

By: Shaheen

H.B. No. 159

A BILL TO BE ENTITLED

AN ACT

relating to the use of interim testing and adaptive, growth-based assessment instruments for certain required assessments of public school students and prohibiting the use of the results of certain required assessments of public school students for certain purposes.

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

SECTION 1. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.419 to read as follows:

Sec. 21.419. PROHIBITING USE OF CERTAIN ASSESSMENT INSTRUMENTS AS SOLE CRITERION IN TEACHER EVALUATION OR COMPENSATION. The results of an assessment instrument administered under Section 39.023(a), (b), or (n) may not be used as the sole criterion in evaluating teacher performance or determining teacher compensation.

SECTION 2. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0264 to read as follows:

Sec. 39.0264. SCHOOL DISTRICT ADOPTION AND ADMINISTRATION OF INTERIM TESTING AND ADAPTIVE, GROWTH-BASED ASSESSMENT INSTRUMENTS. (a) In this section, "adaptive, growth-based assessment instrument" means an assessment instrument that:

(1) adjusts the level of difficulty for each student during administration of the assessment instrument to match the knowledge and ability demonstrated by the student on the assessment

1 instrument; and

2 (2) measures each student's academic progress over a
3 period of time, regardless of the student's age, grade level, or
4 performance in class.

5 (b) The commissioner shall apply to the United States
6 Department of Education for a waiver of the requirement under the
7 Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to
8 administer the same assessment instruments to all public school
9 students.

10 (c) If the United States Department of Education grants a
11 waiver described by Subsection (b), a school district may adopt or
12 develop assessment instruments in accordance with this section and
13 administer those assessment instruments in lieu of the assessment
14 instruments required under Section 39.023(a), (b), or (n) in each
15 subject and at each grade level for which an assessment instrument
16 is required to be administered under Section 39.023(a).

17 (d) Each assessment instrument administered under this
18 section must be administered during the school year through
19 statewide interim assessments. The results of the interim
20 assessments for each subject shall be combined to determine a
21 single summative score on that assessment instrument for each
22 student in the manner established by commissioner rule.

23 (e) An assessment instrument administered under this
24 section in an electronic format must be an adaptive, growth-based
25 assessment instrument.

26 (f) In adopting or developing assessment instruments under
27 this section, a school district may contract with a nonprofit

organization that specializes in developing adaptive, growth-based assessment instruments.

(g) The commissioner shall adopt rules as necessary to implement this section, including rules:

(1) providing the number and timing of the administration of the statewide interim assessments to be administered to a student for each assessment instrument described by Subsection (c), which must include at least:

(A) one interim assessment administered at the beginning of the school year; and

(B) one interim assessment administered at the end of the school year; and

(2) establishing the criteria necessary to ensure an assessment instrument is an adaptive, growth-based assessment instrument.

(h) A reference in law to an assessment instrument adopted or developed under Section 39.023(a), (b), or (n) includes an assessment instrument adopted or developed and administered by a school district in accordance with a waiver described by Subsection (b) and this section.

SECTION 3. Section 39.053, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) For purposes of Subsection (c)(2)(A), a student's improvement on an assessment instrument administered under Section 39.0264 must be measured from the beginning of the school year for which the district or campus is being evaluated to the end of that school year.

1 SECTION 4. This Act applies beginning with the 2026-2027
2 school year.

3 SECTION 5. Not later than January 1, 2026, the commissioner
4 of education shall apply to the United States Department of
5 Education for a waiver of the requirement under the Every Student
6 Succeeds Act (20 U.S.C. Section 6301 et seq.) to administer the same
7 assessment instruments to all public school students.

8 SECTION 6. This Act takes effect on the 91st day after the
9 last day of the legislative session.