

1-1 By: VanDeaver, et al. (Senate Sponsor - Taylor) H.B. No. 1480
 1-2 (In the Senate - Received from the House April 15, 2019;
 1-3 April 16, 2019, read first time and referred to Committee on
 1-4 Education; May 15, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-6 May 15, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell	X			
1-17 Watson	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 1480 By: Taylor

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to assessment of public school students, providing
 1-24 accelerated instruction, appropriately crediting certain student
 1-25 performance, and eliminating requirements based on performance on
 1-26 certain assessment instruments.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Subchapter D, Chapter 11, Education Code, is
 1-29 amended by adding Section 11.184 to read as follows:

1-30 Sec. 11.184. SCHOOL DISTRICT ACCELERATED LEARNING
 1-31 COMMITTEE POLICY. (a) The board of trustees of a school district
 1-32 shall adopt a policy regarding the establishment of accelerated
 1-33 learning committees under Section 28.0211. The policy must
 1-34 specify:

1-35 (1) the composition of a committee;

1-36 (2) the frequency of committee meetings during the
 1-37 school year;

1-38 (3) the agenda, content, and purpose of meetings,
 1-39 including whether the committee will consider a student's grades,
 1-40 attendance, behavior, including disciplinary measures, vision, and
 1-41 social-emotional health;

1-42 (4) the objectives and goals of educational plans
 1-43 developed for providing the necessary accelerated instruction to
 1-44 the student;

1-45 (5) methods for measuring the efficacy of an
 1-46 accelerated instruction program;

1-47 (6) whether, for a student in a special education
 1-48 program under Subchapter A, Chapter 29, the student's admission,
 1-49 review, and dismissal committee will serve as the accelerated
 1-50 learning committee in developing the educational plan for the
 1-51 student's accelerated instruction program; and

1-52 (7) whether an accelerated learning committee will
 1-53 include a response-to-intervention approach in administering the
 1-54 educational plan for a student's accelerated instruction program.

1-55 (b) The policy must require that, to the extent practicable,
 1-56 school personnel assigned to a student's accelerated learning
 1-57 committee remain assigned to that committee for the duration of the
 1-58 period for which the student receives accelerated instruction.

1-59 (c) A superintendent of a school district or principal of a
 1-60 campus is not required to serve on an accelerated learning

2-1 committee.

2-2 SECTION 2. The heading to Section 28.0211, Education Code,
2-3 is amended to read as follows:

2-4 Sec. 28.0211. ACCELERATED LEARNING COMMITTEE [~~SATISFACTORY~~
2-5 ~~PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED~~]; ACCELERATED
2-6 INSTRUCTION.

2-7 SECTION 3. Section 28.0211, Education Code, is amended by
2-8 amending Subsections (a), (a-1), (a-3), (c), (f), (i), and (n) and
2-9 adding Subsections (f-1) and (f-2) to read as follows:

2-10 (a) A district shall establish an accelerated learning
2-11 committee described by Subsection (c) for each student who does not
2-12 perform satisfactorily on:

2-13 (1) the third grade mathematics or reading assessment
2-14 instrument under Section 39.023;

2-15 (2) [Except as provided by Subsection (b) or (e), a
2-16 student may not be promoted to:

2-17 [(1) the sixth grade program to which the student
2-18 would otherwise be assigned if the student does not perform
2-19 satisfactorily on] the fifth grade mathematics or [and] reading
2-20 assessment instrument [instruments] under Section 39.023; or

2-21 (3) [(2) the ninth grade program to which the student
2-22 would otherwise be assigned if the student does not perform
2-23 satisfactorily on] the eighth grade mathematics or [and] reading
2-24 assessment instrument [instruments] under Section 39.023.

2-25 (a-1) Each time a student fails to perform satisfactorily on
2-26 an assessment instrument administered under Section 39.023(a) in
2-27 the third, fourth, fifth, sixth, seventh, or eighth grade, the
2-28 school district in which the student attends school shall provide
2-29 to the student accelerated instruction in the applicable subject
2-30 area. Accelerated instruction may require participation of the
2-31 student before or after normal school hours, [and] may include
2-32 participation at times of the year outside normal school
2-33 operations, and may be provided to the student during the
2-34 subsequent school year.

