

BILL ANALYSIS

Senate Research Center

H.B. 1164
By: VanDeaver et al. (Garcia)
Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Public school students in Texas are required to be assessed in writing in grades four and seven and are also subject to English end-of-course testing requirements in high school. Recently enacted legislation required English end-of-course tests to assess both reading and writing. Evidence shows that one of the unintended consequences of that legislation is that the English end-of-course tests are overly long and onerous on students, with a significant number of students failing to pass the tests, even after multiple attempts. Extensive testimony was presented during the interim demonstrating serious problems with the tests, including expert educator testimony asserting that the required tests are not properly aligned with nationally recognized tests used to determine college readiness. Educators, superintendents, and parents testified that the format of the tests narrows curriculum, has the opposite effect of what is intended, and is detrimental to the development of quality writing skills. H.B. 1164 seeks to address these issues.

H.B. 1164 amends current law relating to the assessment of public school students in writing and English language arts.

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 18.005(c), Education Code, to require a Job Corps diploma program to require that students enrolled in the diploma program satisfy the requirements of Sections 18.0055 and 39.025 (Secondary-Level Performance Required) before receiving a diploma under this chapter.

SECTION 2. Amends Chapter 18, Education Code, by adding Section 18.0055, as follows:

Sec. 18.0055. LOCAL ASSESSMENT REQUIRED: WRITING. Requires that a Job Corps diploma program provide for the evaluation of student achievement in writing consistent with the requirements provided for school districts under Section 39.0264 for courses listed under Section 39.0264(b). Requires that a Job Corps diploma program provide for notice and reporting of performance of students assessed consistent with the requirements under Section 39.0264.

SECTION 3. Amends Section 25.005(b), Education Code, to require that a reciprocity agreement address procedures for permitting a student to satisfy the requirements of Section 39.0264(b) through successful performance under a method of assessment in another state determined by the school district in which the student attends to be comparable to or at least as rigorous as the method of assessment used by that district, and to make nonsubstantive changes.

SECTION 4. Amends Sections 28.025(b-4), (b-7), (c), and (d), Education Code, as follows:

(b-4) Requires that courses delivered in an applied manner cover the essential knowledge and skills, and the student shall be:

(1) administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025; and

(2) for an applicable course described by Subsection (b-1)(1), assessed as provided by Section 39.0264(b).

(b-7) Provides that a student who has completed the core curriculum of an institution of higher education under Section 61.822, as certified by the institution in accordance with commissioner rule, notwithstanding Subsection (b-15), or (c) of this section, Section 39.025 or 39.0264(b), or any other provision of this code and notwithstanding any school district policy, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule.

(c) Provides that a student, in other cases, may graduate and receive a diploma only if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education (SBOE) under Subsection (a) and complies with Sections 39.025 and 39.0264(b); or

(2) Makes no change to this subdivision.

(d) Authorizes a school district to issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by SBOE under Subsection (a) but who fails to comply with Section 39.025 or 39.0264(b).

SECTION 5. Amends Section 28.0255(g), Education Code, as follows:

(g) Entitles a student to a high school diploma if the student:

(1) and (2) Makes nonsubstantive changes; and

(3) demonstrates performance that indicates that the student has successfully achieved the essential knowledge and skills in writing, as determined by standards established by the board of trustees of the school district, for each course listed under Section 39.0264(b) in which the student is enrolled.

SECTION 6. Amends Section 29.087(f), Education Code, as follows:

(f) Requires a student participating in a program authorized by this section, other than a student ordered to participate under Subsection (d)(1) (providing that a student is eligible to participate in a program authorized by this section if the student has been ordered by a certain court), to have taken the appropriate end-of-course assessment instruments specified by Section 39.023(c) and been assessed for the appropriate courses as provided by Section 39.0264(b) before entering the program and to take each appropriate end-of-course assessment instrument administered during the period in which the student is enrolled in the program and be assessed for each appropriate course as provided by Section 39.0264(b) during the period in which the student is enrolled in the program. Prohibits a student participating in the program, except for a student ordered to participate under Subsection (d)(1), from taking the high school equivalency examination unless the student has taken the assessment instruments required by this subsection and been assessed for the appropriate courses as provided by Section 39.0264(b) as required by this subsection.

SECTION 7. Amends Section 29.402(b), Education Code, as follows:

(b) Provides that a person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the person:

(1) Makes no change to this subdivision; or

(2) has failed to:

(A) perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007; or

(B) demonstrate satisfactory performance under an assessment required by Section 39.0264(b).

SECTION 8. Amends Section 30.021(e), Education Code, as follows:

(e) Provides that the services provided in this area (servicing students and other persons with visual impairments), to maximize and make efficient use of state facilities, funding, and resources, may include conducting a cooperative program with other agencies to serve students who have graduated from high school by completing all academic requirements applicable to students in regular education, excluding satisfactory performance under Sections 39.025 and 39.0264(b), rather than under Section 39.025, who are younger than 22 years of age on September 1 of the school year and who have identified needs related to vocational training, independent living skills, orientation and mobility, social and leisure skills, compensatory skills, or remedial academic skills.

