

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1608  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The overuse and misuse of high-stakes testing in the public education system has significantly impeded the ability of schools to provide a high-quality, well-rounded curriculum to students. This problem is compounded when high-stakes assessments begin as early as prekindergarten and kindergarten with children who are not developmentally ready for such tests.

Certain school districts in Texas are following an alarming national trend of implementing these tests in prekindergarten and kindergarten and using them as a performance assessment measure for students, teachers, and early childhood programs. The research is clear that such testing with this population of students is inappropriate and may do unnecessary harm to the educational development of our children. These concerns have been well-documented by scholars such as Samuel Meisels, based on research by Linda Darling-Hammond and many others, in reference to high-stakes testing of kindergarten students.

S.B. 1608 seeks to prevent unnecessary testing of prekindergarteners and kindergarteners, by prohibiting the state or a local school district, with specified exceptions, from requiring administration of a standardized norm-referenced or criterion-referenced assessment for students in prekindergarten or kindergarten. The bill amends Subchapter B (Assessment of Academic Skills), Chapter 39 (Public School System Accountability), of the Education Code, which governs student assessment, by adding language restricting the administration of norm-referenced or criterion-referenced assessments to students in prekindergarten or kindergarten.

The bill exempts a reading instrument used for reading diagnosis, an English language proficiency test, and tests used to assess learning of specific instructional material in the classroom, such as a spelling test.

As proposed, S.B. 1608 amends current law relating to restricting certain state and school district assessments of public school students in prekindergarten and kindergarten.

### **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 Subchapter B, Chapter 39, Education Code, by adding Section 39.0263, as follows:

Sec. 39.0263. RESTRICTION ON ASSESSMENT OF STUDENTS IN CERTAIN GRADE LEVELS. (a) Prohibits the Texas Education Agency (TEA), the State Board of Education (SBOE), or a school district, except as provided by Subsection (b), from requiring administration of a standardized criterion-referenced or norm-referenced assessment instrument, including an achievement test, to students in prekindergarten or kindergarten.

(b) Provides that Subsection (a) does not apply to:

- (1) a reading instrument administered under Section 28.006 (Reading Diagnosis);
- (2) an English language proficiency test under Section 29.056(a) (relating to requiring TEA to establish eligibility criteria for students of limited English proficiency for entry into a bilingual education program); or
- (3) an assessment instrument administered to students in one or more of a school's prekindergarten or kindergarten classes to assess learning of specific instructional material, such as a spelling test.

SECTION 2. Amends Section 39.026, Education Code, to authorize a school district, in addition to the assessment instruments adopted by TEA and administered by SBOE, to adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level beginning at the first grade level.

SECTION 3. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 4. Effective date: upon passage or September 1, 2013.