2-35 (a-3) The commissioner shall provide guidelines to
2-36 districts on research-based best practices and effective
2-37 strategies that a district may use in developing an accelerated
2-38 instruction program. The commissioner may provide to districts
2-39 available resources concerning research-based best practices and
2-40 effective strategies that a district may use in developing an
2-41 accelerated instruction program.

2-42 (c) [Each time a student fails to perform satisfactorily on
2-43 an assessment instrument specified under Subsection (a), the school
2-44 district in which the student attends school shall provide to the
2-45 student accelerated instruction in the applicable subject area,
2-46 including reading instruction for a student who fails to perform
2-47 satisfactorily on a reading assessment instrument.] After a
2-48 student fails to perform satisfactorily on an assessment instrument
2-49 specified under Subsection (a) [a second time], an accelerated
2-50 learning [a grade placement] committee shall be established in
2-51 accordance with the district's policy adopted under Section 11.184
2-52 [to prescribe the accelerated instruction the district shall
2-53 provide to the student before the student is administered the
2-54 assessment instrument the third time. The grade placement
2-55 committee shall be composed of the principal or the principal's
2-56 designee, the student's parent or guardian, and the teacher of the
2-57 subject of an assessment instrument on which the student failed to
2-58 perform satisfactorily]. The district shall notify the parent or
2-59 guardian of the time and place for convening the accelerated
2-60 learning [grade placement] committee and the purpose of the
2-61 committee. [An accelerated instruction group administered by a
2-62 school district under this section may not have a ratio of more than
2-63 10 students for each teacher.]

2-64 (f) An accelerated learning [A school district shall
2-65 provide to a student who, after three attempts, has failed to
2-66 perform satisfactorily on an assessment instrument specified under
2-67 Subsection (a) accelerated instruction during the next school year
2-68 as prescribed by an educational plan developed for the student by
2-69 the student's grade placement] committee described by [established

3-1 ~~under~~] Subsection (c) shall:

3-2 (1) develop an educational plan for the student that
 3-3 provides the necessary accelerated instruction to enable the
 3-4 student to perform at the appropriate grade level by the conclusion
 3-5 of the subsequent school year; and

3-6 (2) provide other assistance to the student in
 3-7 accordance with a policy adopted by the district board of trustees
 3-8 prescribing the role of accelerated learning committees in that
 3-9 district. [The district shall provide that accelerated instruction
 3-10 regardless of whether the student has been promoted or retained.]

3-11 (f-1) A student for whom an [The] educational plan is
 3-12 developed under Subsection (f)(1) [must be designed to enable the
 3-13 student to perform at the appropriate grade level by the conclusion
 3-14 of the school year. During the school year, the student] shall be
 3-15 monitored to ensure that the student is progressing in accordance
 3-16 with the plan. The district shall administer to the student the
 3-17 assessment instrument for the grade level in which the student is
 3-18 placed at the time the district regularly administers the
 3-19 assessment instruments for that school year.

3-20 (f-2) If a student who fails to perform satisfactorily on an
 3-21 assessment instrument specified under Subsection (a) fails in the
 3-22 subsequent school year to perform satisfactorily on an assessment
 3-23 instrument in the same subject, the superintendent of the district
 3-24 or the superintendent's designee shall meet with the student's
 3-25 accelerated learning committee to:

3-26 (1) identify the reason the student did not perform
 3-27 satisfactorily; and

3-28 (2) determine, in order to ensure the student performs
 3-29 satisfactorily on the assessment instrument at the next opportunity
 3-30 for the student to be administered the assessment instrument,
 3-31 whether:

3-32 (A) the educational plan developed for the
 3-33 student under Subsection (f) must be modified to provide the
 3-34 necessary accelerated instruction for that student; and

3-35 (B) any additional resources are required for
 3-36 that student.

