

BILL ANALYSIS

Senate Research Center

H.B. 2836
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Education Agency (TEA) is currently required to adopt and develop statewide standardized tests that assess a student's knowledge and skills in reading, writing, mathematics, social studies, and science. Interested parties contend that under federal regulations only reading, mathematics, and science tests are required to be administered in grades three through eight and that the state is taking away invaluable instruction time and putting unnecessary stress on teachers and students by requiring extra tests that are not federally mandated. There is additional concern that the use of both readiness standards and supporting standards in determining a school's accountability rating results in a teacher losing invaluable instruction time.

H.B. 2836 amends current law relating to the administration of certain state-adopted or state-developed assessment instruments to public school students.

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 39.023, Education Code, by amending Subsection (a) and adding Subsections (a-3), (a-4), (a-5), and (a-6), as follows:

(a) Deletes writing from the list of courses for which the Texas Education Agency (TEA) is required to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills. Deletes writing, including spelling and grammar, in grades four and seven from the list of courses on which all students are required to be assessed, other than students assessed under Subsection (b) (relating to requiring TEA to develop or adopt assessment instruments to be administered to each student in certain special education programs) or (1) (relating to requiring certain students to be assessed in mathematics) or exempted under Section 39.027 (Exemption), except as provided by Subsection (a-2) (relating to providing that a student is not required to be assessed in certain subjects under certain circumstances). Makes nonsubstantive changes.

(a-3) Requires that an assessment instrument adopted or developed under Subsection (a), before the assessment instrument is authorized to 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 TEA and of any other entity that developed the assessment instrument.

(a-4) Requires TEA to ensure that an assessment instrument adopted or developed under Subsection (a) is designed to primarily assess the essential knowledge and skills identified by the State Board of Education (SBOE) under Section 28.002 (Required Curriculum) of the subject and for the grade level for which the assessment instrument is administered. Authorizes the assessment instrument, only to the extent necessary or helpful for diagnostic or reporting purposes, to also assess supporting knowledge or skills that are introduced or referenced in the subject and for the grade level for which the assessment instrument is administered but that are identified as essential knowledge or skills primarily of a different subject or for a different grade level.

(a-5) 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-6) Prohibits the amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) from exceeding eight hours, and authorizes the administration to occur on only one day.

SECTION 2. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0263, as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) Defines "benchmark assessment instrument" in this section.

(b) Prohibits a school district, except as provided by Subsection (c), from administering to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

(c) Provides that the prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.

(d) Authorizes a parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, to request administration to the student of additional benchmark assessment instruments.

SECTION 3. Amends Section 39.053, Education Code, by adding Subsection (c-1), to prohibit the indicator of student achievement under Subsection (c)(1) (relating to requiring that indicators of student achievement include certain results of certain required assessment instruments) from including student performance as to supporting knowledge or skills as described by Section 39.023(a-4).

SECTION 4. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 5. Effective date: upon passage or September 1, 2013.