

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2836  
By: Ratliff et al. (Patrick)  
Education  
5/17/2013  
Committee Report (Substituted)

### **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.

C.S.H.B. 2836 amends current law relating to the administration of certain state assessment instruments to public school students and to a study of the essential knowledge and skills of the required public school curriculum and of certain state assessment instruments.

### **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 adding Subsections (a-3), (a-4), and (a-5), as follows:

(a-3) Requires that an assessment instrument adopted or developed under Subsection (a) (relating to requiring the Texas Education Agency (TEA) to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science), 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 that an assessment instrument adopted or developed under Subsection (a) be designed so that a majority of students will be able to complete the assessment instrument within 180 minutes.

(a-5) 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 39.0236, as follows:

Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a) Requires an advisory committee to be established to conduct a study regarding the essential knowledge and skills of the required curriculum and assessment instruments administered under Section 39.023 (Adoption and

Administration of Instruments) to students in grades three through eight. Requires that the committee be composed of:

- (1) four members of the senate education committee appointed by the lieutenant governor and four members of the house public education committee appointed by the speaker of the house of representatives;
- (2) two members of the public appointed by the lieutenant governor;
- (3) two members of the public appointed by the speaker of the house of representatives; and
- (4) two members of the State Board of Education (SBOE) appointed by the chair of SBOE.

(b) Requires that the study evaluate:

- (1) the number and scope of the essential knowledge and skills of each subject area of the required curriculum under Section 28.002 (Required Curriculum) and whether the number or scope should be limited;
- (2) the number and subjects of assessment instruments under Section 39.023 that should be administered to students in grades three through eight; and
- (3) whether assessment instruments described by Subdivision (2) should assess only essential knowledge and skills or should also assess supporting standards.

(c) Requires the committee, not later than October 1, 2014, to prepare and submit to the governor, each member of the legislature, the commissioner of education (commissioner), and SBOE a report that includes the results of the study and recommendations regarding each issue evaluated under Subsection (b).

(d) Provides that this section expires June 1, 2015.

SECTION 3. 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, a formative assessment used by a teacher to adjust ongoing teaching and learning, 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 4. Amends Section 39.0301, Education Code, by adding Subsection (a-1), as follows:

(a-1) Requires the commissioner, in establishing procedures for the administration of assessment instruments under Subsection (a)(1), to ensure that the procedures are designed to minimize disruptions to school operations and the classroom environment. Requires a school district, in implementing the procedures established for the administration of assessment instruments under Subsection (a)(1), to minimize disruptions to school operations and the classroom environment.

SECTION 5. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 6. Effective date: upon passage or September 1, 2013.