3-37 (i) The admission, review, and dismissal committee of a
 3-38 student who participates in a district's special education program
 3-39 under Subchapter A, Chapter 29, and who does not perform
 3-40 satisfactorily on an assessment instrument specified under
 3-41 Subsection (a) and administered under Section 39.023(a) or (b) must
 3-42 meet before the student is administered the assessment instrument
 3-43 for the second time. The committee shall determine[+]

3-44 [~~(1)~~] the manner in which the student will participate
 3-45 in an accelerated instruction program under this section[+, and

3-46 [~~(2)~~ whether the student will be promoted in
 3-47 accordance with Subsection (i-1) or retained under this section].

3-48 (n) A student who fails to perform satisfactorily on an
 3-49 assessment instrument specified under Subsection (a) and is
 3-50 promoted to the next grade level [by a grade placement committee
 3-51 under this section] must be assigned at that next grade level in
 3-52 each subject in which the student failed to perform satisfactorily
 3-53 on an assessment instrument specified under Subsection (a) to a
 3-54 teacher who meets all state and federal qualifications to teach
 3-55 that subject and grade.

3-56 SECTION 4. Sections 39.023(c), (c-3), and (e), Education
 3-57 Code, are amended to read as follows:

3-58 (c) The agency shall also adopt end-of-course assessment
 3-59 instruments for secondary-level courses in Algebra I, biology,
 3-60 English I, English II, and United States history. The Algebra I
 3-61 end-of-course assessment instrument must be administered with the
 3-62 aid of technology. The English I and English II end-of-course
 3-63 assessment instruments must each assess essential knowledge and
 3-64 skills in both reading and writing in the same assessment
 3-65 instrument and must provide a single score. A school district
 3-66 shall comply with State Board of Education rules regarding
 3-67 administration of the assessment instruments listed in this
 3-68 subsection. If a student is in a special education program under
 3-69 Subchapter A, Chapter 29, the student's admission, review, and

4-1 dismissal committee shall determine whether any allowable
 4-2 modification is necessary in administering to the student an
 4-3 assessment instrument required under this subsection. The agency
 4-4 ~~[State Board of Education]~~ shall administer the assessment
 4-5 instruments. The commissioner, with input from school districts,
 4-6 ~~[State Board of Education]~~ shall adopt a schedule for the
 4-7 administration of end-of-course assessment instruments that
 4-8 complies with the requirements of Subsection (c-3).

4-9 (c-3) The commissioner, with input from school districts
 4-10 and other appropriate stakeholders, shall adopt [In adopting] a
 4-11 schedule for the administration of assessment instruments under
 4-12 this section that [the State Board of Education shall require]:

4-13 (1) minimizes the disruption of classroom instruction
 4-14 [assessment instruments administered under Subsection (a) to be
 4-15 administered on a schedule so that the first assessment instrument
 4-16 is administered at least two weeks later than the date on which the
 4-17 first assessment instrument was administered under Subsection (a)
 4-18 during the 2006-2007 school year]; and

4-19 (2) maximizes available instruction time by
 4-20 scheduling the spring administration of [end-of-course] assessment
 4-21 instruments [under Subsection (c)] to occur as close to the end of
 4-22 the semester as possible [in each school district not earlier than
 4-23 the first full week in May, except that the spring administration of
 4-24 the end-of-course assessment instruments in English I and English
 4-25 II must be permitted to occur at an earlier date].

