

SUBJECT: Establishing standardized testing and performance indicators provisions

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Buckley, Allison, Cody Harris, Hefner, Hinojosa, K. King,
Schaefer, Talarico

2 nays — Cunningham, Harrison

3 absent — Allen, Dutton, Longoria

WITNESSES: For — Greg Pharris, Justin Terry, Forney ISD; Rich Dear, Nikki Nix, Godley ISD; Kelli Moulton, Raise Your Hand Texas; Theresa Trevino, Texans Advocating for Meaningful Student Assessment; Brian Woods, Texas School Alliance; Faith Colson; Judith Webber (*Registered, but did not testify*: Julia Grizzard, Bexar County Education Coalition and Texas Music Educators Association; Patrick Brophey, North Texas Commission; Will Holleman, Raise Your Hand Texas; Kelsey Kling, Texas AFT; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Raif Calvert, Texas Association of School Boards; Mark Terry, Texas Elementary Principals and Supervisors Association; Dee Carney, Texas School Alliance; Carrie Griffith, Texas State Teachers Association; and 11 individuals)

Against — Ana Rush, Del Valle ISD; Mary Lynn Pruneda, Texas 2036 (*Registered, but did not testify*: Garry Jones, Democrats for Education Reform TX; Michelle Wittenburg, Good Reason Houston; Glen Austin, Greater Houston Partnership; Gilbert Zavala, Opportunity Austin; Matthew McCormick, Texas Public Policy Foundation; Jonathan Feinstein, The Education Trust; Travis Krogman, The Greater Austin Chamber of Commerce)

On — Tricia Cave, Association of Texas Professional Educators; Kate Greer, Commit Partnership; Stephanie Matthews, Texas Association of Business; Jennifer Easley, Texas Parent Teacher Association (*Registered, but did not testify*: Emily Lee, DeKalb ISD; Annette Tielle, Del Valle

ISD; Eric Marin, Monica Martinez, Michele Stahl, Iris Tian, Texas Education Agency; Laura Clark; Heather Sheffield)

BACKGROUND: Some have suggested that limiting the use of certain performance indicator domains based on standardized testing for campus performance ratings could reduce the disproportionate use of standardized test performance in the public school accountability system.

DIGEST: CSHB 4402 would establish and revise provisions of the Education Code regarding standardized tests, performance indicators, and performance ratings.

Adoption and administration of instruments. Under rules adopted by the State Board of Education (SBOE) every year, rather than every third year, the Texas Education Agency (TEA) would release the questions and answer keys to each administered assessment instrument, excluding any instrument administered to a student for the purpose of retaking the instrument, after the last time the instrument was administered for that school year. The bill would remove the requirement for TEA to release questions and answer keys to instruments during the 2014-2015 and 2015-2016 school years.

The bill would revise certain provisions to require TEA to notify school districts and campuses of the results of assessment instruments by the 21st day after the last date on which the instrument could be administered, except that TEA could delay the notification if necessary to maintain validity and reliability standards. TEA would be required to adopt or develop optional interim assessment instruments for each subject or course for each grade level for which a through-year assessment instrument was not required.

Paper administration of assessment instruments on request. The bill would require a school district to administer a required assessment instrument in paper format to any student whose parent or guardian requested the instrument be administered in paper format. Such a request would have to be submitted to the school district by December 1 of school

year in which the instrument would be administered. The number of district students who were administered a paper format instrument could not exceed one percent of the number of students enrolled in the district. On receipt of more requests for administration of a paper format instrument than the maximum permitted number, the district would accept the requests in the order received until the maximum number was reached.

Through-year assessment program. The bill would require TEA, beginning with the 2027-2028 school year, to adopt or develop a through-year assessment for each subject and grade for which an assessment instrument was required, including a through-year assessment in Spanish for emergent bilingual students for each subject and grade level for which an assessment in Spanish could be administered. An adopted or developed through-year assessment would consist of the administration of at least three assessment instruments over the course of a school year.

