

BILL ANALYSIS

Senate Research Center
84R29277 JSL-D

C.S.H.B. 743
By: Huberty et al. (Seliger)
Education
5/21/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

C.S.H.B. 743 amends current law relating to the essential knowledge and skills of the required public school curriculum and to certain assessment instruments for public school students.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 4 (Section 39.0381, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 39.023, Education Code, by adding Subsections (a-11), (a-12), and (a-13), as follows:

(a-11) Requires that an assessment instrument, before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the Texas Education Agency (TEA) and of any other entity that developed the assessment instrument.

(a-12) Requires that an assessment instrument adopted or developed under Subsection (a) 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-13) Provides that 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.

SECTION 2. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0236, as follows:

Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a) Requires TEA to conduct a study regarding the essential knowledge and skills of the required curriculum identified by SBOE under Section 28.002 and assessment instruments administered under Section 39.023.

(b) Requires that the study evaluate:

(1) the number and scope of the essential knowledge and skills of each subject of the required curriculum under Section 28.002 (Required Curriculum), 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) Requires TEA, not later than March 1, 2016, to prepare and submit to SBOE a report concerning the results of the study under Subsection (b). Requires SBOE, not later than May 1, 2016, to review the study and to submit to the governor and each member of the legislature TEA's report and board recommendations regarding each issue evaluated under Subsection (b).

(d) Provides that this section expires June 1, 2017.

SECTION 3. Amends Sections 39.0261(b) and (c), Education Code, as follows:

(b) Requires TEA to:

(1) Makes no change to this subdivisions; and

(2) provide reimbursement to a school district for all fees associated with the administration of the assessment instrument from funds appropriated for that purpose, rather than pay all fees associated with the administration of the assessment instrument from funds allotted under the Foundation School Program, and requires the commissioner of education to reduce the total amount of state funds allocated to each district from any source in the same manner described for a reduction in allotments under Section 42.253 (Distribution of Foundation School Fund).

(c) Requires TEA to ensure that a school district is not reimbursed, rather than ensure that vendors are not paid, under Subsection (b) for the administration of an assessment instrument to a student to whom the assessment instrument is not actually administered. Authorizes TEA to comply with this subsection by any reasonable means, including by creating a refund system under which a school district, rather than a vendor, returns any payment made for a student who registered for the administration of an assessment instrument but did not appear for the administration.

SECTION 4. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0381, as follows:

Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) Requires TEA by rule to 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.

(b) Requires TEA to ensure that all new and renewed contracts described by Subsection (a) include a provision that TEA or a designee of TEA may conduct periodic contract compliance reviews, without advance notice, to monitor vendor performance.

(c) Requires TEA to adopt rules to administer this section.

SECTION 5. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 6. Effective date: upon passage or September 1, 2015.