

BILL ANALYSIS

C.S.H.B. 4242
By: Bernal
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised over whether the readability of statewide standardized tests is grade-level appropriate and there are additional concerns that student performance on these tests may not accurately reflect actual skills and knowledge of the subject being tested. C.S.H.B. 4242 seeks to investigate these concerns by setting out provisions relating to the consideration of reading level in the adoption of certain assessment instruments and associated student performance levels and to the temporary suspension of accountability sanctions for public schools.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4242 amends the Education Code to require each statewide standardized test administered in grades three through eight to include only passages, questions, answers, and other content aligned with the essential knowledge and skills adopted by the State Board of Education (SBOE) for the applicable subject for the grade level at which the test will be administered or for any previous grade level and include only passages written at a reading level not higher than the grade level at which the test will be administered. The bill requires the Texas Education Agency (TEA) annually to submit a report to the SBOE demonstrating compliance with such requirements and requires such a test, before being administered, to be determined on the basis of empirical evidence to be appropriate by an entity that is independent of TEA and of any other entity that developed the test. The bill prohibits TEA from using a passage on such an administered test unless the passage has been individually evaluated to ensure the reading level of the passage is appropriate for the grade level of the students to whom the test containing the passage will be administered. The bill requires the evaluation to be conducted by a committee of educators, provides for the committee's composition, and requires the committee to make certain considerations for purposes of the evaluation. The bill prohibits a question with a related passage from being field-tested without its related passage first being evaluated as such and requires TEA, at the time TEA releases test questions and answer keys, to also release the reading level of each passage as determined by the committee.

C.S.H.B. 4242 requires the commissioner of education to base applicable levels of performance standards for tests and college readiness on the grade level expectations and standards for each

subject or course.

C.S.H.B. 4242 requires the commissioner to contract for a study to determine whether, for each applicable grade level, each statewide standardized test for grades three through eight administered during the 2018-2019 school year or scheduled to be administered during the 2019-2020 school year is written at the appropriate reading level for students in that grade level. The bill requires the commissioner, in contracting for the study, to use a competitive process to select an independent entity to conduct the study that is not an entity that develops or otherwise reviews assessment instruments under applicable public school system accountability provisions and to provide that The University of Texas at Austin, Texas Tech University, and Texas A&M University must oversee the design, completion, and evaluation of the study. The bill requires the commissioner, not later than December 1, 2019, to submit a report that includes the results of the study to the legislature and the presiding officer of each legislative standing committee with jurisdiction over primary and secondary education and to hold a public meeting with representatives of the universities to discuss and explain the results of the study.

C.S.H.B. 4242 prohibits student performance on statewide standardized tests for grades three through eight administered in the 2018-2019 school year from being used as a factor in determining whether to order the closure of a campus under applicable accountability interventions and sanctions provisions after the 2018-2019 school year or whether a student, based on the student's performance, advances to the next grade level under applicable provisions after the student completes the 2018-2019 school year. The bill, if the report indicates that a statewide standardized test for grades three through eight scheduled to be administered during the 2019-2020 school year was written at a reading level above the grade level of the students to whom the test is scheduled to be administered, prohibits student performance on such a test from being used as a factor in determining the following:

- whether applicable interventions and sanctions may be applied to a school district or campus for an applicable unacceptable performance rating received for the 2019-2020 school year;
- whether to impose applicable interventions or sanctions after the 2019-2020 school year; or
- whether a student, based on the student's performance, advances to the next grade level under applicable provisions after the student completes the 2019-2020 school year.

Provisions of the bill relating to the assessment instrument study and to the temporary suspension of sanctions expire September 1, 2023.

C.S.H.B. 4242 applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4242 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute differs from the original with respect to the determination of readability for a statewide standardized test administered in grades three through eight. The substitute expands from only a reading test to any test the applicable statewide standardized tests that are required to be comprised of applicable content and written at an applicable reading level.

The substitute does not include a provision requiring each applicable test, to the extent

practicable, to also be evaluated by an independent group of qualified educators with Texas teaching experience for readability within the grade level assessed and requiring each assessment item of sufficient length to be separately evaluated for readability within the grade level assessed before being field-tested. The substitute instead includes a provision prohibiting TEA from using a passage on an applicable test unless the passage has been individually evaluated as prescribed by the substitute and requiring that the evaluation be conducted by a certain committee of educators.

The substitute does not include temporary provisions requiring the commissioner of education to complete an evaluation of readability within grade level for each statewide standardized test administered in grades three through eight and administered during or following the 2018-2019 and 2019-2020 school years and providing for related transition provisions. The substitute instead includes temporary provisions requiring the commissioner to contract for an assessment instrument study and providing for related temporary suspension of sanctions provisions.

The substitute does not include a provision, for purposes of the commissioner's determination regarding the level of performance that constitutes a satisfactory performance on a test, requiring such satisfactory performance to be based on grade level expectations for a course or subject and to be consistent with other indicators of grade level performance and the measures of readability determined under the original bill's provisions. The substitute instead includes a provision requiring the commissioner to base applicable levels of performance standards for tests and college readiness on the grade level expectations and standards for each subject or course.