

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

1 day.

2 SECTION 2. Subchapter B, Chapter 39, Education Code, is
3 amended by adding Section 39.0236 to read as follows:

4 Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND
5 ASSESSMENT INSTRUMENTS. (a) The agency shall conduct a study
6 regarding the essential knowledge and skills of the required
7 curriculum identified by the State Board of Education under Section
8 28.002 and assessment instruments administered under Section
9 39.023.

10 (b) The study must evaluate:

11 (1) the number and scope of the essential knowledge
12 and skills of each subject of the required curriculum under Section
13 28.002, with each essential knowledge or skill identified as a
14 readiness or supporting standard, and whether the number or scope
15 should be limited;

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

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

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

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

27 (C) how current standards compare to those

1 parameters.

2 (c) Not later than March 1, 2016, the agency shall prepare
3 and submit to the State Board of Education a report concerning the
4 results of the study under Subsection (b). Not later than May 1,
5 2016, the State Board of Education shall review the study and shall
6 submit to the governor and each member of the legislature the
7 agency's report and board recommendations regarding each issue
8 evaluated under Subsection (b).

9 (d) This section expires June 1, 2017.

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

12 (b) The agency shall:

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

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

22 (c) The agency shall ensure that a school district is not
23 reimbursed ~~[vendors are not paid]~~ under Subsection (b) for the
24 administration of an assessment instrument to a student to whom the
25 assessment instrument is not actually administered. The agency may
26 comply with this subsection by any reasonable means, including by
27 creating a refund system under which a school district ~~[vendor]~~

1 returns any payment made for a student who registered for the
2 administration of an assessment instrument but did not appear for
3 the administration.

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

6 Sec. 39.0381. AUDITING AND MONITORING PERFORMANCE UNDER
7 CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule shall
8 develop a comprehensive methodology for auditing and monitoring
9 performance under contracts for services to develop or administer
10 assessment instruments required by Section 39.023 to verify
11 compliance with contractual obligations.

12 (b) The agency shall ensure that all new and renewed
13 contracts described by Subsection (a) include a provision that the
14 agency or a designee of the agency may conduct periodic contract
15 compliance reviews, without advance notice, to monitor vendor
16 performance.

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

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

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

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.

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.

Secretary of the Senate

APPROVED: _____

Date

Governor