

## **BILL ANALYSIS**

Senate Research Center

S.B. 759  
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Education  
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Enrolled

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

School districts use locally adopted assessments to benchmark students' progress to satisfy local educational initiatives and to see how students are doing as compared with their peers nationally. The Texas Education Code imposes requirements that frustrate these comparisons and impose unreasonable costs. Section 39.032 (Assessment Instrument Standards; Civil Penalty), Education Code, prohibits school districts from using, and test publishers from offering the same group-administered achievement test form for more than three years and requires state and national norms of averages to be computed using data not more than six years old. Currently, no other state has a similar requirement for such tests.

According to the "Report on School District Mandates" by the Texas Association of School Administrators and Texas Association of School Boards (2002), when Section 39.032 became law in 1989 it "increased the number of testing years and required districts to spend additional monies on purchasing achievement tests." School districts are required to replace non-consumable student test booklets more frequently than districts in other states. In addition, if a test publisher does not have a new form available, school districts have to change tests, making comparability from year to year difficult, creating confusion for educators, parents, and the public.

S.B. 759 amends current law relating to certain standards for group-administered achievement tests used by school districts.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 39.032, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.032, Education Code, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Requires that state and national norms of averages be computed using data that are not more than eight, rather than six, years old at the time the assessment instrument is administered and that are representative of the group of students to whom the assessment instrument is administered.

(c-1) Requires that the standardization norms computed under Subsection (c) be based on a national probability sample that meets accepted standards for educational and psychological testing and be updated at least every eight, rather than six, years, using proven psychometric procedures approved by the State Board of Education. Makes nonsubstantive changes.

(c-2) Provides that the eight-year limitation on data to compute norms under this section does not apply only if data older than eight years is available for an assessment instrument. Authorizes the commissioner of education by rule to limit the exception created by this subsection based on the type of assessment instrument.

SECTION 2. Repealers: Sections 39.032(a) (relating to prohibiting a company or organization from distributing to, selling to, or grading for the same school district an assessment instrument

for more than three school years), (b) (relating to requiring a company or organization that grades an assessment instrument to report the results to certain persons), and (d) (relating to a company or organization that fails to comply with this section being liable to the state for certain actual damages), Education Code.

SECTION 3. Effective date: upon passage or September 1, 2009.