

SUBJECT: Revising provisions on public school assessment and accountability

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Buckley, Cunningham, Frank, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft

1 nay — Hinojosa

6 absent — Bernal, Allen, Ashby, Bryant, Dutton, Talarico

WITNESSES: For — Nicholas Munyan-Penney, EdTrust; Trista Bishop-Watt, Good Reason Houston; Glen Austin, Greater Houston Partnership; Mary Lynn Pruneda, Texas 2036; Katrina Fraser, The Commit Partnership; David Osman (*Registered, but did not testify*: Tracy Johnson, Center for Strong Public Schools; Jonathan Feinstein, EdTrust in Texas; Kelle Kieschnick, Texas Business Leadership Council; Jennifer Allmon, Texas Catholic Conference of Bishops; Jarod Love, The E3 Alliance)

Against — James Hallamek, Texas State Teachers Association; Elia Moran (*Registered, but did not testify*: Bruce Gearing, Leander ISD; Kelsey Kling, Texas AFT)

On — Tricia Cave, Monty Exter, ATPE; Jimmie Walker, Bexar County Education Coalition, Alamo Heights ISD; Steven Aleman, Disability Rights Texas; Christy Hovanetz, ExcelinEd; Danny Stockton, North Texas Education Coalition; Tony Hopkins, Texas Association of School Boards; Mike Morath, Texas Education Agency; La Vonda Loney, Texas Education Policy Institute; Rachael Abell, Texas PTA; Casey Adams, Woodson ISD and TARS; David Vinson, Wylie ISD; Cecilia Leonard; Steve Swanson (*Registered, but did not testify*: Andy Messenger, Pearson; Andrea Chevalier, TCASE; Casey McCreary, Texas Association of School Administrators; Addie Gomez, Texas Urban Council; Rachel Preston)

BACKGROUND: Education Code ch. 4 establishes the objectives of the public education

system in Texas. The public education academic goals set forth in the chapter require public education system students to demonstrate exemplary performance in the:

- reading and writing of the English language;
- understanding of mathematics, science, and social studies.

Ch. 39 of the Education Code establishes the State of Texas Assessments of Academic Readiness, also known as the STAAR test. The chapter requires the State Board of Education (SBOE) by rule to create and implement a statewide assessment program that is knowledge- and skills-based to ensure school accountability for student achievement. The Texas Education Agency (TEA) is required to adopt or develop appropriate criterion-referenced assessment instruments for third through eighth grade designed to assess essential knowledge and skills in reading, mathematics, social studies, and science.

DIGEST:

HB 8 would establish and amend provisions of the Education Code pertaining to a standardized assessment program and the public school accountability system.

Article 1. Transition to instructionally supportive assessments

Instructionally supportive assessment program. HB 8 would amend provisions on the assessment program under ch. 39 of the Education Code to provide that, to ensure school accountability for the state's public education academic goals under ch.4, TEA, rather than SBOE, would be required to create and implement an instructionally supportive statewide assessment program that:

- provided for progress monitoring;
- was balanced, innovative, and streamlined; and
- was based on essential knowledge and skills adopted by SBOE.

The bill would establish that the primary objective of an instructionally supportive assessment program would be to benefit Texas students.

It would be the policy of the state under the bill that the assessment program be designed to:

- provide information regarding student academic achievement and learning progress to public schools, students, parents, teachers, and education researchers;
- evaluate the achievement level and learning progress of each student in reading language arts, mathematics, science, and social studies;
- provide information to TEA for the purpose of making decisions regarding public school accountability, campus recognition, and the improvement of school operations and management;
- identify the educational strengths and needs of individual students and the readiness of those students to be promoted to the next grade or graduate high school;
- assess whether educational goals and curricular standards were being met;
- provide information to help evaluate and develop educational programs and policies; and
- provide instructional staff with immediate, actionable, and useful information regarding student achievement of standards and benchmarks that may be used to improve the staff's delivery of student instruction.

The bill would remove the requirement that the statewide assessment program be designed to provide assessment instruments that were as short as possible and to minimize the disruption to the educational program.

Each public district and open-enrollment charter school would have to administer assessment instruments in accordance with the instructionally supportive assessment program.

Transition of assessment program. By the beginning of the 2027-2028 school year, TEA would have to transition the program for assessment instruments administered under the State of Texas Assessment of Academic Readiness (STAAR) program to the instructionally supportive

assessment program established by the bill. TEA would be required to contract with a nationally recognized assessment instrument provider for the purpose of making the transition. Students would have to continue to be assessed under the STAAR program until the instructionally supportive assessment program was available beginning with the 2027-2028 school year.

During the 2025-2026, 2026-2027, and 2027-2028 school years, TEA, school districts, and charter schools would be required to conduct any field testing of questions for the assessment proposed that were necessary to implement the transition. By February 15, 2027, TEA would have to submit to the governor, lieutenant governor, speaker of the House of Representatives, and the chairs of the relevant standing legislative committees a report on the status of implementing the assessment program.

