

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1171
By: Taylor
Education
4/29/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3906 (86R) began implementation of several reforms of the STAAR test to break up the exam into several parts, transition to online testing, and reduce "teaching to the test." The reforms created by H.B. 3906 included a sunset provision pending a Texas Education Agency (TEA) feasibility study, to report to the legislature on the ability of LEAs to transition to online testing. With the completion of that study posted December 1, 2020, S.B. 1171 continues the reforms that began under the last legislature.

S.B. 1171 also creates a grant program to assist districts in the transition to online testing, adds infrastructure, bandwidth, and equipment to allowable uses of the technology and instructional materials allotment, grants the commissioner of TEA waiver authority, and clarifies the limit of allowable multiple choice questions.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1171 amends current law relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, and the adoption and administration of certain optional interim assessment instruments.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 4 (Section 39.0234, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.0211(c), Education Code, to authorize funds allotted under Section 31.0211 (Instructional Materials and Technology Allotment), subject to Subsection (d) (relating to the order in which a school district is required to use its allotment each biennium), to be used to purchase services, equipment, and technology infrastructure necessary to ensure Internet connectivity and adequate bandwidth and to be used to pay for training personnel in the electronic administration of assessment instruments. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 32, Education Code, by adding Section 32.037, as follows:

Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) Authorizes the commissioner of education (commissioner) to establish a matching grant program to ensure that all school districts and open-enrollment charter schools have the necessary infrastructure to administer assessment instruments electronically in accordance with the transition plan developed under Section 39.02341 (Transition to Electronic Administration of Assessment Instruments).

(b) Authorizes the commissioner, in establishing the grant program, to:

- (1) set eligibility criteria to receive a matching grant under the program; and
- (2) contract with developers of technology as necessary to ensure the most efficient and cost-effective implementation of Internet connectivity infrastructure for electronic administration of assessment instruments.

(c) Provides that the commissioner, in awarding grants under the grant program, is required to prioritize applicants seeking funding for one-time investments in broadband network infrastructure and is authorized, if funds are available after grants are awarded to each eligible applicant in the preceding category, to award grants to applicants seeking funding for annual bandwidth and personnel costs associated with electronic administration of assessment instruments.

(d) Provides that this section expires September 1, 2025.

SECTION 3. Amends Sections 39.023(c-3), (c-8), and (o), Education Code, as follows:

(c-3) Requires the State Board of Education (SBOE), in adopting a schedule for the administration of assessment instruments under Section 39.023 (Adoption and Administration of Instruments), except as provided by Subsection (c-7) (relating to a classroom portfolio method to assess writing performance) or as otherwise provided by this subsection, to ensure that assessment instruments administered under Subsection (a) (relating to criterion-referenced assessment instruments designed to assess certain essential knowledge or skills) or (c) (relating to end-of-course assessment subject matter requirements) are not administered on the first instructional day of a week. Authorizes the commissioner, on request by a school district or open-enrollment charter school, to allow the district or school to administer an assessment instrument required under Subsection (a) or (c) on the first instructional day of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions.

(c-8) Prohibits more than 75 percent of the available points on an assessment instrument developed under Subsection (a) or (c) from being attributable to questions presented in a multiple choice format, beginning with the 2022-2023 school year. Deletes existing text to make a conforming change.

(o) Prohibits a school district or open-enrollment charter school, rather than a school district, from being required to administer the optional interim assessment instruments required to be adopted by the Texas Education Agency (TEA) for each subject or course for each grade level subject to assessment under Section 39.023. Requires that an interim assessment instrument, when possible, be predictive of the assessment instrument for the applicable subject or course for that grade level required under this section.

SECTION 4. Amends Section 39.0234, Education Code, as follows:

Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. Requires that each assessment instrument required under Section 39.023(a), (c), or (l) (relating to the option for assessment instruments to be given in Spanish) be administered electronically, unless otherwise provided by commissioner rule. Deletes existing text requiring TEA to ensure that assessment instruments required under Section 39.023 are capable of being administered electronically.

SECTION 5. Amends Sections 39.02341(a) and (b), Education Code, as follows:

(a) Requires TEA, in consultation with SBOE, to develop a transition plan to administer all assessment instruments required under Sections 39.023(a), (c), and (l), rather than under Section 39.023, electronically beginning not later than the 2022-2023 school year.

(b) Deletes existing text providing that in order to ensure legislative approval of the transition plan, Subsection (b) (relating to requiring TEA to implement the transition plan beginning September 1, 2021) expires August 31, 2021.

SECTION 6. (a) Provides that, except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

(b) Provides that Section 39.0234, Education Code, as amended by this Act, applies beginning with the 2023-2024 school year.

SECTION 7. Effective date: upon passage or September 1, 2021.