance levels for such a criterion-referenced test, the bill requires the commissioner to implement procedures to maintain the validity and reliability of the test, including procedures for field testing items approved by the teacher committees formed to review the items. The bill requires the commissioner, except as necessary to comply with college readiness recommendations made by the commissioner of higher education, 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.

H.B. 8 subjects each criterion-referenced beginning-of-year, middle-of-year, and end-of-year test, including tests for emergent bilingual students, as well as each criterion-referenced end-of-course test for specified secondary-level courses administered under the instructionally supportive assessment program to the requirement under current law for the commissioner of education, on or before September 1 of each year, to make the following information available on TEA's website with respect to certain tests administered under the current statewide assessment program:

- the number of questions on the test;
- the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under state law;
- the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard; and
- the corresponding scale scores.

Except as otherwise provided, these provisions of H.B. 8 regarding the adoption or development of criterion-referenced tests, the consistency of performance levels, and the availability of certain information on TEA's website apply beginning with the 2027-2028 school year.

#### *Accommodations for Certain Students and Multistate Efforts*

H.B. 8 requires a test adopted or developed under the instructionally supportive assessment program be designed to support accommodations for students in a special education program. The bill subjects such a test to the requirement under current law for the admission, review, and dismissal (ARD) committee of a student in a special education program to determine whether any allowable modification is necessary in the administration of certain tests. However, the bill changes the tests to which that requirement applies from an end-of-course test for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history to a test required under the instructionally supportive assessment program. Except as otherwise provided, the bill's provisions regarding testing accommodations for students in a special education program apply beginning with the 2027-2028 school year.

Additionally, H.B. 8 repeals provisions that do the following:

- authorize the commissioner to participate in multistate efforts to develop voluntary standardized end-of-course tests and to require by rule a district to administer an end-of-course test developed through those efforts; and
- require the ARD committee of a student in a special education program to determine whether any allowable modification is necessary in administering an end-of-course test to the student.

#### *Adoption of Testing Schedule*

H.B. 8 removes the requirement for the SBOE to adopt a schedule for the administration of end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history. The bill also repeals the following provisions, applicable beginning with the 2025-2026 school year:

- a provision requiring the SBOE, in adopting a testing schedule, to ensure that certain statewide standardized tests and end-of-course tests are not administered on the first instructional day of the week unless requested by a district or charter school because administering the test on another instructional day would result in a significant administrative burden due to specific local conditions;
- subject to that requirement, a provision authorizing an entity that operates a dropout recovery education program to administer certain tests on any date selected by the entity that falls within a testing window established for the administration of the test; and
- an exemption from that requirement for a classroom portfolio method used to assess less than 50 percent of a student's overall assessed performance in writing.

H.B. 8 instead requires TEA to adopt a schedule for the administration of tests under the instructionally supportive assessment program for each school year and to provide the schedule to each district and charter school two years before the school year to which the schedule applies. The schedule must provide for the administration of a test within an assessment administration schedule window in the following applicable range:

- for a beginning-of-year test, between the fourth Monday in August and September 30;
- for a middle-of-year test, between January 2 and February 21; and
- for an end-of-year test, between May 1 and May 30, except that the writing portion of an end-of-year reading language arts test must be administered between April 1 and April 15.

Except as otherwise provided, the bill's provisions removing the requirement for the SBOE to adopt certain testing schedules and instead requiring TEA to adopt certain testing schedules apply beginning with the 2027-2028 school year.

### *Design Requirements for Certain Tests*

H.B. 8 subjects a test adopted or developed and administered under the instructionally supportive assessment program to certain test design requirements applicable to a criterion-referenced test under current law but revises those requirements as follows:

- removes the prohibitions against such a test having more than three parts and the amount of time allowed for administration of an applicable test exceeding eight hours;
- accordingly removes exemptions to those prohibitions;
- instead requires TEA to adopt procedures to reduce total administration time and clarifies that the tests must be designed to minimize the impact on student instructional time; and
- replaces the requirement for the tests to be designed so that, if administered to students in grades three and four, 85 percent of students will be able to complete the applicable part within 60 minutes and, if administered to students in grades five through eight, 85 percent of students will be able to complete the applicable part within 75 minutes with a requirement for the tests to be designed so that:
  - for each beginning-of-year or middle-of-year test separately administered to students in grades three and four, 85 percent of students who do not require accommodations are expected to complete the test within 60 minutes;
  - for each beginning-of-year or middle-of-year test separately administered to students in grades five through eight, 85 percent of students who do not require accommodations are expected to complete the test within 75 minutes;
  - for each end-of-year test separately administered to students in grades three and four, 85 percent of students who do not require accommodations are expected to complete the test within 90 minutes; and
  - for each end-of-year test separately administered to students in grades five through eight, 85 percent of students who do not require accommodations are expected to complete the test within 105 minutes.

