

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1724  
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Education  
3/21/2013  
Committee Report (Substituted)

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

Current law provides for three public high school graduation plans: minimum, recommended, and distinguished. All students are required to satisfy four credits each in English language arts, mathematics, science, and social studies. To opt out of this default program, students and their parents must sign a permission form. As a result, most students have very limited options to pursue other rigorous applied programs in career and technology courses. Current law also requires students to be assessed in each subject area, for a total of 15 separate assessments. Students must pass the assessments, achieve a cumulative score for graduation, and have the assessments count toward 15 percent of their final grade.

C.S.S.B. 1724 amends current law relating to end-of-course assessment instruments administered to public high school students and other measures of secondary-level performance.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education (commissioner) is modified in SECTION 3 (Section 39.025, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 4 (Sections 39.025 and 51.3062, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.081, Education Code, by adding Subsections (b-1), (b-2), and (b-3), as follows:

(b-1) Requires each district to offer additional accelerated instruction to each student in any subject in which that student has failed an end-of-course (EOC) assessment that the student is required to pass in order to graduate before the next scheduled test administration without any cost to the student.

(b-2) Requires a district which is required to provide accelerated instruction under Subsection (b-1) to separately budget sufficient funds, including funds under Section 42.152 (Compensatory Education Allotment), for that purpose. Prohibits a district from budgeting funds received under Section 42.152 for any other purpose until it has adopted a budget to support additional accelerated instruction under Subsection (b-1).

(b-3) Requires the district to evaluate the effectiveness of accelerated instruction programs under Subsection (b-1) and hold a public hearing once each year to consider the results.

SECTION 2. Amends Sections 39.023(c) and (c-3), Education Code, as follows:

(c) Requires the Texas Education Agency (TEA) to also adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history, rather than in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. Requires that the Algebra I EOC assessment instrument, rather than the

Algebra I, Algebra II, and geometry EOC assessment instruments, be administered with the aid of technology. Requires that the English I and English II EOC assessment instruments each assess essential knowledge and skills in both reading and writing in the same assessment instrument. Deletes existing text requiring a school district to adopt a policy that requires a student's performance on an EOC assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course and providing that if a student retakes a certain EOC assessment instrument, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course. Makes a conforming change.

(c-3) Requires the State Board of Education, in adopting a schedule for the administration of assessment instruments under this section, to be administered, as per certain guidelines, including the spring administration of EOC assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the EOC assessment instruments in English I and English II, rather than in English I, English II, and English III, are required to be permitted to occur at an earlier date.

SECTION 3. Amends Section 39.025, Education Code, by amending Subsections (a), (a-1), (a-2), (b), and (b-2), as follows:

(a) Requires the commissioner of education (commissioner) to adopt rules requiring a student in the foundation high school program under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record) to be administered each EOC assessment instrument adopted under Section 39.023(c). Provides that a student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a) (relating to the requirement that the commissioner determine the level of performance considered to be satisfactory on certain assessment instruments), on each EOC assessment instrument listed under Section 39.023(c).

Deletes existing text requiring the commissioner to adopt rules requiring a student participating in the recommended or advanced high school program to be administered each EOC assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an EOC assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered and providing that a student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1) (requiring each school district that offers kindergarten through grade 12 is required to have a foundation curriculum that includes certain subjects), a cumulative score that is at least equal to the product of the number of EOC assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). Deletes existing text requiring a student to achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an EOC assessment instrument for the score to count towards the student's cumulative score and provides that a student's cumulative score, for purposes of this subsection, is determined using the student's highest score on each EOC assessment instrument administered to the student.

(a-1) Requires the commissioner by rule to determine a method by which a student's satisfactory performance on certain assessment instruments is authorized to be used as a factor in determining whether the student satisfies the requirements of Subsection (a). Authorizes the commissioner by rule to determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) or a preliminary American College Test (ACT) is authorized to be used as a factor in determining whether the student satisfies the requirements of Subsection (a). Makes conforming and nonsubstantive changes.