Assessment instrument study. The bill would require the TEA commissioner to enter into a memorandum of understanding with a public higher education institution to conduct a study on items proposed to be included under the instructionally supportive assessment program. The study would have to determine whether, for each item that was designed to be on grade level, the item was written at a reading level appropriate for students at that grade level, and included only:

- passages, questions, answers, or other content aligned with the essential knowledge and skills adopted by the SBOE for the applicable subject for the grade level or a previous grade level; and
- passages written at a reading level not higher than that grade level.

By December 1, 2028, the commissioner would have to submit a report that included the results of the study to the Legislature.

Adoption and administration of instruments. In creating and implementing the instructionally supportive assessment program, TEA would have to adopt or develop appropriate beginning-of-year, middle-of-year, and end-of-year assessment instruments, rather than criterion-

referenced instruments, designed to assess essential knowledge and skills in reading language arts, mathematics, social studies, and science.

The bill would specify that TEA would have to either adopt or develop end-of-course assessment instruments for certain secondary-level courses and provide for the availability of optional beginning-of-year and middle-of-year assessment instruments for those courses. The bill would remove certain SBOE rules and requirements regarding the administration of such assessment instruments. TEA would have to notify school districts and campuses of the results of administered assessment instruments in accordance with the assessment schedule established by the bill, rather than by the 21st day after the administration of such instruments.

A school district would be required to provide to parents of children enrolled in the district the results of each assessment instrument administered to their students and instructions for accessing any results online.

TEA, rather than SBOE, would be required to adopt rules for the administration of such instruments in Spanish to certain emergent bilingual students. TEA would have to approve a list of alternative norm-referenced assessment instruments that met the requirements of the bill and that a school district or charter school could administer in place of a beginning-of-year or middle-of-year instrument. TEA would be required to ensure the list included multiple alternative assessment instruments and would have to adopt a process by which a district or charter school could submit to TEA an instrument to be included on the approved list.

Access to state assessments and assessment results. HB 8 also would amend provisions on access to state assessments and results to require TEA to make available to a parent the results of each state assessment instrument administered to the parent's child. The results would have to be accessible by one click from the home page of a website maintained by TEA. Identifying information that was necessary to access a child's results would have to meet TEA security protocols, be unique to the child, and be under the control of the child's parent without the need to secure

additional information from a third party.

Each school district and charter school would have to provide to parents access to such a website through a parent portal maintained by the district or school and notify the parents each time TEA made the results of an assessment instrument available.

Adoption, development, and administration requirements. An assessment instrument adopted or developed under the bill would be required to:

- measure student performance in relation to the essential knowledge and skills adopted by SBOE for the subject area and grade level being assessed;
- include items that had been evaluated for readability using research-based metrics approved by TEA in consultation with the advisory committees established for assessment instruments established under the bill;
- meet industry standards of validity and reliability;
- comply with applicable requirements under federal law; and
- be designed to report student academic growth.

Accordingly, an assessment instrument designed to report student academic growth would have to:

- report a student's norm-referenced growth based on a comparison of the student's performance on the instrument to the student's performance on a previously administered instrument to measure through-year growth;
- report year-over-year student achievement growth for an end-of-year or end-of-course assessment instrument; and
- be adaptive to each student to measure and report individual student growth report for a beginning-of-year or middle-of-year assessment instrument.

Before an instrument adopted or developed under the bill could be

administered, the instrument would have to, on the basis of empirical evidence, be determined to be valid and reliable by the assessment instrument advisory committees or an independent entity that was independent of TEA and of any other entity that developed that instrument.

Before an item could be included on an assessment instrument that was developed by TEA, the item would have to be reviewed and approved by a committee composed of Texas teachers. TEA would be required to form each committee by inviting a total of approximately 40 teachers representing each region of the state who taught the grade level and subject area assessed by the items under review to participate in the committee. For each proposed item, at least three-quarters of participating committee members would have to agree that:

- the item was aligned with the SBOE-adopted essential knowledge and skills for the applicable grade and subject area;
- the item was appropriate for the grade and subject area being assessed and was written at an appropriate reading level for the grade being assessed;
- the item was free from bias and factual error; and
- students would have an opportunity to learn the content included in the item before the administration of the applicable end-of-year or end-of-course assessment instrument.

The writing portion of a reading language arts assessment instrument would have to be designed to assess writing using open-ended questions that were grade-level appropriate, administered separately, and scored using a process that involved a classroom teacher in setting grading standards and allowed for a school district or charter school to submit student responses for rescoring.

For an end-of-year or end-of-course assessment instrument, TEA would have to adopt or develop criterion-referenced assessment instruments designed to assess and report student performance for, at a minimum, each performance standard determined by the education commissioner. In

setting the performance levels for a criterion-referenced assessment instrument, the commissioner would be required to implement procedures to maintain the validity and reliability of the instrument, including procedures for field testing items approved by teacher committees. Except as necessary to comply with college readiness recommendations made by the higher education commissioner, the education commissioner would have to ensure the performance levels were consistent with performance levels for previous school years.

