

## **BILL ANALYSIS**

Senate Research Center  
86R32709 GCB-F

C.S.H.B. 1480  
By: VanDeaver et al. (Taylor)  
Education  
5/15/2019  
Committee Report (Substituted)

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

H.B. 1480 creates accelerated learning committees implemented by locally adopted school board policies designed to get children up to a grade level in the subsequent school year; requires the commissioner of education to utilize input from districts and stakeholders in creating the test calendar; and adds that in accountability a student's performance on a substitute assessment be considered "masters grade-level performance" if they meet the assessment providers' designated benchmark for receiving college credit or being college ready. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1480 amends current law relating to assessment of public school students, providing accelerated instruction, appropriately crediting certain student performance, and eliminating requirements based on performance on certain assessment instruments.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 8 (Section 39.053, Education Code) of this bill.

Rulemaking authority previously granted to commissioner is modified in SECTION 5 and SECTION 6 (Section 39.025, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 11 (Section 28.0211, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.184, as follows:

Sec. 11.184. SCHOOL DISTRICT ACCELERATED LEARNING COMMITTEE POLICY. (a) Requires the board of trustees of a school district to adopt a policy regarding the establishment of accelerated learning committees under Section 28.0211. Requires the policy to specify:

- (1) the composition of a committee;
- (2) the frequency of committee meetings during the school year;
- (3) the agenda, content, and purpose of meetings, including whether the committee will consider a student's grades, attendance, behavior, including disciplinary measures, vision, and social-emotional health;
- (4) the objectives and goals of educational plans developed for providing the necessary accelerated instruction to the student;
- (5) methods for measuring the efficacy of an accelerated instruction program;

(6) whether, for a student in a special education program under Subchapter A (Special Education Program), Chapter 29, the student's admission, review, and dismissal committee will serve as the accelerated learning committee in developing the educational plan for the student's accelerated instruction program; and

(7) whether an accelerated learning committee will include a response-to-intervention approach in administering the educational plan for a student's accelerated instruction program.

(b) Requires the policy to require that, to the extent practicable, school personnel assigned to a student's accelerated learning committee remain assigned to that committee for the duration of the period for which the student receives accelerated instruction.

(c) Provides that a superintendent of a school district or principal of a campus is not required to serve on an accelerated learning committee.

SECTION 2. Amends the heading to Section 28.0211, Education Code, to read as follows:

Sec. 28.0211. ACCELERATED LEARNING COMMITTEE; ACCELERATED INSTRUCTION.

SECTION 3. Amends Section 28.0211, Education Code, by amending Subsections (a), (a-1), (a-3), (c), (f), (i), and (n) and adding Subsections (f-1) and (f-2), as follows:

(a) Redesignates Subdivisions (1)–(2) as Subdivisions (2)–(3). Deletes existing text prohibiting a student, except as provided by Subsection (b) or (c), from being promoted to the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on certain instruments or to the ninth grade to which the student would otherwise be assigned if the student does not perform satisfactorily on certain instruments. Requires a district to establish an accelerated learning committee described by Subsection (c) for each student who does not perform satisfactorily on:

(1) the third grade mathematics or reading assessment instrument under Section 39.023 (Adoption and Administration of Instruments);

(2) the fifth grade mathematics or reading assessment instrument under Section 39.023, rather than the fifth grade mathematics and reading assessment instruments under Section 39.023; or

(3) the eighth grade mathematics or reading assessment instrument under Section 39.023, rather than the eighth grade mathematics and reading assessment instruments under Section 39.023.

(a-1) Authorizes accelerated instruction to require participation of the student before or after normal school hours, to include participation at times of the year outside normal school operations, and to be provided to the student during the subsequent school year, rather than authorizing accelerated instruction to require participation of the student before or after normal school hours and to include participation at times of the year outside normal school operations.

(a-3) Authorizes the commissioner of education (commissioner) to provide to districts available resources concerning research-based best practices and effective strategies that a district is authorized to use in developing an accelerated instruction program.

(c) Deletes existing text requiring the school district in which the student attends school, each time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), to provide to the student accelerated instruction in the applicable

subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. Requires an accelerated learning committee, after a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), to be established in accordance with the district's policy adopted under Section 11.184, rather than requiring a grade placement committee, after a student fails to perform satisfactorily on an assessment instrument a second time, to be established to prescribe the accelerated instruction the district is required to provide to the student before the student is administered the assessment instrument the third time. Deletes existing text requiring the grade placement committee to be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. Requires the district to notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee, rather than the grade placement committee and the purpose of the committee. Deletes existing text relating to prohibiting an accelerated instruction group administered by a school district under this section from having a ratio of more than 10 students for each teacher.

