

BILL ANALYSIS

Senate Research Center
81R3891 CAS-F

S.B. 759
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

School districts use locally adopted assessments to benchmark students' progress, to satisfy local educational initiatives, and to see how students are doing as compared with their peers nationally. The Texas Education Code imposes requirements that frustrate these comparisons and impose unreasonable costs. Section 39.032 (Assessment Instrument Standards; Civil Penalty), Education Code, prohibits school districts from using, and test publishers from offering the same group-administered achievement test form for more than three years and requires state and national norms of averages to be computed using data not more than six years old. Currently, no other state has a similar requirement for such tests.

According to the "Report on School District Mandates" by the Texas Association of School Administrators and Texas Association of School Boards (2002), when Section 39.032 became law in 1989 it "increased the number of testing years and required districts to spend additional monies on purchasing achievement tests." School districts are required to replace non-consumable student test booklets more frequently than districts in other states. In addition, if a test publisher does not have a new form available, school districts would have to change tests, making comparability from year to year difficult, creating confusion for educators, parents, and the public.

As proposed, S.B. 759 prohibits a company or organization from distributing to, selling to, or grading from the same school district the same form of an assessment for more than eight school years; requires that state and national norms of averages be computed using data that are not more than eight years old at the time the assessment instrument is administered; and requires that standardization norms be computed.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 39.032, Education Code, by amending Subsections (a) and (c) and adding Subsection (c-1), as follows:

(a) Prohibits a company or organization from distributing to, selling to, or grading for the same school district the same form of an assessment instrument for more than eight, rather than three, school years. Provides that this subsection does not apply if another form of a particular assessment instrument does not exist. Makes a conforming change.

(c) Requires that state and national norms of averages be computed using data that are not more than eight, rather than six, years old at the time the assessment instrument is administered, unless only data older than eight years old are available. Makes a nonsubstantive change.

(c-1) Requires that the standardization norms computed under Subsection (c) be based on a national probability sample that meets accepted standards for educational and psychological testing and, using proven psychometric procedures approved by the State Board of Education (SBOE), be updated at least every eight years, unless sufficient data to update the sample are not available. Deletes existing text that requires that

standardization norms be based on a national probability sample that meets accepted standards for educational and psychological testing and be updated at least every six years using proven psychometric procedures approved by SBOE. Makes nonsubstantive changes.

SECTION 2. Effective date: upon passage or September 1, 2009.