The bill retains the authorization for tests to be administered in multiple parts over more than one day. Except as otherwise provided, the bill's provisions setting out design requirements for tests under the program apply beginning with the 2027-2028 school year.

### *Test Results Notification Timeline*

H.B. 8 requires TEA to notify districts and campuses of the results of tests administered under the instructionally supportive assessment program not later than two business days after the date the applicable administration schedule window 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 test. Except as otherwise provided, these provisions apply beginning with the 2027-2028 school year

### *Release of Test Questions and Answer Keys*

H.B. 8 retains the requirement under current law for TEA to release certain test questions and answer keys but revises that requirement as follows:

- changes the applicability of the requirement from certain tests under the statewide assessment program to each end-of-year and end-of-course test administered under the instructionally supportive assessment program;
- removes the specification that TEA is required to release the questions and answer keys under rules adopted by the SBOE;
- changes the frequency with which TEA must release the questions and answer keys from every third year after the last time the test is administered for that school year to at least every third year after the last time the test is administered for that school year;

- in addition to the exclusion from the requirement in current law for any test administered to a student for the purpose of retaking the applicable test, excludes from the requirement a question on a test that will be reused for other tests; and
- retains the provision establishing 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 test but removes the requirement for TEA to release, under SBOE rule, each question that is no longer being field-tested and that was not used to compute a student's score.

The bill retains TEA's authority to defer releasing test questions and answer keys as required by these provisions to the extent necessary to develop additional tests. Except as otherwise provided, these bill provisions providing for the release of questions and answer keys under the instructionally supportive assessment program apply beginning with the 2027-2028 school year.

#### Administration of District-Required or Campus-Required Tests

H.B. 8 repeals provisions prohibiting a district from administering locally required tests designed to prepare students for state-administered tests to any student on more than 10 percent of the instructional days in any school year with respect to a subject area for which tests are administered under the current statewide assessment program, establishing the applicability of that prohibition, and authorizing a campus-level planning and decision-making committee to further limit the administration of locally required tests.

Additionally, H.B. 8 changes the definition of "benchmark assessment instrument" from a district-required test designed to prepare students for a corresponding state-administered test to a district-required or campus-required test that:

- is administered to all or most students for a subject or course in a particular grade level and that is not directly linked to instructional material recently covered in the classroom; and
- includes a test designed to prepare students for a corresponding state-administered test, such as a practice test, a nationally norm-referenced test, a district-created standards assessment, or a vendor-created assessment of state standards.

The bill replaces the prohibition against a district administering to any student more than two benchmark tests to prepare the student for a corresponding state-administered test with a prohibition against a district or campus administering the following to any student:

- in grades three through eight, a benchmark test other than an alternative test on TEA's list of approved alternative norm-referenced tests established under the bill's provisions; and
- in a grade other than grades three through eight, more than two benchmark tests during a school year before the administration of an end-of-year or end-of-course test.

The bill adds a temporary provision, set to expire September 1, 2029, that exempts from that prohibition a test administered during the 2027-2028 or 2028-2029 school year that is under review but not yet approved by TEA for inclusion in the list of approved alternative beginning-of-year and middle-of-year tests established by the bill. The bill, in a provision amended by S.B. 1418, Acts of the 89th Legislature, Regular Session, 2025, includes a diagnostic assessment included in a screening or testing for dyslexia or a related disorder and a test required under state law, including under statutory provisions relating to courses of study and advancement or to educational programs, among the tests and other examinations to which the prohibition does not apply. Except as otherwise provided, the bill's provisions relating to the administration of district-required or campus-required tests apply beginning with the 2027-2028 school year.

#### Mitigating Potential Student Test Anxiety

H.B. 8 requires the commissioner, with respect to the requirement to establish procedures for the administration of tests adopted or developed under the instructionally supportive assessment program, to ensure that the procedures include instructions to help mitigate potential student test anxiety in addition to existing requirements.