4-26 (e) At least [Under rules adopted by the State Board of
 4-27 Education,] every third year, the agency shall release the
 4-28 questions and answer keys to each assessment instrument
 4-29 administered under Subsection (a), (b), (c), (d), or (1), excluding
 4-30 any assessment instrument administered to a student for the purpose
 4-31 of retaking the assessment instrument, after the last time the
 4-32 instrument is administered for that school year. To ensure a valid
 4-33 bank of questions for use each year, the agency is not required to
 4-34 release a question that is being field-tested and was not used to
 4-35 compute the student's score on the instrument. The agency shall
 4-36 also release~~[, under board rule,]~~ each question that is no longer
 4-37 being field-tested and that was not used to compute a student's
 4-38 score. ~~[During the 2014-2015 and 2015-2016 school years, the~~
 4-39 ~~agency shall release the questions and answer keys to assessment~~
 4-40 ~~instruments as described by this subsection each year.]~~

4-41 SECTION 5. Effective September 1, 2019, Section
 4-42 39.025(a-2), Education Code, as added by Chapter 1036 (H.B. 1613),
 4-43 Acts of the 84th Legislature, Regular Session, 2015, is amended to
 4-44 read as follows:

4-45 (a-2) The commissioner shall determine a method by which a
 4-46 student's satisfactory performance on an advanced placement test,
 4-47 an international baccalaureate examination, an SAT Subject Test,
 4-48 the SAT, the ACT, or any nationally recognized norm-referenced
 4-49 assessment instrument used by institutions of higher education to
 4-50 award course credit based on satisfactory performance on the
 4-51 assessment instrument shall be used to satisfy the requirements
 4-52 concerning an end-of-course assessment instrument in an equivalent
 4-53 course as prescribed by Subsection (a). The commissioner shall
 4-54 determine a method by which a student's satisfactory performance on
 4-55 the PSAT or the ACT-Plan shall be used to satisfy the requirements
 4-56 concerning an end-of-course assessment instrument in an equivalent
 4-57 course as prescribed by Subsection (a). In adopting methods for
 4-58 substituting satisfactory performance on an assessment instrument
 4-59 authorized under this subsection for requirements concerning an
 4-60 end-of-course assessment instrument, the commissioner shall
 4-61 designate a student's performance on a substitute assessment
 4-62 instrument as "masters grade-level performance" if the student's
 4-63 performance entitles the student to receive college credit or if
 4-64 the student's performance meets the assessment instrument
 4-65 provider's designated grade-level college readiness performance
 4-66 benchmark. A student who fails to perform satisfactorily on a
 4-67 substitute [test or other] assessment instrument authorized under
 4-68 this subsection[, other than the PSAT or the ACT-Plan,] may retake
 4-69 that ~~[test or other]~~ assessment instrument for purposes of this

5-1 subsection or may take the appropriate end-of-course assessment
 5-2 instrument. [~~A student who fails to perform satisfactorily on the~~
 5-3 ~~PSAT or the ACT-Plan must take the appropriate end-of-course~~
 5-4 ~~assessment instrument.~~] The commissioner shall adopt rules as
 5-5 necessary for the administration of this subsection.

5-6 SECTION 6. Effective September 1, 2021, Section
 5-7 39.025(a-2), Education Code, as added by Chapter 1036 (H.B. 1613),
 5-8 Acts of the 84th Legislature, Regular Session, 2015, is amended to
 5-9 read as follows:

5-10 (a-2) The commissioner shall determine a method by which a
 5-11 student's satisfactory performance on an advanced placement test,
 5-12 an international baccalaureate examination, an SAT Subject Test,
 5-13 the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic
 5-14 assessment, or any nationally recognized norm-referenced
 5-15 assessment instrument used by institutions of higher education to
 5-16 award course credit based on satisfactory performance on the
 5-17 assessment instrument shall be used to satisfy the requirements
 5-18 concerning an end-of-course assessment instrument in an equivalent
 5-19 course as prescribed by Subsection (a). The commissioner shall
 5-20 determine a method by which a student's satisfactory performance on
 5-21 the PSAT or the ACT-Plan shall be used to satisfy the requirements
 5-22 concerning an end-of-course assessment instrument in an equivalent
 5-23 course as prescribed by Subsection (a). In adopting methods for
 5-24 substituting satisfactory performance on an assessment instrument
 5-25 authorized under this subsection for requirements concerning an
 5-26 end-of-course assessment instrument, the commissioner shall
 5-27 designate a student's performance on a substitute assessment
 5-28 instrument as "masters grade-level performance" if the student's
 5-29 performance entitles the student to receive college credit or if
 5-30 the student's performance meets the assessment instrument
 5-31 provider's designated grade-level college readiness performance
 5-32 benchmark. A student who fails to perform satisfactorily on a
 5-33 substitute [test or other] assessment instrument authorized under
 5-34 this subsection[, other than the PSAT or the ACT-Plan,] may retake
 5-35 that [test or other] assessment instrument for purposes of this
 5-36 subsection or may take the appropriate end-of-course assessment
 5-37 instrument. [~~A student who fails to perform satisfactorily on the~~
 5-38 ~~PSAT or the ACT-Plan must take the appropriate end-of-course~~
 5-39 ~~assessment instrument.] The commissioner shall adopt rules as
 5-40 necessary for the administration of this subsection.~~

