

By: A. Davis of Dallas

H.B. No. 4390

A BILL TO BE ENTITLED

AN ACT

1
2 relating to parental rights regarding the use of machine grading to
3 score certain portions of assessment instruments administered to
4 public school students in this state.

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

6 SECTION 1. Section 39.023, Education Code, is amended by
7 adding Subsections (q) and (r) to read as follows:

8 (q) The agency shall provide written notice to a student's
9 parent if machine grading, including artificial intelligence or
10 computer software, is used to score a constructed response provided
11 by a student as part of an assessment instrument administered under
12 this section. The notice must include information regarding the
13 parent's right to request rescoring of the constructed response as
14 provided by Subsection (r).

15 (r) On written request by a parent of a student who failed to
16 perform satisfactorily on an assessment instrument in which machine
17 grading was used to score the constructed response as described by
18 Subsection (q), that portion of the student's assessment instrument
19 must be rescored using a traditional scoring method that does not
20 include machine grading, at no cost to the parent.

21 SECTION 2. This Act applies beginning with the 2025-2026
22 school year.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2025.