

## **BILL ANALYSIS**

Senate Research Center  
84R20095 JSL-D

H.B. 743  
By: Huberty et al. (Seliger)  
Education  
5/18/2015  
Engrossed

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

Interested parties contend that, among other issues with statewide standardized tests, the length of the tests can be overly burdensome on students and that a student should be given the opportunity to finish a test without facing pressure from the student's peers who have already completed the test. H.B. 743 seeks to address issues relating to statewide standardized tests.

H.B. 743 amends current law relating to the essential knowledge and skills of the required public school curriculum and to certain state-adopted or state-developed assessment instruments for public school students.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 3 (Section 39.0381, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.023, Education Code, by adding Subsections (a-11), (a-12), (a-13), and (a-14), as follows:

(a-11) Requires that an assessment instrument, before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the Texas Education Agency (TEA) and of any other entity that developed the assessment instrument.

(a-12) Requires TEA to ensure that an assessment instrument adopted or developed under Subsection (a) is designed to primarily assess the essential knowledge and skills identified by the State Board of Education (SBOE) under Section 28.002 of the subject and for the grade level for which the assessment instrument is administered. Provides that the assessment instrument, only to the extent necessary or helpful for diagnostic or reporting purposes, may also assess supporting knowledge or skills that are introduced or referenced in the subject and for the grade level for which the assessment instrument is administered but that are identified as essential knowledge or skills primarily of a different subject or for a different grade level.

(a-13) Requires that an assessment instrument adopted or developed under Subsection (a) be designed so that:

(1) if administered to students in grades three through five, 85 percent of students will be able to complete the assessment instrument within 120 minutes; and

(2) if administered to students in grades six through eight, 85 percent of students will be able to complete the assessment instrument within 180 minutes.

(a-14) Provides that the amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur on only one day.

SECTION 2. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0236, as follows:

Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a) Requires TEA to conduct a study regarding the essential knowledge and skills of the required curriculum identified by SBOE under Section 28.002 and assessment instruments administered under Section 39.023.

(b) Requires that the study evaluate:

(1) the number and scope of the essential knowledge and skills of each subject of the required curriculum under Section 28.002 (Required Curriculum), with each essential knowledge or skill identified as a readiness or supporting standard, and whether the number or scope should be limited;

(2) the number and subjects of assessment instruments under Section 39.023 that are required to be administered to students in grades three through eight; and

(3) how assessment instruments described by Subdivision (2) assess standards essential for student success and whether the assessment instruments should also assess supporting standards, including analysis of:

(A) the portion of the essential knowledge and skills capable of being accurately assessed;

(B) the appropriate skills that can be assessed within the testing parameters under current law; and

(C) how current standards compare to those parameters.

(c) Requires TEA, not later than March 1, 2016, to prepare and submit to SBOE a report concerning the results of the study under Subsection (b). Requires SBOE, not later than May 1, 2016, to review the study and to submit to the governor and each member of the legislature TEA's report and board recommendations regarding each issue evaluated under Subsection (b).

(d) Provides that this section expires June 1, 2017.

SECTION 3. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0381, as follows:

Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) Requires TEA by rule to develop a comprehensive methodology for auditing and monitoring performance under contracts for services to develop or administer assessment instruments required by Section 39.023 to verify compliance with contractual obligations.

(b) Requires TEA to ensure that all new and renewed contracts described by Subsection (a) include a provision that TEA or a designee of TEA may conduct periodic contract compliance reviews, without advance notice, to monitor vendor performance.

(c) Requires TEA to adopt rules to administer this section.

SECTION 4. Amends Section 39.053, Education Code, by adding Subsection (c-3), to prohibit the indicator of student achievement under Subsection (c)(1) from including student performance as to supporting knowledge or skills as described by Section 39.023(a-12).

SECTION 5. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 6. Effective date: upon passage or September 1, 2015.