

BILL ANALYSIS

C.S.H.B. 1776
By: Ashby
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the curriculum used to prepare for the United States history end-of-course test for public high school students is overly burdensome for teachers, fails to cover issues of historical importance, and has led to decreased proficiency in basic civics among high school graduates. C.S.H.B. 1776 seeks to address these concerns by eliminating the test and effectively replacing it with the civics test administered to people applying for United States citizenship.

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 commissioner of education in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 1776 amends the Education Code to remove the requirement that the Texas Education Agency (TEA) adopt an end-of-course test for secondary-level courses in United States history. The bill requires the commissioner of education to adopt rules requiring a public school district to administer to a student in the foundation high school program a civics test that consists of all of the questions on the civics test administered by the U.S. Citizenship and Immigration Services as part of the naturalization process under the federal Immigration and Nationality Act presented in a multiple-choice format. The bill prohibits a student from receiving a high school diploma until the student has performed satisfactorily on the civics test, with satisfactory performance consisting of answering at least 70 percent of the questions correctly. The bill requires a district to administer the civics test to a student when the school counselor or the teacher of the United States history course in which the student is enrolled, if applicable, determines that the student is prepared for the test.

C.S.H.B. 1776 requires the admission, review, and dismissal committee of a student in a special education program to determine whether any allowable modification is necessary in administering the civics test to the student to appropriately measure the student's achievement and, if the committee determines that the civics test, even with allowable modifications, would not provide an appropriate measure of the student's achievement, whether the student is required to achieve satisfactory performance on the civics test to receive a high school diploma. The bill requires the commissioner to adopt rules regarding the administration of the civics test that require the test to be administered electronically in the presence of a teacher, teacher's aide, proctor, or campus testing coordinator and to be scored by that person or by the district and that require the results of the test to be submitted to TEA not later than the last instructional day of

the school year in which the test is administered. The bill prohibits the rules from restricting the high school grade level at which a student may take the civics test or limiting the number of attempts a student may make to perform satisfactorily on the test. The bill adds a temporary provision set to expire September 1, 2025, authorizing a student who is required to perform satisfactorily on a United States history end-of-course test based on the applicable law in effect on January 1, 2017, to elect to satisfy that requirement by performing satisfactorily on the civics test.

C.S.H.B. 1776 establishes that, for purposes of the public school accountability system, a reference in the Education Code to an end-of-course test includes the civics test. The bill establishes that satisfactory performance on the civics test as prescribed by the bill is considered satisfactory performance for purposes of the commissioner's general performance standards for statewide standardized tests and requires the commissioner to determine the level of performance considered to indicate college readiness for related purposes. These bill provisions relating to performance under the public school accountability system control to the extent of a conflict with any other provision of law. The bill applies beginning with students who enter the ninth grade during the 2018-2019 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1776 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

No equivalent provision.

SECTION 1. Section 39.023(c), Education Code, is amended.

SECTION 2. Section 39, Education Code is amended by adding Sec. 39.02302 to read as follows:

Section 39.02302 U.S. History Assessment (a) Beginning with students entering the 9th grade in the 2018-2019 school year, each student shall be required to take the civics

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 28.025(c), Education Code, is amended to read as follows:

(c) A person may receive a diploma if the person is eligible for a diploma under Section 28.0251. In other cases, a student may graduate and receive a diploma only if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections 39.02304 and [Section] 39.025; or

(2) the student successfully completes an individualized education program developed under Section 29.005.

SECTION 2. Substantially the same as introduced version.

SECTION 3. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02304 to read as follows:

Sec. 39.02304. CIVICS TEST. (a) The commissioner shall adopt rules requiring a school district to administer a civics test to a student in the foundation high school

test administered by the United States Citizenship and Immigration Services as part of the naturalization process under the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.). The test shall be administered in accordance with rules adopted by a district board of trustees, the commissioner, and as follows:

(1) On a computer in a multiple choice format, and

(2) In the presence of a teacher, aide, proctor, or campus testing coordinator, and

(3) At any time during the school year when the instructor or counselor determines the student to be ready.

(b) A student who has entered the 9th grade prior to the 2018-2019 may elect to take the test in accordance with this section in lieu of the test required in Section 39.023(c).

(c) As a condition of graduation, a student must answer at least 70% of the questions correctly.

(d) If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering this assessment instrument to appropriately measure a student's achievement on this test.

(e) An individual graduation committee may waive the requirement in this section for a student in a special education program under Subchapter A, Chapter 29, for whom this assessment instrument, even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.

(f) The commissioner shall adopt rules requiring a school district to provide a student in the foundation high school program under Section 28.025 with the opportunity to be administered the test in this section. A rule may not:

program under Section 28.025. A student may not receive a high school diploma until the student has performed satisfactorily on the civics test.

(b) The civics test must consist of all of the questions on the civics test administered by the United States Citizenship and Immigration Services as part of the naturalization process under the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.). The questions must be presented in a multiple-choice format.

(c) To perform satisfactorily on the civics test, a student must answer at least 70 percent of the questions correctly.

(d) A school district shall administer the civics test to a student when the school counselor or the teacher of the United States history course in which the student is enrolled, if applicable, determines that the student is prepared for the test.

(e) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine:

(1) whether any allowable modification is necessary in administering the civics test to the student to appropriately measure the student's achievement; and

(2) if the committee determines that the civics test, even with allowable modifications, would not provide an appropriate measure of the student's achievement, whether the student is required to achieve satisfactory performance on the civics test to receive a high school diploma.

(f) The commissioner shall adopt rules regarding the administration of the civics test. The rules:

(1) must require:

(A) the test to be administered electronically in the presence of a teacher, teacher's aide, proctor, or campus testing coordinator and be scored by that person or by the school district; and

(B) the results of the test to be submitted to

(1) Restrict the grade level at which a student may take this test; or

(2) Limit the number of attempts a student may take to perform satisfactorily on the test.

(g) A school district shall annually certify to the commissioner the results of each student who takes this assessment.

the agency not later than the last instructional day of the school year in which the test is administered; and

(2) may not:

(A) restrict the high school grade level at which a student may take the civics test; or

(B) limit the number of attempts a student may make to perform satisfactorily on the test.

(g) A student who is required to perform satisfactorily on a United States history end-of-course assessment instrument under Section 39.025(a) based on the provisions of Section 39.023(c) in effect on January 1, 2017, may elect to satisfy that requirement by performing satisfactorily on the civics test. This subsection expires September 1, 2025.

(h) For purposes of the public school accountability system, a reference in this code to an assessment instrument under Section 39.023(c) includes the civics test. Performance at the level required under Subsection (c) of this section is considered satisfactory performance for purposes of Section 39.0241(a), and the commissioner shall determine the level of performance considered to indicate college readiness for purposes of Section 39.0241(a-1). To the extent of a conflict between this section and any other provision of law, this section controls.

SECTION 3. This Act applies beginning with students who enter the ninth grade during the 2018-2019 school year.

SECTION 4. 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, 2017.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.