

ATTACHMENT II
Text of Adopted Amendments to 19 TAC

Chapter 101. Assessment

**Subchapter CC. Commissioner's Rules Concerning Implementation of the Academic
Content Areas Testing Program**

Division 1. Implementation of Assessment Instruments

§101.3011. Implementation and Administration of Academic Content Area Assessment Instruments.

- (a) The Texas Education Agency (TEA) shall administer each assessment instrument under the Texas Education Code (TEC), §39.023(a), (b), (c), and (l), and §39.0238, in accordance with the rules governing the assessment program set forth in Chapter 101 of this title (relating to Assessment).
- (1) Except as required for purposes of federal accountability as allowed by subsection (e) of this section, a [A] Grade 3-8 student shall not be administered a grade-level assessment if the student:
- (A) is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the TEC, §39.023(a), that aligns with the curriculum for that course or subject within the same content area; or
- (B) is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an end-of-course assessment instrument developed under the TEC, §39.023(c), that aligns with the curriculum for that course or subject within the same content area.
- (2) A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.
- (3) As specified in the TEC, §28.0211(p), a Grade 5 or 8 student described by paragraph (1)(A) or (B) of this subsection may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.
- (b) As allowed by 34 Code of Federal Regulations, §200.6, the [The] TEA shall administer alternative assessment instruments under the TEC, §39.023(b), that correspond to:
- (1) the assessment instruments required under the TEC, §39.023(a); and
- (2) the following assessment instruments required under the TEC, §39.023(c): English I, English II, [and English III,] Algebra I, [and geometry,] biology, [and world geography, world history,] and U.S. history.
- (c) The TEA shall administer each appropriate assessment under the TEC, §39.023, as that section existed before amendment by Senate Bill 1031, 80th Texas Legislature, 2007.
- (d) Test administration procedures shall be established by the TEA in the applicable test administration materials. A school district, an open-enrollment charter school, or a private school administering the tests required by the TEC, Chapter 39, Subchapter B, shall follow procedures specified in the applicable test administration materials.
- (e) In accordance with House Bill 411, Section 5, 78th Texas Legislature, 2003, this subsection is adopted by the commissioner of education for the implementation of the TEC, §39.023(a)(6). The TEA shall administer to students assessments in any other subject and grade required by federal law.
- ~~[(f) The provisions of this subchapter shall be implemented by school districts beginning in the 2011-2012 school year with the exception of the 15% course grade requirement specified in the TEC, §39.023(c). The 15% course grade requirement specified in §101.3021 of this title (relating to Required Participation in Academic Content Area Assessments and Course Grading) and §101.3023 of this title (relating to~~

Participation, Graduation Assessment, and Cumulative Score Requirements for Students Receiving Special Education Services) shall be implemented by school districts beginning in the 2013-2014 school year.]

§101.3014. Scoring and Reporting.

- (a) The superintendent of a school district or chief administrative officer of each charter school shall accurately report all test results as required by the Texas Education Code (TEC), §39.030, with appropriate interpretations, to the school district board of trustees according to the schedule in the applicable test administration materials.
- (b) A school district, charter school, or private school that administers criterion-referenced tests under the TEC, Chapter 39, Subchapter B, shall notify each of its students , [and] his or her parent or guardian , and his or her teacher for that subject of test results, observing confidentiality requirements in the TEC, §39.030.
- (c) All test results shall be included in each student's academic record and shall be furnished for each student transferring to another school district, charter school, or private school.
- (d) The scoring contractor will provide school districts with the results of the machine-scorable assessments administered as required by the TEC, §28.0211, within a ten-day period following the receipt of the test materials from the school district or charter school.
- (e) The scoring contractor will provide school districts with the results of the machine-scorable assessments administered as required by the TEC, §39.023, within a 21-day period following the receipt of the test materials from the school district or charter school. Upon receipt of the assessment results from the agency's test contractor, a school district or charter school shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year.