

By: VanDeaver, González, Guillen, Huberty,
et al.

H.B. No. 1164

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of public school students in writing and
English language arts.

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

SECTION 1. Section 18.005(c), Education Code, is amended to
read as follows:

(c) A Job Corps diploma program shall:

(1) develop educational programs specifically
designed for persons eligible for enrollment in a Job Corps
training program established by the United States Department of
Labor;

(2) coordinate educational programs and services in
the diploma program with programs and services provided by the
United States Department of Labor and other federal and state
agencies and local political subdivisions and by persons who
provide programs and services under contract with the United States
Department of Labor;

(3) provide a course of instruction that includes the
required curriculum under Subchapter A, Chapter 28;

(4) require that students enrolled in the diploma
program satisfy the requirements of Sections 18.0055 and ~~[Section]~~
39.025 before receiving a diploma under this chapter; and

(5) comply with a requirement imposed under this title
or a rule adopted under this title relating to the Public Education

1 Information Management System (PEIMS) to the extent necessary to
2 determine compliance with this chapter, as determined by the
3 commissioner.

4 SECTION 2. Chapter 18, Education Code, is amended by adding
5 Section 18.0055 to read as follows:

6 Sec. 18.0055. LOCAL ASSESSMENT REQUIRED: WRITING. A Job
7 Corps diploma program shall provide for the evaluation of student
8 achievement in writing consistent with the requirements provided
9 for school districts under Section 39.0264 for courses listed under
10 Section 39.0264(b). A Job Corps diploma program shall provide for
11 notice and reporting of performance of students assessed consistent
12 with the requirements under Section 39.0264.

13 SECTION 3. Section 25.005(b), Education Code, is amended to
14 read as follows:

15 (b) A reciprocity agreement must:

16 (1) address procedures for:

17 (A) transferring student records;

18 (B) awarding credit for completed course work;

19 and

20 (C) permitting a student to satisfy the
21 requirements of:

22 (i) Section 39.025 through successful
23 performance on comparable end-of-course or other exit-level
24 assessment instruments administered in another state; and

25 (ii) Section 39.0264(b) through successful
26 performance under a method of assessment in another state
27 determined by the school district in which the student attends to be

1 comparable to or at least as rigorous as the method of assessment
2 used by that district; and

3 (2) include appropriate criteria developed by the
4 agency.

5 SECTION 4. Sections 28.025(b-4), (b-7), (c), and (d),
6 Education Code, are amended to read as follows:

7 (b-4) A school district may offer the curriculum described
8 in Subsections (b-1)(1) through (4) in an applied manner. Courses
9 delivered in an applied manner must cover the essential knowledge
10 and skills, and the student shall be:

11 (1) administered the applicable end-of-course
12 assessment instrument as provided by Sections 39.023(c) and 39.025;
13 and

14 (2) for an applicable course described by Subsection
15 (b-1)(1), assessed as provided by Section 39.0264(b).

16 (b-7) The State Board of Education, in coordination with the
17 Texas Higher Education Coordinating Board, shall adopt rules to
18 ensure that a student may comply with the curriculum requirements
19 under the foundation high school program or for an endorsement
20 under Subsection (c-1) by successfully completing appropriate
21 courses in the core curriculum of an institution of higher
22 education under Section 61.822. Notwithstanding Subsection (b-15)
23 or (c) of this section, Section 39.025 or 39.0264(b), or any other
24 provision of this code and notwithstanding any school district
25 policy, a student who has completed the core curriculum of an
26 institution of higher education under Section 61.822, as certified
27 by the institution in accordance with commissioner rule, is

1 considered to have earned a distinguished level of achievement
2 under the foundation high school program and is entitled to receive
3 a high school diploma from the appropriate high school as that high
4 school is determined in accordance with commissioner rule. A
5 student who is considered to have earned a distinguished level of
6 achievement under the foundation high school program under this
7 subsection may apply for admission to an institution of higher
8 education for the first semester or other academic term after the
9 semester or other academic term in which the student completes the
10 core curriculum.