(a-2) Requires a student, in addition to the score requirements on the EOC assessment instruments required for graduation under Subsection (a), to graduate under the foundation high school program with a distinguished achievement endorsement, to achieve a scale score on a placement test, an international baccalaureate examination, the Scholastic Assessment Test (SAT), an SAT Subject Test, the American College Test (ACT), or another nationally recognized assessment instrument that indicates readiness to enroll in an institution of higher education, as determined by the commissioner. Prohibits the commissioner from permitting the use of performance on an EOC assessment instrument adopted under Section 39.023(c) to satisfy the requirement under this subsection. Deletes the requirement that a student, in addition to the cumulative score requirements under Subsection (a), achieve a score meets or exceeds a certain score as determined by the commissioner for English III and Algebra II EOC assessment instruments to graduate under the recommended high school program.

(b) Authorizes a student, each time an EOC assessment instrument adopted under Section 39.023(c) is administered, who failed to achieve the score requirement under Subsection (a), rather than requiring a student who failed to achieve a minimum score under Subsection (a), to retake the EOC assessment instrument. Deletes existing text authorizing a student who fails to perform satisfactorily on an Algebra II or English III EOC assessment instrument under the college readiness performance standard, as provided under Section 39.024(b) (relating to the requirement that TEA and the Texas Higher Education Coordinating Board (THECB) ensure certain EOC assessment instruments are developed to be capable of measuring college readiness), is authorized to retake the EOC assessment instrument.

(b-2) Requires the district to require a student to enroll in a corresponding content-area college preparatory course for which an EOC assessment instrument has been adopted, if available, if a school district determines that the student, on completion of grade 11, is unlikely to achieve the score requirement under this section for one or more EOC assessment instruments prescribed under Subsection (a), rather than if a school district determines that a student, on completion of grade 11, is unlikely to achieve the cumulative score requirements for one or more subjects prescribed by Subsection (a) for receiving a high school diploma. Requires a student who enrolls in a college preparatory course described by this subsection to be administered an EOC assessment instrument for the course, with the EOC assessment instrument scored on a scale as determined by the commissioner, rather than on a scale as determined by the commissioner not to exceed 20 percent of the cumulative score requirements required to graduate as by a certain determination. Authorizes a student to use the student's score on the EOC assessment instrument for the college preparatory course towards satisfying the score requirement under this section. Makes conforming changes.

SECTION 4. (1) Repealer: Section 39.024(b) (relating to the requirement that TEA and the Texas Higher Education Coordinating Board (THECB) ensure certain EOC assessment instruments are developed to be capable of measuring college readiness), (c) (relating to the requirement that TEA, in collaboration with THECB, gather data and conduct research studies to substantiate the correlation between student performance on certain EOC assessment instruments and measuring college readiness), (d) (requiring studies under Subsection (c) to include an evaluation of any need for remediation courses to facilitate college readiness), (e) (relating to the requirement that the commissioner and the commissioner of higher education establish student performance standards based on certain studies), (f) (relating to TEA, in collaboration with THECB, conducting studies for certain EOC assessment instruments), (g) (relating to TEA, in collaboration with THECB, conducting certain studies every three years), (h) (relating to TEA and THECB reviewing college readiness performance standards established nationally and internationally for comparable assessment instruments), and (i) (relating to TEA gathering data and conducting research to substantiate any correlation between a certain level of performance by students on EOC assessment instruments and success in certain areas of work and education), Education Code;

- (2) Repealer: Section 39.0241(a-2) (relating to the requirement that the commissioner establish certain performance standards), Education Code;
- (3) Repealer: Section 39.0242 (Performance Standards: Research Studies and Implementation of Standards), Education Code;
- (4) Repealer: Section 39.025(a-3) (relating to the requirement that a student achieve a certain score on certain EOC assessment instruments in order to graduate under the advanced high school program), Education Code; and
- (5) Repealer: Section 51.3062(q-1) (relating to the exemption of a student who has completed a recommended or advanced high school program from certain requirements), Education Code.

SECTION 5. Provides that Section 39.025, Education Code, as amended by this Act, as related to reducing EOC testing requirements, applies only to students who have entered or will enter the ninth grade during the 2011-2012 school year or a later school year.

SECTION 6. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 7. (a) Effective date, subject to Subsection (b) of this section: upon passage or September 1, 2013.

(b) Makes application of this Act contingent upon passage of S.B. 3, Acts of the 83rd Legislature, Regular Session, 2013.