(f) Requires an accelerated learning committee described by Subsection (c), rather than requiring a school district to provide to a student who, after three attempts, has failed to perform satisfactorily on an assessment instrument specified under Subsection (a) accelerated instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement committee established under Subsection (c), to:

(1) develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the subsequent school year; and

(2) provide other assistance to the student in accordance with a policy adopted by the district board of trustees prescribing the role of accelerated learning committees in that district. Deletes existing text referring to requiring the district to district to provide that accelerated instruction regardless of whether the student has been promoted or retained.

(f-1) Creates this subsection from existing text. Requires a student for whom an educational plan is developed under Subsection (f)(1) to be monitored to ensure that the student is progressing in accordance with the plan, rather than requiring the educational plan to be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. Deletes existing text requiring the student, during the school year, to be monitored to ensure that the student is progressing in accordance with the plan.

(f-2) Requires the superintendent of the district or the superintendent's designee, if a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, to meet with the student's accelerated learning committee to:

(1) identify the reason the student did not perform satisfactorily; and

(2) determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next opportunity for the student to be administered the assessment instrument, whether:

(A) the educational plan developed for the student under Subsection (f) is required to be modified to provide the necessary accelerated instruction for that student; and

(B) any additional resources are required for that student.

(i) Makes nonsubstantive changes. Requires the admission, review, and dismissal committee of a student to determine the manner in which the student will participate in an accelerated instruction program under this section, rather than to determine the manner in which the student will participate in an accelerated instruction program under this section and whether the student will be promoted in accordance with Subsection (i-1) (relating to authorizing an appraisal, review, and dismissal committee to promote a student on the committee's determination) or retained under this section.

(n) Requires a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and is promoted to the next grade level to be assigned at that next grade level in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Subsection (a) to a teacher who meets all state and federal qualifications to teach that subject and grade, rather than requiring a student who is promoted by a grade placement committee under this section to be assigned in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Subsection (a) to a teacher who meets all state and federal qualifications to teach that subject and grade.

SECTION 4. Amends Sections 39.023(c), (c-3), and (e), Education Code, effective September 1, 2019, as follows:

(c) Requires the Texas Education Agency (TEA) to administer certain assessment instruments, rather than requiring the State Board of Education (SBOE) to administer the assessment instruments. Requires the commissioner, with input from school districts, to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3), rather than requiring SBOE to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(c-3) Requires the commissioner, with input from school districts and other appropriate stakeholders, to adopt a schedule for the administration of assessment instruments under this section that:

(1) minimizes the disruption of classroom instruction; and

(2) maximizes available instruction time by scheduling the spring administration of assessment instruments to occur as close to the end of the semester as possible.

Deletes existing text requiring SBOE, in adopting a schedule for the administration of assessment instruments under this section, to require the assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006–2007 school year and the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of end-of-course assessment instruments in English I and English II is required to be permitted to occur at an earlier date.

(e) Requires TEA, at least every third year, rather than under rules adopted by SBOE, every third year, to release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. Requires TEA to also release each question, rather than release, under SBOE rule, each question that is no longer being field-tested and that was not used to compute a student's score. Deletes existing text requiring TEA, during the 2014–2015 and 2015–2016 school years, to release the questions and answer keys to assessment instruments as described by this subsection each year.

SECTION 5. Amends Section 39.025(a-2), Education Code, as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015, effective September 1, 2019, as follows:

(a-2) Requires the commissioner, in adopting methods for substituting satisfactory performance on an assessment instrument authorized under this subsection for requirements concerning an end-of-course assessment instrument, to designate a student's performance on a substitute assessment instrument as "masters grade-level performance" if the student's performance entitles the student to receive college credit or if the student's performance meets the assessment instrument provider's designated grade-level college readiness performance benchmark. Authorizes a student who fails to perform satisfactorily on a substitute assessment instrument authorized under this subsection to retake that assessment instrument for purposes of this subsection or to take the appropriate end-of-course assessment instrument, rather than authorizing a student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, to retake that test or other assessment instrument for purposes of this subsection or to take the appropriate end-of-course assessment instrument. Deletes existing text requiring a student who fails to perform satisfactorily on the PSAT or the ACT-Plan to take the appropriate end-of-course assessment instrument.

SECTION 6. Amends Section 39.025(a-2), Education Code, as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015, effective September 1, 2021, as follows:

(a-2) Includes the Texas Success Initiative (TSI) diagnostic assessment among certain tests for which the commissioner is required to determine a method by which a student's satisfactory performance is required to be used to satisfy the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by Subsection (a). Requires the commissioner, in adopting methods for substituting satisfactory performance on an assessment instrument authorized under this subsection for requirements concerning an end-of-course assessment instrument, to designate a student's performance on a substitute assessment instrument as "masters grade-level performance" if the student's performance entitles the student to receive college credit or if the student's performance meets the assessment instrument provider's designated grade-level college readiness performance benchmark. Authorizes a student who fails to perform satisfactorily on a substitute assessment instrument authorized under this subsection to retake that assessment instrument for purposes of this subsection or to take the appropriate end-of-course assessment instrument, rather than authorizing a student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, to retake that test or other assessment instrument for purposes of this subsection or to take the appropriate end-of-course assessment instrument. Deletes existing text requiring a student who fails to perform satisfactorily on the PSAT or the ACT-Plan to take the appropriate end-of-course assessment instrument.