5-41 SECTION 7. Section 39.025(c-2), Education Code, as
 5-42 effective September 1, 2019, is amended to read as follows:

5-43 (c-2) A school district may administer to a student who
 5-44 failed to perform satisfactorily on an assessment instrument
 5-45 described by Subsection (c-1) an alternate assessment instrument
 5-46 designated by the commissioner. The commissioner shall determine
 5-47 the level of performance considered to be satisfactory on an
 5-48 alternate assessment instrument. [~~The district may not administer~~
 5-49 ~~to the student an assessment instrument or a part of an assessment~~
 5-50 ~~instrument that assesses a subject that was not assessed in an~~
 5-51 ~~assessment instrument applicable to the student described by~~
 5-52 ~~Subsection (c-1).] The commissioner shall make available to
 5-53 districts information necessary to administer the alternate
 5-54 assessment instrument authorized by this subsection. The
 5-55 commissioner's determination regarding designation of an
 5-56 appropriate alternate assessment instrument under this subsection
 5-57 and the performance required on the assessment instrument is final
 5-58 and may not be appealed.~~

5-59 SECTION 8. Section 39.053, Education Code, is amended by
 5-60 adding Subsection (c-4) to read as follows:

5-61 (c-4) The commissioner by rule shall determine a method for
 5-62 appropriately crediting a student for growth under Subsection
 5-63 (c)(2) based on the student's performance, including a student's
 5-64 "masters grade-level performance," on a substitute assessment
 5-65 instrument authorized under Section 39.025(a-2), as added by
 5-66 Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular
 5-67 Session, 2015.

5-68 SECTION 9. Section 39.301(c), Education Code, is amended to
 5-69 read as follows:

6-1 (c) Indicators for reporting purposes must include:
 6-2 (1) the percentage of graduating students who meet the
 6-3 course requirements established by State Board of Education rule
 6-4 for:

6-5 (A) the foundation high school program;
 6-6 (B) the distinguished level of achievement under
 6-7 the foundation high school program; and
 6-8 (C) each endorsement described by Section
 6-9 28.025(c-1);

6-10 (2) the results of the SAT, ACT, and certified
 6-11 workforce training programs described by Chapter 311, Labor Code;

6-12 (3) for students who have failed to perform
 6-13 satisfactorily, under each performance standard under Section
 6-14 39.0241, on an assessment instrument required under Section
 6-15 39.023(a) or (c), the performance of those students on subsequent
 6-16 assessment instruments required under those sections, aggregated
 6-17 by grade level and subject area;

6-18 (4) for each campus, the number of students,
 6-19 disaggregated by major student subpopulations, that take courses
 6-20 under the foundation high school program and take additional
 6-21 courses to earn an endorsement under Section 28.025(c-1),
 6-22 disaggregated by type of endorsement;

