

ATTACHMENT II
Text of Proposed Amendment 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 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 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, Algebra I, biology, 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), Texas public school districts and open-enrollment charter schools [. The TEA] shall administer to students assessments in any other subject and grade required by federal law. Specifically, students who take the State of Texas Assessments of Academic Readiness (STAAR®) Algebra I assessment prior to high school shall be assessed in mathematics while in high school with either the SAT or ACT, and students who take both the STAAR® English I and English II assessments prior to high school shall be assessed in English reading or language arts while in high school with either the SAT or ACT.