

By: Isaac

H. B. No. 1868

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the essential knowledge and skills of the required
3 public school curriculum and to certain state-adopted or
4 state-developed assessment instruments for public school students.

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 (a-11), (a-12), (a-13), and (a-14) to read as
8 follows:

9 (a-11) Before an assessment instrument adopted or developed
10 under Subsection (a) may be administered under that subsection, the
11 assessment instrument must, on the basis of empirical evidence, be
12 determined to be valid and reliable by an entity that is independent
13 of the agency and of any other entity that developed the assessment
14 instrument.

1 essential knowledge or skills primarily of a different subject or
2 for a different grade level.

3 (a-13) An assessment instrument adopted or developed under
4 Subsection (a) must be designed so that:

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

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

11 (a-14) The amount of time allowed for administration of an
12 assessment instrument adopted or developed under Subsection (a) may
13 not exceed eight hours, and the administration may occur on only one
14 day.

15 SECTION 2. Subchapter B, Chapter 39, Education Code, is
16 amended by adding Sections 39.0236 and 39.0237 to read as follows:

17 Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND
18 ASSESSMENT INSTRUMENTS. (a) The agency shall conduct a study
19 regarding the essential knowledge and skills of the required
20 curriculum identified by the State Board of Education under Section
21 28.002 and assessment instruments administered under Section
22 39.023.

23 (b) The study must evaluate:

24 (1) the number and scope of the essential knowledge
25 and skills of each subject of the required curriculum under Section
26 28.002, with each essential knowledge or skill identified as a
27 readiness or supporting standard, and whether the number or scope

1 should be limited;

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

5 (3) how assessment instruments described by
6 Subdivision (2) assess standards essential for student success and
7 whether the assessment instruments should also assess supporting
8 standards, including analysis of:

9 (A) the portion of the essential knowledge and
10 skills capable of being accurately assessed;
11 (B) the appropriate skills that can be assessed
12 within the testing parameters under current law; and
13 (C) how current standards compare to those
14 parameters.

15 (c) Not later than March 1, 2016, the agency shall prepare
16 and submit to the State Board of Education a report concerning the
17 results of the study under Subsection (b). Not later than May 1,
18 2016, the State Board of Education shall review the study and shall
19 submit to the governor, each member of the legislature, and the
20 advisory committee established under Section 39.0237 the agency's
21 report and board recommendations regarding each issue evaluated
22 under Subsection (b).

23 (d) This section expires June 1, 2017.

24 Sec. 39.0237. ADVISORY COMMITTEE TO STUDY ESSENTIAL
25 KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a) An advisory
26 committee shall be established to review the agency study and State
27 Board of Education recommendations under Section 39.0236. The

1 committee must be composed of:

2 (1) four members of the senate standing committee with
3 jurisdiction over public education appointed by the lieutenant
4 governor and four members of the house standing committee with
5 jurisdiction over public education appointed by the speaker of the
6 house of representatives;

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

9 (3) two members of the public appointed by the speaker
10 of the house of representatives.

11 (b) The advisory committee shall review the agency study and
12 State Board of Education recommendations under Section 39.0236. If
13 the advisory committee determines that the agency study is
14 insufficient, the advisory committee may perform an additional
15 independent study to evaluate the agency study components required
16 under Section 39.0236(b).

17 (c) Not later than January 1, 2017, the committee shall
18 prepare and submit to the governor, each member of the legislature,
19 the commissioner, and the State Board of Education a report that
20 includes, as applicable, the results of the committee's review of
21 the agency study or the results of the committee's independent
22 study and recommendations regarding each issue evaluated under
23 Section 39.0236(b).

24 (d) Based on the study under Section 39.0236(b) and the
25 advisory committee report under Subsection (c), the State Board of
26 Education shall adopt policies and procedures to limit the number
27 and scope of the essential knowledge and skills of each subject and

1 grade level to correspond with the readiness standards capable of
2 being accurately assessed by applicable assessment instruments.

3 (e) This section expires June 1, 2017.

4 SECTION 3. Subchapter B, Chapter 39, Education Code, is
5 amended by adding Section 39.0381 to read as follows:

6 Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER
7 CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule shall
8 develop a comprehensive methodology for auditing and monitoring
9 performance under contracts for services to develop or administer
10 assessment instruments required by Section 39.023 to verify
11 compliance with contractual obligations.

12 (b) The agency shall ensure that all new and renewed
13 contracts described by Subsection (a) include a provision that the
14 agency or a designee of the agency may conduct periodic contract
15 compliance reviews, without advance notice, to monitor vendor
16 performance.

17 (c) The agency shall adopt rules to administer this section.

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

20 (c-3) The indicator of student achievement under Subsection
21 (c)(1) may not include student performance as to supporting
22 knowledge or skills as described by Section 39.023(a-12).

23 SECTION 5. This Act applies beginning with the 2015-2016
24 school year.

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2015.