

House Bill 2836
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 39.023, Education Code, is amended by amending Subsection (a) and adding Subsections (a-3), (a-4), (a-5), and (a-6) to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, ~~writing,~~ mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) ~~writing, including spelling and grammar, in grades four and seven;~~

~~[(4)]~~ social studies, in grade eight;

~~(4) [(5)]~~ science, in grades five and eight; and

~~(5) [(6)]~~ any other subject and grade required by federal law.

(a-3) Before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the agency and of any other entity that developed the assessment instrument.

(a-4) The agency shall ensure that an assessment instrument adopted or developed under Subsection (a) is designed to primarily assess the essential knowledge and skills identified by the State Board of Education under Section 28.002 of the subject and for the grade level for which the assessment instrument is administered. Only to the extent necessary or

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SECTION 1. Section 39.023, Education Code, is amended by adding Subsections (a-3), (a-4), (a-5), (b-1), and (b-2) to read as follows: [FA3(1)]

(a-3) Before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the agency and of any other entity that developed the assessment instrument.

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helpful for diagnostic or reporting purposes, the assessment instrument may also assess supporting knowledge or skills that are introduced or referenced in the subject and for the grade level for which the assessment instrument is administered but that are identified as essential knowledge or skills primarily of a different subject or for a different grade level.

(a-5) An assessment instrument adopted or developed under Subsection (a) must be designed so that:

(1) if administered to students in grades three through five, 85 percent of students will be able to complete the assessment instrument within 120 minutes; and

(2) if administered to students in grades six through eight, 85 percent of students will be able to complete the assessment instrument within 180 minutes.

(a-6) The amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur on only one day.

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(a-4) An assessment instrument adopted or developed under Subsection (a) must be designed so that a majority of students will be able to complete the assessment instrument within 180 minutes.

(a-5) The amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur on only one day.

(b-1) The agency, in conjunction with appropriate interested persons, shall redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. An assessment instrument under this subsection may not require a teacher to prepare tasks or materials for a student who will be administered such an assessment instrument. [FA3(2)]

(b-2) Assessment instruments redeveloped under Subsection (b-1) shall be administered beginning not later than the 2014-2015 school year. This subsection expires September 1, 2015. [FA3(2)]

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No equivalent provision.

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SECTION 2. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0236 to read as follows:

Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a)

An advisory committee shall be established to conduct a study regarding the essential knowledge and skills of the required curriculum and assessment instruments administered under Section 39.023 to students in grades three through eight. The committee must be composed of:

(1) four members of the senate education committee appointed by the lieutenant governor and four members of the house public education committee appointed by the speaker of the house of representatives;

(2) two members of the public appointed by the lieutenant governor;

(3) two members of the public appointed by the speaker of the house of representatives; and

(4) two members of the State Board of Education appointed by the chair of the board.

(b) The study must evaluate:

(1) the number and scope of the essential knowledge and skills of each subject area of the required curriculum under Section 28.002 and whether the number or scope should be limited;

(2) the number and subjects of assessment instruments under Section 39.023 that should be administered to students in grades three through eight; and

(3) whether assessment instruments described by Subdivision (2) should assess only essential knowledge and skills or should also assess supporting standards.

(c) Not later than October 1, 2014, the committee shall prepare and submit to the governor, each member of the

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SECTION 2. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0263 to read as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) In this section, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.

(b) Except as provided by Subsection (c), a school district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

(c) The prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.

(d) A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, may request administration to the student of additional benchmark assessment instruments.

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legislature, the commissioner, and the State Board of Education a report that includes the results of the study and recommendations regarding each issue evaluated under Subsection (b).

(d) This section expires June 1, 2015.

SECTION 3. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0263 to read as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) In this section, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.

(b) Except as provided by Subsection (c), a school district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

(c) The prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, a formative assessment used by a teacher to adjust ongoing teaching and learning, or an independent classroom examination designed or adopted and administered by a classroom teacher.

(d) A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, may request administration to the student of additional benchmark assessment instruments.

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<p>SECTION 3. Section 39.053, Education Code, is amended by adding Subsection (c-1) to read as follows:</p> <p><u>(c-1) The indicator of student achievement under Subsection (c)(1) may not include student performance as to supporting knowledge or skills as described by Section 39.023(a-4).</u></p>	<p>No equivalent provision.</p>	
<p>No equivalent provision.</p>	<p>SECTION 4. Section 39.0301, Education Code, is amended by adding Subsection (a-1) to read as follows:</p> <p><u>(a-1) In establishing procedures for the administration of assessment instruments under Subsection (a)(1), the commissioner shall ensure that the procedures are designed to minimize disruptions to school operations and the classroom environment. In implementing the procedures established for the administration of assessment instruments under Subsection (a)(1), a school district shall minimize disruptions to school operations and the classroom environment.</u></p>	
<p>No equivalent provision.</p>	<p>SECTION __. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.038 to read as follows:</p> <p><u>Sec. 39.038. AUDITING AND MONITORING PERFORMANCE UNDER CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule shall develop a comprehensive methodology for auditing and monitoring performance under contracts for services to develop or administer assessment instruments required by Section 39.023 to verify compliance with contractual obligations.</u></p> <p><u>(b) The agency shall ensure that all new and renewed contracts described by Subsection (a) include a provision that the agency or a designee of the agency may conduct periodic contract compliance reviews, without advance notice, to monitor vendor performance.</u></p>	

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(c) The agency shall adopt rules to administer this section.
[FA4]

SECTION __. Section 39.055, Education Code, is amended to read as follows:
Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code, except to the extent otherwise provided under Section 39.054(f), for purposes of determining the performance of a school district, ~~[or] campus,~~ or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department ~~[Youth Commission, the Texas Juvenile Probation Commission]~~, a juvenile board, or any other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other student achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable. [FA2]

No equivalent provision.

SECTION 4. This Act applies beginning with the 2013-2014 school year.

SECTION 5. Same as House version.

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SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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SECTION 6. Same as House version.

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