

ATTACHMENT I

Statutory Citations Relating to 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

Texas Education Code, §39.023, Adoption and Administration of Instruments (excerpts):

- (a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:
 - (1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;
 - (2) reading, annually in grades three through eight;
 - (3) writing, including spelling and grammar, in grades four and seven;
 - (4) social studies, in grade eight;
 - (5) science, in grades five and eight; and
 - (6) any other subject and grade required by federal law.
- (a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:
 - (1) the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; and
 - (2) an appropriate range of performances to serve as a valid indication of growth in student achievement.
- (a-2) Except as required by federal law, a student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:
 - (1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or
 - (2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.

**Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act,
PART A, IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL
AGENCIES, Subpart 1, Basic Program Requirements**

§1111. [20 U.S.C. 6311] STATE PLANS (excerpt):

- (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS-
 - (2) ACADEMIC ASSESSMENTS-
 - (B) REQUIREMENTS-The assessments under subparagraph (A) shall-
 - (v)(I) in the case of mathematics and reading or language arts, be administered-
 - (aa) in each of grades 3 through 8; and
 - (bb) at least once in grades 9 through 12;
 - (C) EXCEPTION FOR ADVANCED MATHEMATICS IN MIDDLE SCHOOL-A State may exempt any 8th grade student from the assessment in mathematics described in subparagraph (B)(v)(I)(aa) if-
 - (i) such student takes the end-of-course assessment the State typically administers to meet the requirements of subparagraph (B)(v)(I)(bb) in mathematics;
 - (ii) such student's achievement on such end-of-course assessment is used for purposes of subsection (c)(4)(B)(i), in lieu of such student's achievement on the mathematics assessment required under subparagraph (B)(v)(I)(aa), and such student is counted as participating in the assessment for purposes of subsection (c)(4)(B)(vi); and
 - (iii) in high school, such student takes a mathematics assessment pursuant to subparagraph (B)(v)(I)(bb) that-
 - (I) is any end-of-course assessment or other assessment that is more advanced than the assessment taken by such student under clause (i) of this subparagraph; and
 - (II) shall be used to measure such student's academic achievement for purposes of subsection (c)(4)(B)(i).