11 (c) A person may receive a diploma if the person is eligible
12 for a diploma under Section 28.0251. In other cases, a student may
13 graduate and receive a diploma only if:

14 (1) the student successfully completes the curriculum
15 requirements identified by the State Board of Education under
16 Subsection (a) and complies with Sections [~~Section~~] 39.025 and
17 39.0264(b); or

18 (2) the student successfully completes an
19 individualized education program developed under Section 29.005.

20 (d) A school district may issue a certificate of coursework
21 completion to a student who successfully completes the curriculum
22 requirements identified by the State Board of Education under
23 Subsection (a) but who fails to comply with Section 39.025 or
24 39.0264(b). A school district may allow a student who receives a
25 certificate to participate in a graduation ceremony with students
26 receiving high school diplomas.

27 SECTION 5. Section 28.0255(g), Education Code, is amended

to read as follows:

(g) A student is entitled to a high school diploma if the student:

(1) successfully complies with the curriculum requirements specified under Subsection (e); ~~and~~

(2) performs satisfactorily, as determined by the commissioner under Subsection (h), on end-of-course assessment instruments listed under Section 39.023(c) for courses in which the student was enrolled; and

(3) demonstrates performance that indicates that the student has successfully achieved the essential knowledge and skills in writing, as determined by standards established by the board of trustees of the school district, for each course listed under Section 39.0264(b) in which the student is enrolled.

SECTION 6. Section 29.087(f), Education Code, is amended to read as follows:

(f) A student participating in a program authorized by this section, other than a student ordered to participate under Subsection (d)(1), must have taken the appropriate end-of-course assessment instruments specified by Section 39.023(c) and been assessed for the appropriate courses as provided by Section 39.0264(b) before entering the program and must take each appropriate end-of-course assessment instrument administered during the period in which the student is enrolled in the program and be assessed for each appropriate course as provided by Section 39.0264(b) during the period in which the student is enrolled in the program. Except for a student ordered to participate under

Subsection (d)(1), a student participating in the program may not take the high school equivalency examination unless the student has taken the assessment instruments required by this subsection and been assessed for the appropriate courses as provided by Section 39.0264(b) as required by this subsection.

SECTION 7. Section 29.402(b), Education Code, is amended to read as follows:

(b) A person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the person:

(1) must complete not more than three course credits to complete the curriculum requirements for the foundation high school program for high school graduation; or

(2) has failed to:

(A) perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007; or

(B) demonstrate satisfactory performance under an assessment required by Section 39.0264(b).

SECTION 8. Section 30.021(e), Education Code, is amended to read as follows:

(e) The school shall cooperate with public and private agencies and organizations serving students and other persons with visual impairments in the planning, development, and implementation of effective educational and rehabilitative service

delivery systems associated with educating students with visual impairments. To maximize and make efficient use of state facilities, funding, and resources, the services provided in this area may include conducting a cooperative program with other agencies to serve students who have graduated from high school by completing all academic requirements applicable to students in regular education, excluding satisfactory performance under Sections [Section] 39.025 and 39.0264(b), who are younger than 22 years of age on September 1 of the school year and who have identified needs related to vocational training, independent living skills, orientation and mobility, social and leisure skills, compensatory skills, or remedial academic skills.

SECTION 9. Sections 30.104(b) and (c), Education Code, are amended to read as follows:

(b) A student may graduate and receive a diploma from a Texas Juvenile Justice Department [~~Youth Commission~~] educational program if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Section 28.025(a) and complies with:

(A) Section 39.025; and
 (B) Section 39.0264(b), including by demonstrating satisfactory performance under the method of assessment required by the school district granting the student academic course requirements for high school graduation for a course listed in Section 39.0264(b) that the student successfully completes in Texas Juvenile Justice Department educational

1 programs; or

2 (2) the student successfully completes the curriculum
3 requirements under Section 28.025(a) as modified by an
4 individualized education program developed under Section 29.005.

5 (c) A Texas Juvenile Justice Department [~~Youth Commission~~]
6 educational program may issue a certificate of course-work
7 completion to a student who successfully completes the curriculum
8 requirements identified by the State Board of Education under
9 Section 28.025(a) but who fails to comply with Section 39.025 or
10 39.0264(b).

