

BILL ANALYSIS

C.S.H.B. 743
By: Huberty
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that, among other issues with statewide standardized tests, the length of the tests can be overly burdensome on students and that a student should be given the opportunity to finish a test without facing pressure from the student's peers who have already completed the test. C.S.H.B. 743 seeks to address issues relating to statewide standardized tests.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 743 amends the Education Code to require a statewide standardized test, before the test may be administered, to be determined valid and reliable based on empirical evidence by an entity that is independent of the Texas Education Agency (TEA) and of any other entity that developed the test. The bill requires TEA to ensure that such a test is designed to primarily assess the essential knowledge and skills identified by the State Board of Education (SBOE) of the subject and for the grade level for which the test is administered. The bill authorizes the test, only to the extent necessary or helpful for diagnostic or reporting purposes, to assess supporting knowledge or skills that are introduced or referenced in the subject and for the grade level for which the test is administered but that are identified as essential knowledge or skills primarily of a different subject or for a different grade level. The bill prohibits inclusion of student performance as to such supporting knowledge or skills among the test results used as student achievement indicators. The bill requires the test to be designed so that if administered to students in grades three through five, 85 percent will be able to complete the test within 120 minutes and if administered to students in grades six through eight, 85 percent will be able to complete the test within 180 minutes. The bill limits to eight hours the amount of time allowed for administration of the test and authorizes the administration of the test to occur on only one day.

C.S.H.B. 743 requires TEA to conduct a study regarding the essential knowledge and skills of the required curriculum identified by the SBOE and statewide standardized tests and end-of-course tests. The bill sets out the issues required to be evaluated in the study. The bill requires TEA, not later than March 1, 2016, to prepare and submit a report to the SBOE concerning the results of this study. The bill requires the SBOE, not later than May 1, 2016, to review the study and submit TEA's report and SBOE recommendations regarding each issue evaluated to the governor and each member of the legislature. These provisions expire June 1, 2017.

C.S.H.B. 743 requires TEA by rule to develop a comprehensive methodology for auditing and monitoring performance under contracts for services to develop or administer statewide standardized tests and end-of-course tests to verify compliance with contractual obligations. The bill requires TEA to ensure that all such new and renewed contracts include a provision that TEA or a TEA designee may conduct periodic contract compliance reviews to monitor vendor performance without advance notice. The bill requires TEA to adopt rules to administer these requirements.

C.S.H.B. 743 applies beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 743 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 39.023, Education Code, is amended.

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

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

(b) The study must evaluate:

(1) the number and scope of the essential knowledge and skills of each subject of the required curriculum under Section 28.002, with each essential knowledge or skill identified as a readiness or supporting standard, and whether the number or scope should be limited;

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

(3) how assessment instruments described by Subdivision (2) assess standards essential for student success and whether the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

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) The agency shall conduct a study regarding the essential knowledge and skills of the required curriculum identified by the State Board of Education under Section 28.002 and assessment instruments administered under Section 39.023.

(b) The study must evaluate:

(1) the number and scope of the essential knowledge and skills of each subject of the required curriculum under Section 28.002, with each essential knowledge or skill identified as a readiness or supporting standard, and whether the number or scope should be limited;

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

(3) how assessment instruments described by Subdivision (2) assess standards essential for student success and whether the

assessment instruments should also assess supporting standards, including analysis of:

(A) the portion of the essential knowledge and skills capable of being accurately assessed;

(B) the appropriate skills that can be assessed within the testing parameters under current law; and

(C) how current standards compare to those parameters.

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

(d) This section expires June 1, 2017.

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

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

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

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

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

(c) Not later than January 1, 2017, the committee shall prepare and submit to the

assessment instruments should also assess supporting standards, including analysis of:

(A) the portion of the essential knowledge and skills capable of being accurately assessed;

(B) the appropriate skills that can be assessed within the testing parameters under current law; and

(C) how current standards compare to those parameters.

(c) Not later than March 1, 2016, the agency shall prepare and submit to the State Board of Education a report concerning the results of the study under Subsection (b). Not later than May 1, 2016, the State Board of Education shall review the study and shall submit to the governor and each member of the legislature the agency's report and board recommendations regarding each issue evaluated under Subsection (b).

(d) This section expires June 1, 2017.

No equivalent provision.

governor, each member of the legislature, the commissioner, and the State Board of Education a report that includes, as applicable, the results of the committee's review of the agency study or the results of the committee's independent study and recommendations regarding each issue evaluated under Section 39.0236(b).

(d) Based on the study under Section 39.0236(b) and the advisory committee report under Subsection (c), the State Board of Education shall adopt policies and procedures to limit the number and scope of the essential knowledge and skills of each subject and grade level to correspond with the readiness standards capable of being accurately assessed by applicable assessment instruments.

(e) This section expires June 1, 2017.

SECTION 3. Subchapter B, Chapter 39, Education Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. Section 39.053, Education Code, is amended.

SECTION 4. Same as introduced version.

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

SECTION 5. Same as introduced version.

SECTION 6. 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, 2015.

SECTION 6. Same as introduced version.