AN ACT

relating to the essential knowledge and skills of the required
public school curriculum and to certain assessment instruments for
public school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.023, Education Code, is amended by
adding Subsections (a-11), (a-12), and (a-13) to read as follows:

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

(a-12) An assessment instrument adopted or developed under
Subsection (a) must 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-13) 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. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0236 to read as follows:

Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a) The agency shall conduct a study regarding the essential knowledge and skills of the required curriculum identified by the State Board of Education under Section 28.002 and assessment instruments administered under Section 39.023.

(b) The study must evaluate:

(1) the number and scope of the essential knowledge and skills of each subject of the required curriculum under Section 28.002, 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) Not later than March 1, 2016, the agency shall prepare and submit to the State Board of Education a report concerning the results of the study under Subsection (b). Not later than May 1, 2016, the State Board of Education shall review the study and shall submit to the governor and each member of the legislature the agency's report and board recommendations regarding each issue evaluated under Subsection (b).

(d) This section expires June 1, 2017.

SECTION 3. Sections 39.0261(b) and (c), Education Code, are amended to read as follows:

(b) The agency shall:

(1) select and approve vendors of the specific assessment instruments administered under this section; and

(2) provide reimbursement to a school district for all fees associated with the administration of the assessment instrument from funds appropriated for that purpose [allotted under the Foundation School Program, and the commissioner shall reduce the total amount of state funds allocated to each district from any source in the same manner described for a reduction in allotments under Section 42.253].

(c) The agency shall ensure that a school district is not reimbursed [vendors are not paid] under Subsection (b) for the administration of an assessment instrument to a student to whom the assessment instrument is not actually administered. The agency may comply with this subsection by any reasonable means, including by creating a refund system under which a school district [vendor]
returns any payment made for a student who registered for the administration of an assessment instrument but did not appear for the administration.

SECTION 4. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0381 to read as follows:

Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule shall 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) The agency shall ensure that all new and renewed contracts described by Subsection (a) include a provision that the agency or a designee of the agency may conduct periodic contract compliance reviews, without advance notice, to monitor vendor performance.

(c) The agency shall adopt rules to administer this section.

SECTION 5. This Act applies beginning with the 2015-2016 school year.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.
H.B. No. 743

President of the Senate

I certify that H.B. No. 743 was passed by the House on May 4, 2015, by the following vote: Yeas 137, Nays 2, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 743 on May 27, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 743 on May 31, 2015, by the following vote: Yeas 143, Nays 1, 1 present, not voting.

Speaker of the House

Chief Clerk of the House
H.B. No. 743

I certify that H.B. No. 743 was passed by the Senate, with amendments, on May 25, 2015, by the following vote: Yeas 27, Nays 4; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 743 on May 30, 2015, by the following vote: Yeas 27, Nays 4.

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Secretary of the Senate

APPROVED: ____________________
Date

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Governor