11 SECTION 10. Section 37.011, Education Code, is amended by
12 amending Subsection (d) and adding Subsection (d-1) to read as
13 follows:

14 (d) A juvenile justice alternative education program must
15 focus on English language arts, mathematics, science, social
16 studies, and self-discipline. Each school district shall consider
17 course credit earned by a student while in a juvenile justice
18 alternative education program as credit earned in a district
19 school. Each program shall administer assessment instruments under
20 Subchapter B, Chapter 39, shall assess students in applicable
21 grades and courses as provided by Subsection (d-1), and shall offer
22 a high school equivalency program. The juvenile board or the
23 board's designee, with the parent or guardian of each student,
24 shall regularly review the student's academic progress. In the
25 case of a high school student, the board or the board's designee,
26 with the student's parent or guardian, shall review the student's
27 progress towards meeting high school graduation requirements and

1 shall establish a specific graduation plan for the student. The
2 program is not required to provide a course necessary to fulfill a
3 student's high school graduation requirements other than a course
4 specified by this subsection.

5 (d-1) A juvenile justice alternative education program
6 shall provide for the evaluation of student achievement in writing
7 consistent with the requirements provided for school districts
8 under Section 39.0264. A juvenile justice alternative education
9 program shall provide for notice and reporting of performance of
10 students assessed consistent with the requirements under Section
11 39.0264.

12 SECTION 11. Section 39.023(a), Education Code, as effective
13 until on or before September 1, 2015, is amended to read as follows:

14 (a) The agency shall adopt or develop appropriate
15 criterion-referenced assessment instruments designed to assess
16 essential knowledge and skills in reading, English language arts
17 ~~[writing]~~, mathematics, social studies, and science. Except as
18 provided by Subsection (a-2), all students, other than students
19 assessed under Subsection (b) or (1) or exempted under Section
20 39.027, shall be assessed in:

21 (1) mathematics, annually in grades three through
22 seven without the aid of technology and in grade eight with the aid
23 of technology on any assessment instrument that includes algebra;

24 (2) reading, annually in grades three through eight;

25 (3) English language arts ~~[writing]~~, including
26 spelling and grammar, in grades four and seven;

27 (4) social studies, in grade eight;

- 1 (5) science, in grades five and eight; and
2 (6) any other subject and grade required by federal
3 law.

4 SECTION 12. Section 39.023(a), Education Code, as effective
5 on or before September 1, 2015, is amended to read as follows:

6 (a) The agency shall adopt or develop appropriate
7 criterion-referenced assessment instruments designed to assess
8 essential knowledge and skills in reading, English language arts
9 [~~writing~~], mathematics, social studies, and science. Except as
10 provided by Subsection (a-2), all students, other than students
11 assessed under Subsection (b) or (1) or exempted under Section
12 39.027, shall be assessed in:

13 (1) mathematics, in grades three and five without the
14 aid of technology and in grade eight with the aid of technology on
15 any assessment instrument that includes algebra;

16 (2) reading, in grades three, five, and eight;

17 (3) English language arts [~~writing~~], including
18 spelling and grammar, in grades four and seven;

19 (4) social studies, in grade eight; and

20 (5) science, in grades five and eight.

21 SECTION 13. Section 39.023(a), Education Code, as effective
22 September 1, 2017, is amended to read as follows:

23 (a) The agency shall adopt or develop appropriate
24 criterion-referenced assessment instruments designed to assess
25 essential knowledge and skills in reading, English language arts
26 [~~writing~~], mathematics, social studies, and science. Except as
27 provided by Subsection (a-2), all students, other than students

1 assessed under Subsection (b) or (1) or exempted under Section
2 39.027, shall be assessed in:

3 (1) mathematics, annually in grades three through
4 seven without the aid of technology and in grade eight with the aid
5 of technology on any assessment instrument that includes algebra;

6 (2) reading, annually in grades three through eight;

7 (3) English language arts ~~[writing]~~, including
8 spelling and grammar, in grades four and seven;

9 (4) social studies, in grade eight;

10 (5) science, in grades five and eight; and

11 (6) any other subject and grade required by federal
12 law.

