

BILL ANALYSIS

C.S.H.B. 3261
By: Huberty
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2019, legislation was enacted to grant the Texas Education Agency (TEA) the authority to develop and administer a statewide assessment program, in line with the STAAR test, to be administered electronically. Initially, TEA was to develop a transition plan, in consultation with the State Board of Education, to administer all required tests electronically, which would expire August 31, 2021. Unfortunately, due to COVID-19 and the associated programmatic changes and additions, additional time has been requested to thoroughly complete this transition plan. C.S.H.B. 3261 removes this expiration date and establishes a temporary grant program to aid school districts and charter schools in adapting to this transition.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3261 amends the Education Code to revise provisions relating to the implementation of a transition plan by the Texas Education Agency (TEA) to electronically test as follows:

- by limiting the statewide standardized tests to which such provisions apply to the following tests:
 - statewide standardized tests designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, science, and any other subject required by law;
 - such statewide standardized tests in Spanish to students in grades three through five; and
 - end-of-course tests for secondary-level courses in Algebra I, biology, English I, English II, and United States history; and
- by removing the August 31, 2021, expiration date of such provisions.

C.S.H.B. 3261 authorizes the commissioner of education to establish a matching grant program to ensure that all public school districts and open-enrollment charter schools have the necessary infrastructure to administer tests electronically in accordance with the transition plan developed by TEA and the State Board of Education. The commissioner may set eligibility criteria to receive a matching grant under the program and 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. These provisions expire September 1, 2025.

C.S.H.B. 3261 expands the permitted uses of the instructional materials and technology allotment to include the purchasing of services, equipment, and technology infrastructure necessary to ensure Internet connectivity and adequate bandwidth and payment of training personnel in the electronic administration of tests.

C.S.H.B. 3261 authorizes the commissioner, on request by a district or charter school, to allow the district or charter school to administer a statewide standardized test required on the first instructional day of a week if administering the test on another instructional day would result in a significant administrative burden due to specific local conditions. The bill prohibits a charter school from being required to administer optional interim tests adopted or developed by TEA. The bill changes the prohibition against not more than 75 percent of the questions on a statewide standardized test being presented in a multiple choice format to a prohibition against not more than 75 percent of the available points on such a test being attributable to questions in a multiple choice format.

C.S.H.B. 3261, applicable beginning with the 2023-2024 school year, revises a requirement for TEA to ensure that statewide standardized tests are capable of being administered electronically by requiring certain statewide standardized tests to be administered electronically, unless otherwise provided by commissioner rule.

C.S.H.B. 3261 applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3261 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the date on which provisions relating to the matching grant program expire from September 1, 2023, as that date appeared in the original, to September 1, 2025.

The substitute includes a provision that did not appear in the original prohibiting a charter school from being required to administer optional interim tests adopted or developed by TEA.

The substitute includes a provision that did not appear in the original changing the prohibition against not more than 75 percent of a test being in a multiple choice format to a prohibition against not more than 75 percent of the available points on the test being attributable to questions in a multiple choice format.