6-23 (5) the percentage of students, aggregated by grade
 6-24 level, provided accelerated instruction under Section 28.0211
 6-25 [~~28.0211(c)~~], the results of assessment instruments administered
 6-26 under that section, [~~the percentage of students promoted through~~
 6-27 ~~the grade placement committee process under Section 28.0211,~~] the
 6-28 subject of the assessment instrument on which each student failed
 6-29 to perform satisfactorily under each performance standard under
 6-30 Section 39.0241, and the performance of those students in the
 6-31 subsequent school year [~~following that promotion~~] on the assessment
 6-32 instruments required under Section 39.023;

6-33 (6) the percentage of students of limited English
 6-34 proficiency exempted from the administration of an assessment
 6-35 instrument under Sections 39.027(a)(1) and (2);

6-36 (7) the percentage of students in a special education
 6-37 program under Subchapter A, Chapter 29, assessed through assessment
 6-38 instruments developed or adopted under Section 39.023(b);

6-39 (8) the percentage of students who satisfy the college
 6-40 readiness measure;

6-41 (9) the measure of progress toward dual language
 6-42 proficiency under Section 39.034(b), for students of limited
 6-43 English proficiency, as defined by Section 29.052;

6-44 (10) the percentage of students who are not
 6-45 educationally disadvantaged;

6-46 (11) the percentage of students who enroll and begin
 6-47 instruction at an institution of higher education in the school
 6-48 year following high school graduation; and

6-49 (12) the percentage of students who successfully
 6-50 complete the first year of instruction at an institution of higher
 6-51 education without needing a developmental education course.

6-52 SECTION 10. Section 51.338(d), Education Code, is amended
 6-53 to read as follows:

6-54 (d) A student who has demonstrated the performance standard
 6-55 for college readiness as provided by Section 28.008 on the
 6-56 postsecondary readiness assessment instruments adopted under
 6-57 Section 39.0238 for Algebra II and English III, as that section
 6-58 existed before repeal by H.B. 1480, 86th Legislature, Regular
 6-59 Session, 2019, is exempt from the requirements of this subchapter
 6-60 with respect to those content areas. The commissioner of higher
 6-61 education by rule shall establish the period for which an exemption
 6-62 under this subsection is valid.

6-63 SECTION 11. The following provisions of the Education Code
 6-64 are repealed:

6-65 (1) Section 7.102(c)(5);

6-66 (2) Sections 28.0211(a-2), (b), (d), (e), (i-1),
 6-67 (i-2), (k), (m), and (m-1); and

6-68 (3) Section 39.0238.

6-69 SECTION 12. (a) Effective beginning with the 2019-2020

7-1 accountability rating period, the commissioner of education shall
7-2 implement the changes in law made by this Act to:

7-3 (1) Section 39.025(a-2), as added by Chapter 1036
7-4 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015,
7-5 as amended by this Act effective September 1, 2019; and

7-6 (2) Section 39.053(c-4).
7-7 (b) Effective beginning with the 2021-2022 accountability
7-8 rating period, the commissioner of education shall implement the
7-9 changes in law made by this Act to:

7-10 (1) Section 39.025(a-2), as added by Chapter 1036
7-11 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015,
7-12 as amended by this Act effective September 1, 2021; and

7-13 (2) Section 39.053(c-4).

7-14 SECTION 13. The Texas Education Agency is required to
7-15 implement a provision of this Act only if the legislature
7-16 appropriates money specifically for that purpose. If the
7-17 legislature does not appropriate money specifically for that
7-18 purpose, the Texas Education Agency may, but is not required to,
7-19 implement a provision of this Act using other appropriations
7-20 available for that purpose.

7-21 SECTION 14. (a) Except as otherwise provided by this
7-22 section, this Act applies beginning with the 2019-2020 school year.

7-23 (b) Subsection (a) of this section does not apply to a
7-24 provision of this Act that is effective September 1, 2021.

7-25 SECTION 15. Except as otherwise provided by this Act, this
7-26 Act takes effect:

7-27 (1) immediately if it receives a vote of two-thirds of
7-28 all the members elected to each house, as provided by Section 39,
7-29 Article III, Texas Constitution; or

7-30 (2) September 1, 2019, if this Act does not receive the
7-31 vote necessary for immediate effect.

7-32

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