## Measure of Annual Improvement in Student Achievement and Reporting to Teachers, Districts, and Parents

H.B. 8 repeals the following provisions relating to measures of annual student improvement and required reporting:

- a provision requiring TEA to use a student's previous years' performance data on a test required for the assessment of academic skills to determine the student's expected annual improvement;
- a provision requiring TEA to report that expected level of annual improvement and the actual level of annual improvement achieved to the district, the report for which must state whether the student fell below, met, or exceeded TEA's expectation for improvement;
- a provision requiring TEA to determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on, as applicable, the grade five tests, the grade eight tests, and the end-of-course tests required for graduation;
- a provision requiring TEA to report the required necessary annual improvement, the report for which must state whether the student fell below, met, or exceeded the necessary target for improvement;
- a provision requiring TEA to report to each district the comparisons of student performance and, to the extent practicable, to combine the report of comparisons with the report of the student's test performance; and
- a provision requiring the district a student attends to provide a record of the comparisons provided to the district in a written notice to the student's parent or other person standing in parental relationship and to include in the notice specific information relating to access to educational resources at the appropriate test content level if the student failed to perform satisfactorily on an applicable test.

H.B. 8 removes the requirement for each district to prepare a report of the comparisons of a student's annual improvement provided to the district and to provide the report at the beginning of the school year to each teacher for all students, including incoming students, who were assessed on tests adopted or developed under the statewide assessment program in current law and all students so assessed who were provided instruction by that teacher in the subject for which the test was administered. The bill also removes the requirement 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. Instead, the bill requires each district to provide to each teacher the results of tests administered under the instructionally supportive assessment program, including diagnostic reports and recommendations for practical and useful instructional strategies, made available to the district by TEA under the bill's provisions for the current and previous school year for all students taught by the teacher who were assessed on a test under the program.

Except as otherwise provided, the provisions of H.B. 8 relating to the measure of annual improvement in student achievement and reporting to teachers, districts, and parents apply beginning with the 2027-2028 school year.

### Repealed Provisions

In addition to the previously described repealed provisions, H.B. 8 repeals Education Code provisions that do the following:

- require TEA to develop statewide standardized tests in a manner that allows, to the extent practicable, the score a student receives to provide reliable information relating to a student's satisfactory performance for each applicable performance standard and an appropriate range of performances to serve as a valid indication of growth in student achievement;

- authorize the SBOE by rule to designate sections of a mathematics test for grade levels three through eight that may be completed with the aid of technology and that must be completed without the aid of technology;
- prohibit a test adopted or developed under the statewide assessment program from being administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the foundation school program as provided under the Education Code;
- require TEA to develop statewide standardized tests and end-of-course tests required under the statewide assessment program in a manner that allows for the measurement of annual improvement in student achievement;
- require TEA, in adopting an end-of-course test, to consider the use of a qualifying existing test that is currently available;
- prohibit, beginning with the 2022-2023 school year, more than 75 percent of the available points on a statewide standardized test or end-of-course test being attributable to questions presented in a multiple choice format;
- require tests adopted or developed under the statewide assessment program to be designed to include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable; and
- authorize the SBOE to adopt one appropriate, nationally recognized, norm-referenced test in reading and mathematics to be administered to a selected sample of students in the spring and provide for related requirements.

## **Article 2. Accountability and Interventions and Sanctions**

### Review of and Adjustments to Performance Indicators Regarding Learning and Achievement

H.B. 8 authorizes the commissioner, if the commissioner determines during the commissioner's periodic review of indicators of the quality of learning and achievement that an indicator otherwise required under provisions relating to accreditation is not valid or reliable, to exclude the indicator from the set of indicators adopted by the commissioner. This authorization applies 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 bill's effective date.

H.B. 8 revises the performance indicators for evaluating districts and campuses in two of the achievement indicator domains under the public school accountability system as follows:

- in the student achievement domain:
  - changes one of the indicators for evaluating high school campuses and districts that include high school campuses from an indicator that accounts for students who enlist in the U.S. armed forces or the Texas National Guard to an indicator that accounts for students who demonstrate military readiness through verified enlistment in the U.S. armed forces 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; and
  - reflects the change from reading to reading language arts as an applicable state curriculum standard which certain tests must be designed to assess, as provided for under the bill, in provisions relating to indicators that account for students who satisfy the Texas Success Initiative college readiness benchmark; and
- in the closing the gaps domain, removes the use of disaggregated data to demonstrate the differentials among students on factors other than racial and ethnic groups and socioeconomic backgrounds, including the following students:
  - students formerly receiving special education services;
  - students continuously enrolled; and

- students who are mobile.