13 SECTION 14. Section 39.023, Education Code, is amended by
14 adding Subsection (b-2) to read as follows:

15 (b-2) Notwithstanding any other provision of this section,
16 a student in a special education program under Subchapter A,
17 Chapter 29, may, with the approval of the student's parent or legal
18 guardian, opt out of the administration of an assessment instrument
19 in English language arts otherwise required under this section. If
20 a student opts out of an assessment instrument in accordance with
21 this subsection, the student's school district, in conjunction with
22 the student's admission, review, and dismissal committee, shall
23 adopt or develop an alternative assessment instrument in English
24 language arts to be administered to the student. Assessment
25 instruments adopted or developed under this subsection must be
26 approved by the student's district superintendent.

27 SECTION 15. Section 39.023, Education Code, is amended by

1 amending Subsection (c) and adding Subsection (q) to read as
2 follows:

3 (c) The agency shall also adopt end-of-course assessment
4 instruments for secondary-level courses in Algebra I, biology,
5 English I, English II, and United States history. The Algebra I
6 end-of-course assessment instrument must be administered with the
7 aid of technology. The English I and English II end-of-course
8 assessment instruments must each assess essential knowledge and
9 skills in both reading and language arts ~~[writing]~~ in the same
10 assessment instrument and must provide a single score. A school
11 district shall comply with State Board of Education rules regarding
12 administration of the assessment instruments listed in this
13 subsection. If a student is in a special education program under
14 Subchapter A, Chapter 29, the student's admission, review, and
15 dismissal committee shall determine whether any allowable
16 modification is necessary in administering to the student an
17 assessment instrument required under this subsection. The State
18 Board of Education shall administer the assessment
19 instruments. The State Board of Education shall adopt a schedule
20 for the administration of end-of-course assessment instruments
21 that complies with the requirements of Subsection (c-3).

22 (q) The assessment of a student's writing is governed by
23 Section 39.0264.

24 SECTION 16. Subchapter B, Chapter 39, Education Code, is
25 amended by adding Section 39.0264 to read as follows:

26 Sec. 39.0264. LOCAL ASSESSMENT REQUIRED: WRITING. (a) To
27 evaluate student achievement in writing, each school district shall

1 assess students in grades four and seven and at the end of English I
2 and English II secondary-level courses in accordance with the
3 essential knowledge and skills for writing. A district may use any
4 method the district determines appropriate for assessing students
5 under this section, including portfolio assessment.

6 (b) A student assessed at the end of an English I or English
7 II secondary-level course is required to demonstrate performance
8 that indicates the student has successfully achieved the essential
9 knowledge and skills in writing for the course as determined by
10 standards established by the board of trustees of the school
11 district the student attends. A student may not receive a high
12 school diploma until the student has demonstrated satisfactory
13 performance in the manner provided by this subsection.

14 (c) The school district a student attends shall provide
15 written notice of the performance of a student assessed as required
16 under this section to the student's parent or person standing in
17 parental relation to the student.

18 (d) Each school year, each school district shall prepare a
19 report of the performance of students assessed as required by this
20 section. The report must include information regarding the
21 aggregate student performance in each grade or course required by
22 this section:

23 (1) for the district; and

24 (2) for each campus in the district.

25 (e) The report prepared under Subsection (d) must be:

26 (1) filed with:

27 (A) the agency; and

1 (B) the board of trustees of the school district;
2 and
3 (2) posted on the district's Internet website.

4 (f) For an assessment required by this section, a school
5 district is subject only to the notice and reporting requirements
6 provided by this section.

7 SECTION 17. Section 39.034(d), Education Code, is amended
8 to read as follows:

9 (d) The agency shall determine the necessary annual
10 improvement required each year for a student to be prepared to
11 perform satisfactorily on, as applicable:

- 12 (1) the grade five assessment instruments;
13 (2) the grade eight assessment instruments; and
14 (3) the end-of-course assessment instruments required
15 under Section 39.023 ~~[this subchapter for graduation]~~.

16 SECTION 18. Not later than September 1, 2016, the Texas
17 Education Agency shall adopt or develop appropriate
18 criterion-referenced assessment instruments designed to assess
19 essential knowledge and skills in English language arts as required
20 by Section 39.023, Education Code, as amended by this Act.

21 SECTION 19. This Act applies beginning with the 2016-2017
22 school year.

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