SECTION 7. Amends Section 39.025(c-2), Education Code, as effective September 1, 2019, as follows:

(c-2) Deletes existing text referring to prohibiting a school district from administering to a student taking a certain alternative assessment instrument an assessment instrument or a part of an assessment instrument that assesses a subject that was not assessed in an assessment instrument applicable to the student described by Subsection (c-1) (relating to the effective date of certain provisions governing assessment instruments).

SECTION 8. Amends Section 39.053, Education Code, by adding Subsection (c-4), as follows:

(c-4) Requires the commissioner by rule to determine a method for appropriately crediting a student for growth under Subsection (c)(2) (relating to evaluations of school districts based on school progress) based on the student's performance, including a

student's "masters grade-level performance," on a substitute assessment instrument authorized under Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 9. Amends Section 39.301(c), Education Code, as follows:

(c) Requires indicators for reporting purposes to include:

(1)–(4) makes no changes to these subdivisions;

(5) the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211, the results of assessment instruments administered under that section, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the subsequent school year on the assessment instruments required under Section 39.023, rather than the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211(c), the results of assessment instruments administered under that section, the percentage of students promoted through the grade placement committee process under Section 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the school year following that promotion on the assessment instruments required under Section 39.023; and

(6)–(12) makes no changes to these subdivisions.

SECTION 10. Amends Section 51.338(d), Education Code, as follows:

(d) Provides that a student who has demonstrated the performance standard for college readiness as provided by Section 28.008 (Advancement of College Readiness in Curriculum) on the postsecondary readiness assessment instruments adopted under Section 39.0238 (Adoption and Administration of Postsecondary Readiness Assessment Instruments) for Algebra II and English III, as that section existed before repeal by H.B. 1480, 86th Legislature, Regular Session, 2019, is exempt from the requirements of this subchapter (Texas Success Initiative) with respect to those content areas.

SECTION 11. Repealer: Section 7.102(c)(5) (relating to requiring SBOE to establish a standard of performance considered satisfactory on student assessment instruments), Education Code.

Repealer: Section 28.0211(a-2) (relating to requiring a student who fails to perform satisfactorily on an assessment instrument and is promoted to complete required accelerated instruction and prohibiting a student who fails to complete required accelerated instruction from being promoted), Education Code.

Repealer: Section 28.0211(b) (relating to requiring a school district to provide to a student who initially fails to perform satisfactorily on an assessment instrument at least two additional opportunities to take the assessment instrument), Education Code.

Repealer: Section 28.0211(d) (relating to requiring the district to notify the student's parent or guardian of certain assessment instrument results), Education Code.

Repealer: Section 28.0211(e) (relating to procedures in the case of a student who fails to perform satisfactorily on an assessment instrument after three attempts), Education Code.

Repealer: Section 28.0211(i-1) (relating to authorizing a committee to promote a student on the committee's determination), Education Code.

Repealer: Section 28.0211(i-2) (relating to requiring a school district, not later than September 1 of each school year, to notify the parent or person standing in parental

relation to a student enrolled in the district's special education program of the options of the admission, review, and dismissal committee if the student does not perform satisfactorily on an assessment instrument), Education Code.

Repealer: Section 28.0211(k) (relating to requiring the commissioner to adopt rules as necessary to implement this section, including rules concerning when school districts are required to administer assessment instruments required and certain procedures), Education Code.

Repealer: Section 28.0211(m) (relating to requiring the commissioner to certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for certain purposes), Education Code.

Repealer: Section 28.0211(m-1) (relating to prohibiting the commissioner from considering Foundation School Program funds for purposes of certification under Subsection (m), except for compensatory education funds), Education Code.

Repealer: Section 39.0238 (Adoption and Administration of Postsecondary Readiness Assessment Instruments), Education Code.

SECTION 12. (a) Requires the commissioner, effective beginning with the 2019–2020 accountability rating period, to implement the changes in law made by this Act to:

(1) Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015, as amended by this Act effective September 1, 2019; and

(2) Section 39.053(c-4).

(b) Requires the commissioner, effective beginning with the 2021–2022 accountability rating period, to implement the changes in this law to:

(1) Section 39.025(a-2), as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015, as amended by this Act effective September 1, 2021; and

(2) Section 39.053(c-4).

SECTION 13. Provides that TEA is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TEA, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 14. (a) Provides that, except as otherwise provided by this section, this Act applies beginning with the 2019–2020 school year.

(b) Provides that Subsection (a) of this section does not apply to a provision of this Act that is effective September 1, 2021.

SECTION 15. Effective date, except as otherwise provided by this Act: upon passage or September 1, 2019.