The bill requires TEA to study the college, career, and military readiness indicators to determine the correlation of each indicator with postsecondary success, including the correlation of industry certifications with wages and available jobs, and requires the value assigned to each such indicator to be based on the strength of the indicator's correlation with successful outcomes and updated in accordance with the bill's provisions.

H.B. 8 requires TEA, beginning with the 2027-2028 school year, 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 tests adopted or developed under the instructionally supportive assessment program are required to be administered.

H.B. 8 requires the commissioner, not later than the 2032-2033 school year, to present the measure to the accountability advisory committee established under the bill's provisions to consider the incorporation of the measure into the indicators in the school progress domain for effectiveness of tests in promoting student learning as well as in any other domain or indicator the commissioner considers relevant. The bill requires TEA, not later than July 15, 2031, to submit a report regarding the measure 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. These requirements expire September 1, 2033.

H.B. 8 clarifies that the state standards that the commissioner is required to define annually for each indicator are the state standards for each indicator adopted for purposes of accreditation and removes the specification that those standards be defined for the current school year. The bill replaces the requirement for the commissioner to modify the standards in consultation with educators, parents, and business and industry representatives, as necessary, with an authorization for the commissioner to do so. The bill requires the commissioner to increase the rigor by which the commissioner determines the overall performance ratings for academic accountability to continuously improve student performance and establishes the 15th year after the date the commissioner modifies the performance standards as provided by the bill as the deadline by which the following goals must be achieved:

- eliminating achievement gaps based on race, ethnicity, and socioeconomic status; and
- ensuring Texas is a national leader in preparing students for postsecondary success.

The bill specifies that such success is measured by Texas ranking nationally in the top five states in preparing students for postsecondary success and on the National Assessment of Educational Progress or its successor assessment.

H.B. 8, beginning with the indicators adopted for the 2027-2028 school year and as required to meet those goals of eliminating achievement gaps and ensuring Texas is a national leader in preparing students for postsecondary success, requires the commissioner to increase the scores needed to achieve performance standards on indicators adopted for purposes of accreditation only every fifth school year unless an indicator adopted under the three domains of achievement indicators requires adjustment before that school year to ensure consistency of performance standards. The bill requires the commissioner, not later than the 30th day before the date the commissioner adopts a rule modifying the performance standards, 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 does the following:

- identifies the performance standards being modified;
- includes a summary of the reasons for the modification of the performance standards;
- includes the expected impact of the modified performance standards on district and campus performance ratings; and
- includes information regarding the timeline for and a summary of stakeholder engagement during the development of the modified performance standards.

For each of the two school years preceding a school year the commissioner increases a score, the bill requires the commissioner to report, in a manner that can be reviewed by school administrators, the overall performance of school districts and campuses under that increased score. The bill requires TEA to provide copies of that report 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. In reporting the performance of school districts and campuses on indicators adopted for purposes of accreditation for a school year in which the score needed to achieve performance standards on one or more of those indicators was increased, the commissioner must include in the report an informational report on the performance of districts and campuses during the preceding school year under the increased score.

Except as otherwise provided, the provisions of H.B. 8 relating to the review of and adjustment to performance indicators regarding learning and achievement apply to accountability ratings beginning with the 2027-2028 school year.

#### Industry Certifications Eligible as a Student Achievement Indicator

H.B. 8 requires TEA, the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC), to jointly develop and make available a list of eligible industry certifications for the student achievement indicator that accounts for students who earn industry certifications for purposes of evaluating the performance of high school campuses and districts that include high school campuses. The bill requires the entities, in developing the list, to consider the inventory of industry-recognized certifications developed by the industry-based certification advisory council and the certifications included in the credential library established under the Tri-Agency Workforce Initiative. The bill requires the industry certifications included in the list:

- to be aligned to a program of study that, according to labor market data, prepares students for high-wage, high-skill, in-demand occupations;
- to allow students to demonstrate mastery of the skills required for occupations within an approved program of study; and
- to be obtained through an assessment of the knowledge and skills provided by or determined by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.

H.B. 8 requires TEA, the THECB, and TWC to regularly review and, if necessary, update the eligibility of such industry certifications, including whether the programs of study for those certifications still meet the applicable requirements, in consultation with the industry-based certification advisory council and, to the extent practicable, concurrently with the modification of performance standards by the commissioner as provided by the bill. The bill requires TEA, the THECB, and TWC, if the entities determine that a certification is no longer eligible to qualify as an applicable student achievement indicator and should be removed from the list of eligible certifications, to post on their respective websites information regarding the certification's removal not later than two years before the date the entities intend to remove the certification from the list. During the three years following such a determination, a district may receive the benefit of achievement indicators based on that industry certification for evaluation purposes only for a cohort of students who were participating in the program of study aligned with that certification during the school year TEA makes the determination and who earn the certification within the three-year period. Except as otherwise provided, the bill's provisions relating to the industry certification list apply to accountability ratings beginning with the 2027-2028 school year.