TEA would be required to develop and implement a plan to transition each required assessment instrument to a through-year assessment instrument beginning with the 2027-2028 school year. Such a plan would have to:

- evaluate the administration of through-year assessment instruments in the state, including an analysis of instructional support improvements provided by school districts administering through-year assessment instruments; and
- identify the actions necessary to improve the administration of through-year assessment instruments, including necessary changes to state law or policy.

TEA could require a school district to participate in a pilot program for the administration of through-year assessment instruments to district students and report information to TEA regarding the implementation of through-year assessment instruments.

The score on a through-year assessment instrument administered to third through eighth grade students would be calculated as a summative score

of each instrument administered during the school year as part of the through-year assessment. The commissioner of education would adopt rules regarding the relative weights that would be given to each individual instrument administered as part of the through-year assessment.

Performance indicators. The bill would revise provisions regarding the three domains of performance indicators by which school districts and campuses were evaluated.

In the student achievement domain, the bill would include an indicator that accounted for extracurricular and cocurricular student success, an indicator that accounted for student and parent satisfaction, and an indicator that accounted for middle school student success in accelerated math. The bill would remove the inclusion of assessment instruments results required for graduation retaken by a student from the indicator that accounted for the results of instruments aggregated across grade levels by subject area.

In calculating the performance of a campus providing third through eighth grade in the student achievement domain, certain indicators could not collectively contribute more than 80 percent of the score assigned to the campus, while the remaining indicators could not collectively contribute more than 20 percent of the assigned score to the campus.

In the closing the gaps domain, the bill would remove the use of disaggregated data from former special education students, continuously enrolled students, and mobile students.

An indicator could not be included in determining the performance rating of a school district or campus unless it had been determined to be valid and reliable by the commissioner of education and through a peer review process.

Extracurricular and cocurricular student activity indicator.

Beginning with the 2027-2028 school year, the bill would require the commissioner of education to adopt an indicator that accounted for

student participation in extracurricular and cocurricular activities. In adopting such an indicator, the commissioner could require a school district or campus to participate in a pilot program implementing such an indicator or implement components of and report requested information necessary to develop and implement such an indicator.

The bill would require, rather than authorize, the commissioner to establish an advisory committee to assist in developing and incorporating the indicator.

The bill would remove the authorization for the commissioner to adopt the indicator if the commissioner determined that an extracurricular and cocurricular student activity indicator was appropriate.

Student and parent satisfaction indicators. The bill would require the commissioner of education, before the beginning of the 2027-2028 school year, to adopt for the evaluation of school district and campus performance indicators that accounted for student and parent satisfaction as measured by a survey conducted by a district. In adopting an indicator, the commissioner could require a district or campus to participate in a pilot program implementing an indicator or to implement components and report requested information relating to student and parent satisfaction necessary to implement a required indicator.

The commissioner would be required to establish an advisory committee to assist in developing and adopting required indicators. A school district could not conduct a survey of student or parent satisfaction for purposes of measuring student or parent satisfaction unless SBOE first approved the content of the survey.

Local accountability system grant program. TEA would be required to provide grants from appropriated money to school districts and open-enrollment charter schools for the planning and implementation of local accountability systems.

Extracurricular and cocurricular allotment. A school district would be

entitled to an annual allotment for each student in average daily attendance equal to the basic allotment, or the sum of the basic allotment and the small and mid-sized district allotment multiplied by .003.

Repeals. The bill would repeal Education Code sec. 39.023(g) relating to SBOE adoption of certain instruments, and 39.0533(d) and (e) relating to indicator reports by the commissioner of education and the expiration date for such indicators, respectively.

The bill would remove provisions regarding integrated formative pilot programs from Education Code sec. 39.0236.

The bill would apply beginning with the 2023-2024 school year.

The bill, except for certain provisions, would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023. Education Code sec. 48.116, as added by the bill, would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, the cost to the state of the bill for the biennium would be \$312,724,130.