SECTION 9. Amends Sections 30.104(b) and (c), Education Code, as follows:

(b) Authorizes a student to graduate and receive a diploma from a Texas Juvenile Justice Department (TJJD), rather than the Texas Youth Commission (TYC) educational program if:

(1) the student successfully completes the curriculum requirements identified by SBOE under Section 28.025(a) and complies with:

(A) Section 39.025; and

(B) Section 39.0264(b), including by demonstrating satisfactory performance under the method of assessment required by the school district granting the student academic course requirements for high school graduation for a course listed in Section 39.0264(b) that the student successfully completes in TJJD educational programs; or

(2) the student successfully completes the curriculum requirements under Section 28.025(a) as modified by an individualized education program developed under Section 29.005.

(c) Authorizes a TJJD, rather than TYC, educational program to issue a certificate of course-work completion to a student who successfully completes the curriculum requirements identified by SBOE under Section 28.025(a) but who fails to comply with Section 39.025 or 39.0264(b).

SECTION 10. Amends Section 37.011, Education Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Requires each juvenile-justice alternative education program to administer assessment instruments under Subchapter B, Chapter 39, to assess students in applicable grades and courses as provided by Subsection (d-1), and to offer a high school equivalency program.

(d-1) Requires a juvenile justice alternative education program to provide for the evaluation of student achievement in writing consistent with the requirements provided for school districts under Section 39.0264. Requires a juvenile justice alternative education program to provide for notice and reporting of performance of students assessed consistent with the requirements under Section 39.0264.

SECTION 11. Amends Section 39.023(a), Education Code, as effective until on or before September 1, 2015, to change references to writing to English language arts.

SECTION 12. Amends Section 39.023(a), Education Code, as effective on or before September 1, 2015, to make conforming changes.

SECTION 13. Amends Section 39.023(a), Education Code, as effective September 1, 2017, to make conforming changes.

SECTION 14. Amends Section 39.023, Education Code, by adding Subsection (b-2), as follows:

(b-2) Authorizes a student in a special education program under Subchapter A, Chapter 29, notwithstanding any other provision of this section, to, with the approval of the student's parent or legal guardian, opt out of the administration of an assessment instrument in English language arts otherwise required under this section. Requires the student's school district, in conjunction with the student's admission, review, and dismissal committee, if a student opts out of an assessment instrument in accordance with this subsection, to adopt or develop an alternative assessment instrument in English language arts to be administered to the student. Requires that assessment instruments adopted or developed under this subsection be approved by the student's district superintendent.

SECTION 15. Amends Section 39.023, Education Code, by amending Subsection (c) and adding Subsection (q), as follows:

(c) Changes a reference to writing to language arts.

(q) Provides that the assessment of a student's writing is governed by Section 39.0264.

SECTION 16. Amends Subchapter B, Chapter 39, Education Code, as follows:

Sec. 39.0264. LOCAL ASSESSMENT REQUIRED: WRITING. (a) Requires each school district, to evaluate student achievement in writing, to assess students in grades four and seven and at the end of English I and English II secondary-level courses in accordance with the essential knowledge and skills for writing. Authorizes a district to use any method the district determines appropriate for assessing students under this section, including portfolio assessment.

(b) Provides that a student assessed at the end of an English I or English II secondary-level course is required to demonstrate performance that indicates the student has successfully achieved the essential knowledge and skills in writing for the course as determined by standards established by the board of trustees of the school district the student attends. Prohibits a student from receiving a high school diploma until the student has demonstrated satisfactory performance in the manner provided by this subsection.

(c) Requires the school district a student attends to provide written notice of the performance of a student assessed as required under this section to the student's parent or person standing in parental relation to the student.

(d) Requires each school district, each school year, to prepare a report of the performance of students assessed as required by this section. Requires that the report include information regarding the aggregate student performance in each grade or course required by this section:

- (1) for the district; and
- (2) for each campus in the district.

(e) Requires that the report prepared under Subsection (d) be:

- (1) filed with:
 - (A) the Texas Education Agency (TEA); and
 - (B) the board of trustees of the school district; and
- (2) posted on the district's Internet website.

(f) Provides that a school district, for an assessment required by this section, is subject only to the notice and reporting requirements provided by this section.

SECTION 17. Amends Section 39.034(d), Education Code, to require TEA to determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on, as applicable:

- (1) and (2) Makes no change to these subdivisions; and
- (3) the end-of-course assessment instruments required under Section 39.023, rather than required under this subchapter for graduation.

SECTION 18. Requires TEA, not later than September 1, 2016, to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in English language arts as required by Section 39.023, Education Code, as amended by this Act.

SECTION 19. Provides that this Act applies beginning with the 2016-2017 school year.

SECTION 20. Effective date: upon passage or September 1, 2015.