Additionally, H.B. 8 revises Labor Code provisions, as amended by H.B. 2 and H.B. 120, Acts of the 89th Legislature, Regular Session, 2025, governing the industry-based certification advisory council by requiring the industry-recognized certifications for which the advisory

council must develop an inventory to meet the criteria for inclusion in TEA's industry certification list as provided by the bill.

#### Reporting of Local Indicators of Student Engagement and Workforce Development

H.B. 8 requires TEA to collect, for reporting purposes only, information provided by districts and charter schools under these provisions regarding local indicators of student engagement and workforce development. The bill establishes that a district or charter school may, but is not required to, provide to TEA information regarding the following indicators at a district or charter school campus that serves students in prekindergarten through eighth grade:

- an indicator that accounts for the percentage of students participating in school-sponsored extracurricular or cocurricular student activities consistent with the findings of the extracurricular and cocurricular student activity indicator study required under state law as it existed immediately before September 1, 2023;
- for campuses that serve students in prekindergarten, an indicator that accounts for student participation in full-day prekindergarten programs;
- for campuses that serve students in kindergarten through fifth grade, an indicator that accounts for teacher completion rates of the literacy achievement academies and mathematics achievement academies;
- an indicator that accounts for students in grades six, seven, and eight who successfully complete a career and technology course approved for purposes of the career and technology education allotment; and
- an indicator that accounts for students who successfully complete and receive credit for a course designated for a grade higher than the grade in which the student is enrolled.

The bill requires TEA to post the collected information on the Texas School Accountability Dashboard. The bill prohibits these provisions relating to the reporting of local indicators of student engagement and workforce development from being construed to limit the commissioner's authority to modify performance indicators regarding learning and achievement to include such local indicators.

#### Accountability Advisory Committee

H.B. 8 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 the public school accountability system. The bill 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 as provided under the bill's provisions. The committee must include the following people:

- 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 from each applicable stakeholder group of educators, parents, and business and industry representatives.

The bill 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.

#### Methods and Standards for Evaluating Performance

H.B. 8 clarifies that the requirements for the commissioner to assign each district and campus an overall performance rating for academic accountability and a separate domain rating for each of the three domains of achievement indicators apply to each school year. The bill requires any interventions or sanctions to which a district or campus is subject under the public school

accountability system to continue during a period in which the district or campus is assigned an overall performance rating of "Not Rated." The bill prohibits the commissioner from assigning an overall performance rating of "Not Rated" to all districts or all campuses on a statewide basis. If TEA makes changes to the instructionally supportive assessment program for tests administered for purposes of accreditation that require new standards for issuing performance ratings, TEA must conduct a performance comparison analysis between the program as changed and the preceding program to establish roughly comparable standards for issuing performance ratings. The bill requires the commissioner, in years in which the standards for evaluating district and campus performance are modified or recalibrated or in which a new test is offered, to make available as soon as reasonably possible performance ratings and, if applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

H.B. 8 makes these provisions relating to methods and standards for evaluating performance applicable 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 bill's effective date.

#### Procedures Relating to the Adoption of Standards and the Provision of Explanatory Materials for the Accountability Rating System

H.B. 8 changes the period during which the commissioner may adopt indicators and standards to evaluate districts and campuses for accreditation purposes from any time during a school year before the evaluation of the district or campus to any time before issuing such an evaluation. The bill makes that provision applicable beginning with the 2022-2023 school year, regardless of whether the action or determination occurred before, on, or after the bill's effective date. If the commissioner does not initially adopt performance standards for purposes of accreditation by the July 15 immediately preceding a school year, district and campus performance ratings for that school year must be based on the performance standards in effect for the preceding school year.

Additionally, H.B. 8 specifies not later than July 15 of each year as the date by which the commissioner must provide each district a document in a simple, accessible format that explains certain accountability performance measures, methods, and procedures that will be applied for that school year in assigning the performance rating for each district and campus. The bill includes the performance standards adopted for the following school year among the required contents of the document.

#### Grant Program for District Local Accountability Plans

H.B. 8 requires TEA to establish a grant program, from money appropriated or otherwise available for that purpose, to assist at least one district in each education service center region in developing a local accountability plan that complies with the requirements under provisions relating to the assignment of campus performance ratings under the local accountability system.

#### Distinction Designations

H.B. 8 replaces the provision setting the deadline by which the commissioner is required to award distinction designations for a district's or campus's outstanding performance in academic achievement as not later than August 8 of each year with a provision requiring those designations to be awarded concurrently with the assignment of performance ratings.

#### Campus Turnaround Plans

H.B. 8, with respect to a campus that has been identified as unacceptable for two consecutive school years and for which the commissioner does not approve a campus turnaround plan, gives the commissioner the option of ordering the operation of a campus by an entity with which the

district contracts to partner with the district board of trustees for such operation as an alternative to ordering the appointment of a board of managers to govern the district, the alternative management of the campus, or the closure of the campus.

H.B. 8 replaces the authorization for a district, following commissioner approval of a campus turnaround plan and in consultation with the campus intervention team, to take any actions needed to prepare for the implementation of the plan with a requirement for the district, following such approval and in consultation with the team, to take any actions needed to implement the plan. This provision applies to a campus for which a campus turnaround plan has been ordered before, on, or after the bill's effective date.

Under current law, if a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year following the order, the district's board of trustees may implement the plan, implement a modified version of the plan, or withdraw the plan. H.B. 8 replaces this authorization with a provision that instead establishes that, if a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating subsequent to the order, the district is no longer required to implement the plan. The bill makes this provision applicable to a campus for which a campus turnaround plan has been ordered before, on, or after the bill's effective date.

H.B. 8 accordingly repeals the following Education Code provisions relating to campus turnaround plans:

- the requirement for a campus turnaround plan to take effect not later than the school year following the third consecutive school year that the campus has received an unacceptable performance rating; and
- the authorization for a 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.

#### Interventions and Sanctions While Assignment of Performance Ratings Is Enjoined

H.B. 8 requires, during a period in which TEA is enjoined from assigning performance ratings to a district, charter school, or district or charter school campus, that any previously imposed interventions or sanctions to which the district, charter school, or campus is subject continue throughout that period. The bill requires TEA, as soon as practicable after the dissolution of an injunction enjoining TEA from assigning performance ratings, to assign performance ratings for each school year and to each district, charter school, and campus for which TEA was so enjoined and, as applicable, impose any appropriate interventions or sanctions based on the assigned ratings. If TEA is permanently enjoined from assigning performance ratings to a district, charter school, or campus for a school year, the bill requires TEA to consider the district, school, or campus to have received a "Not Rated" rating for that school year for purposes of calculating consecutive years of performance and determining whether to impose an intervention or sanction. To ensure the expeditious implementation of interventions or sanctions, the bill authorizes TEA 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. The bill requires TEA to impose an intervention or sanction under these bill provisions as required by law unless the intervention or sanction, as determined by the commissioner, has been superseded by a subsequent intervention or sanction or may be removed based on the subsequent performance of a district, charter school, or campus.

H.B. 8 requires the commissioner to impose one of the following interventions, as applicable, on a district, charter school, or district or school campus if that entity would have been subject to commissioner action under applicable state law based on the entity's performance rating for a school year for which TEA was enjoined from assigning performance ratings, regardless of the entity's performance in a subsequent school year:

- revocation of a charter school's charter;

- appointment of a board of managers to exercise the powers and duties of a district's board of trustees or to otherwise govern the district; or
- closure of a campus.

The bill requires the commissioner, except as otherwise provided under the bill's provisions, to revoke a charter holder's charter for a 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 state law providing the circumstances under which the commissioner may allow a charter to expire, regardless of the school's performance in a subsequent school year. This requirement expressly 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.

### **Article 3. Transparency Regarding Public School Performance**

#### Venue for Appeals

H.B. 8 specifies that the authorization for a person aggrieved by a TEA action or commissioner decision to appeal to a district court in Travis County applies to a person appealing on the grounds of being aggrieved by the state's school laws or by actions or decisions of any district board of trustees that violate those laws or violate a provision of a written employment contract between a district and a district employee, if a contract violation causes or would cause monetary harm to the employee.

#### Action for Declaratory Judgment Regarding Certain Rules

H.B. 8 establishes not later than six months after the date a rule is adopted under the statutory provisions relating to the public school accountability system or to accountability interventions and sanctions under that system as the deadline for a district or charter school to bring an action for declaratory judgment under applicable Administrative Procedure Act provisions challenging the validity or applicability of the rule.

#### Compliance With Certain Public School Accountability System Requirements; Legislative Oversight

H.B. 8 establishes that failure to comply with a requirement under public school accountability system provisions relating to the assessment of academic skills, accreditation, or financial accountability does not prevent the administration of a statewide test required for the assessment of academic skills or the assignment of performance ratings. The bill also prohibits failure to comply with such requirements from being the basis of a challenge to an assigned performance rating or to an intervention or sanction imposed under applicable statutory provisions relating to public school accountability. The bill makes these provisions relating to failure to comply with certain requirements under the public school accountability system applicable 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 bill's effective date.

Additionally, H.B. 8 requires each standing legislative committee with primary jurisdiction over primary and secondary education to establish a process to receive information regarding a failure to comply with a requirement under public school accountability system provisions relating to the assessment of academic skills, accreditation, or financial accountability and authorizes those committees to require TEA to provide justification for that failure. The bill 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 those public school accountability system provisions.

### Challenges to Accountability Determinations

H.B. 8 changes the prohibition against a district or charter school challenging a TEA decision relating to an academic or financial accountability rating in a proceeding other than one conducted pursuant to the process established by the commissioner for that purpose as follows:

- specifies that the prohibition applies with respect to a challenge on any basis, including a lack of commissioner or TEA authority;
- removes as a condition on the prohibition the district or charter school having an opportunity to challenge the decision under that process established by the commissioner; and
- exempts from the prohibition a district or charter school that has exhausted the district's or charter school's remedies under that process.

### Prohibited Use of Public School Funds for Certain Actions or Proceedings

H.B. 8 revises the prohibition against the use of certain public school funds to initiate or maintain any action or proceeding against the state or a state agency or officer as follows:

- expands the funds that are prohibited from being used for such an action from 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 to federal, state, or local funding, including funding under statutory provisions relating to assistance with instructional facilities and the payment of existing debt, the foundation school program, and options for local revenue levels in excess of entitlement;
- removes the specification that the type of action or proceeding against the state or an agency or officer of the state for which those funds may not be used is an action or proceeding arising out of a decision, order, or determination that is final and unappealable under Education Code provisions;
- clarifies that such an action or proceeding for which those funds may not be used includes an action or proceeding that includes a claim of ultra vires conduct;
- removes the exception that allows funds to be used for such an action or proceeding that is specifically authorized by a rule adopted under the Education Code that results in a final and unappealable decision, order, or determination; and
- instead creates an exception that allows funds to be used for such an action or proceeding that is specifically authorized by provisions of the Administrative Procedure Act relating to declaratory judgments.

### **Article 4: Conforming Changes and Changes Related to the Transition of the Assessment Program**

H.B. 8 reflects the change under the bill's provisions from reading to reading language arts the state curriculum standard which an applicable test must be designed to assess and the subject in which all students, with certain exceptions, must be assessed annually in grades three through eight in provisions relating to supplemental instruction as well as the following provisions:

- the requirement for each early childhood literacy and mathematic proficiency plan to include annual goals for aggregate student growth on the third grade reading language arts tests;
- the requirement for the commissioner to require a teacher to attend a literacy achievement academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that fails to satisfy any standard on an annual performance review on the basis of student performance on the reading language arts test;
- in a provision added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, and beginning with the 2027-2028 school year, except as otherwise provided, the requirement for certain reading and math tests on the list adopted by the commissioner to measure students' foundational literacy skills in reading development and

comprehension and foundational numeracy skills in mathematics to assess whether a student's skills identified as in need of targeted instruction indicate that the student is at risk of not achieving satisfactory performance on third grade reading language arts or mathematics test under the instructionally supportive assessment program;

- the authorization for a district to transfer an emergent bilingual student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by certain standards, including satisfactory performance on the applicable reading language arts test or an applicable English language arts test with the test administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA;
- in a provision added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, the requirement for an early education report produced by TEA to contain the number and percentage of students who perform satisfactorily on the third grade reading language arts test, disaggregated by whether the student was eligible for free prekindergarten;
- the authorization for the commissioner to require a district or charter school to comply with all requirements of the strong foundations grant program at a campus that meets certain conditions, including being in the bottom five percent of campuses in the state based on student performance on the grade three reading language arts assessment administered during the previous school year, as determined by the commissioner; and
- the requirement, as added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, and effective September 1, 2026, for TEA to reduce a district's entitlement under the foundation school program each school year, beginning with the 2030-2031 school year, by the total amount of third grade supplementary supports grant money received by a student for each student who meets certain criteria, including failing to perform satisfactorily on the third grade reading language arts test.

H.B. 8 reflects the change under the bill's provisions from TEA adopting end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and U.S. history to TEA adopting or developing those tests in the following provisions:

- a provision establishing that statutory provisions relating to accelerated instruction and modified teaching assignment does not require the administration of a fifth or eighth grade test in an applicable subject to a student enrolled in the fifth or eighth grade, as applicable, if the student 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 test adopted or developed under the instructionally supportive assessment program for the course;
- a provision establishing that a student in grade level six or above given credit for a subject on the basis of an examination for credit in a subject approved by a district's board of trustees is not required to take an end-of-course test adopted or developed under the program for that subject;
- a provision authorizing, each time an end-of-course test adopted or developed under the program is administered, a student who failed to achieve a prescribed score requirement to retake the test; and
- a provision establishing that nothing under statutory provisions relating to the required secondary-level performance in an end-of-course test for a student in the foundation high school program has the effect of prohibiting the administration of an end-of-course test under the program to a student enrolled below the high school level who is enrolled in the course for which the test is adopted or developed.

H.B. 8, in a provision added by H.B. 2, Acts of the 89th Legislature, Regular Session, 2025, replaces an optional interim test adopted or developed for each subject or course for each grade level subject to assessment with a beginning-of-year or middle-of-year test adopted or developed under the instructionally supportive assessment program as the test that the commissioner may substitute for a test adopted or approved for the list of early literacy and numeracy tests if the

commissioner determines that the alternative test provides the same intended outcomes as the test from the list. Except as otherwise provided, this provision applies beginning with the 2027-2028 school year.

H.B. 8, with respect to the authorization for a district to administer certain tests in paper format to any student whose parent, guardian, or teacher in the applicable subject area requests the test be administered to the student in that format, does the following:

- changes the tests that may be administered in paper format from statewide standardized tests, including such tests for certain emergent bilingual students, and end-of-course tests adopted for certain secondary-level courses to a nonadaptive test adopted or developed by TEA as a substitute for an applicable test required under the instructionally supportive assessment program; and
- changes the deadline by which a request for the administration of an applicable test in paper format must be submitted to the district from not later than September 15 or December 1 of the school year in which the test will be administered for a fall or spring administration of a test, respectively, to not later than a reasonable date as determined by TEA, which must be not later than the 60th day before the date the applicable testing schedule window closes.

Except as otherwise provided, these provisions apply beginning with the 2027-2028 school year.

H.B. 8 adds a temporary provision, set to expire September 1, 2029, requiring TEA to implement the integrated formative assessment pilot program established under state law beginning with the 2028-2029 school year.

H.B. 8 updates provisions relating to the consideration of religious holy days or periods of observance to reflect the administration schedule window established under the bill.

H.B. 8 replaces the SBOE with TEA as the entity to which the following provisions apply:

- the requirement to adopt rules under which an eligible dyslexic student may use appropriate testing accommodations necessary for the student to demonstrate the student's mastery of the competencies the tests are designed to measure;
- the requirement to ensure the security of instruments and tests in their preparation, administration, and grading; and
- the provision establishing that the entity's meetings or portions of meetings at which individual tests or test items are discussed or adopted are not open to the public.

H.B. 8 repeals Education Code provisions that do the following:

- require the SBOE by rule to prohibit participation in a University Interscholastic League (UIL) area, regional, or state competition during certain dates reserved for testing and require the commissioner to adopt rules to provide UIL with a periodic calendar of such dates for planning purposes;
- authorize the SBOE by rule to provide alternate dates for the administration of tests to a student who is a migratory child as defined by federal law; and
- require state and national norms of averages to be computed using data that are not more than eight years old at the time the group-administered achievement test is administered and that are representative of the group of students to whom the test is administered and require the SBOE to adopt rules for the implementation of provisions relating to such achievement test standards and for the maintenance of the security of the contents of all such tests.

The bill's repeal of these provisions applies beginning with the 2027-2028 school year.

## **Repealed Provisions**

H.B. 8 repeals the following provisions of the Education Code:

- 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);

- Section 39.026;
- Section 39.0262;
- Sections 39.034(c), (d), and (d-1);
- Section 39.302;
- Section 39.303;
- Section 39A.106;
- Section 39A.110(b);
- Section 33.0812;
- Section 39.029; and
- Section 39.032.

**EFFECTIVE DATE**

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.