Annually, by September 1, the education commissioner would have to make the following information available on the TEA website for each criterion-referenced instrument:

- the number of questions on the instrument;
- the number of questions that would have to be answered correctly to achieve satisfactory performance as determined by the commissioner;
- the number of questions that would have to be answered correctly to achieve satisfactory performance under the college readiness performance standard; and
- the corresponding scale scores.

An assessment instrument adopted or developed under the bill would be required to be designed to support accommodations for students in a special education program. If a student was in a special education program, the student's admission, review, and dismissal (ARD) committee would have to determine whether any allowable accommodation was necessary in administering to the student a required instrument.

The bill would require TEA to adopt a schedule for the administration of assessment instruments for each school year and provide the schedule to each school district and charter school two years in advance. The schedule would have to provide for the administration of an instrument within an applicable range, including:

- for a beginning-of-year assessment instrument, between the fourth Monday in August and September 30;
- for a middle-of-year assessment instrument, between January 2 and February 21; and
- for an end-of-year assessment instrument, between May 1 and May 30, except that the writing portion of an end-of-year reading language arts assessment instrument would have to be administered between April 1 and April 15.

These assessment instruments could be administered in multiple parts over more than one day. TEA would be required to adopt procedures to reduce total administration time. Additionally, an assessment instrument adopted or developed under the bill would have to be designed to minimize the impact on student instructional time so that:

- for each beginning-of-year or middle-of-year assessment instrument separately administered to students in third and fourth grade, 85 percent of students who did not require accommodations would be expected to complete the instrument within 60 minutes;
- for each beginning-of-year or middle-of-year assessment instrument separately administered to students in fifth through eighth grade, 85 percent of students who did not require accommodations would be expected to complete the instrument within 75 minutes;
- for each end-of-year assessment instrument separately administered to students in third and fourth grade, 85 percent of students who did not require accommodations would be expected to complete the instrument within 90 minutes; and
- for each end-of-year assessment instrument separately administered to students in fifth through eighth grade, 85 percent of students who did not require accommodations would be expected to complete the instrument within 105 minutes.

TEA would be required to notify school districts and campuses of the results of such assessments within two business days after the date the applicable schedule window closed. The results would have to include a

diagnostic report for each student and recommendations for use by teachers and parents for practical and useful instructional strategies to better meet the individual needs of the student based on the student's performance.

At least every third year, TEA would have to release the questions and answer keys to each end-of-year and end-of-course assessment instrument after the last time the instrument was administered for that school year, except for any instrument administered to a student for the purposes of retaking the assessment or a question that would be reused for other instruments. To ensure a valid bank of questions for use each year, TEA would not be required to release a question that was being field-tested and was not used to compute the student's score. TEA also could defer releasing questions and answer keys to the extent necessary to develop additional assessment instruments.

Administration of certain benchmark assessment instruments. The bill would amend the definition of "benchmark assessment instrument" to mean a district or campus-required assessment instrument that was administered to all or most students for a subject or course in a particular grade level and that was not directly linked to instructional material recently covered in the classroom. The bill would specify that the term included an assessment instrument designed to prepare a student for a corresponding state-administered instrument, such as a practice test, a nationally norm-referenced instrument, a district-created standards assessment, or a vendor-created assessment of state standards. A district or campus could not administer to any student:

- in third through eighth grade, a benchmark assessment instrument other than an alternative assessment instrument as established by the bill; and
- in any other grade, more than two benchmark assessment instruments during a school year before the administration of an end-of-year or end-of-course assessment instrument.

In addition to certain existing exceptions, this prohibition would not apply

to a diagnostic assessment included in a screening or testing for dyslexia or a related disorder or an assessment instrument required under state law. This prohibition also would not apply to an assessment instrument administered during the 2027-2028 or 2028-2029 school year that was under review but not yet approved by TEA for inclusion in the list of approved alternative beginning-of-year and middle-of-year assessment instruments.

Security in administration of assessment instruments. In establishing procedures for the administration of assessment instruments, the education commissioner would be required to ensure that, in addition to existing requirements, the procedures included instructions to help mitigate student test anxiety.

Teacher report card. The bill would amend provisions related to the teacher report card to require each school district to provide to each teacher the information made available for the current and previous school year for all students taught by the teacher who were assessed on an assessment instrument adopted under the bill. The bill would remove the requirement for a district to prepare a report of the comparisons made to measure the annual improvement in student achievement and provide the report at the beginning of the school year to each teacher and all students who were instructed by that teacher in the relevant subject.

Repeals. Article 1 of HB 8 would repeal various provisions of the Education Code pertaining to SBOE adoption and administration of certain assessment instruments, the requirement for TEA to adopt or develop optional inter assessment instruments, the option for school districts to adopt or administer criterion-referenced or norm-referenced assessment instruments, provisions establishing certain metrics by which TEA had to determine annual improvement in student achievement, and certain reports regarding student performance.

Article 2. Accountability, interventions, and sanctions

Achievement performance indicators. HB 8 would amend provisions

related to performance indicators for the accreditation of a school district or charter school. The bill would authorize the education commissioner to exclude an indicator from the set adopted to assess the quality of learning and achievement if the commissioner determined an indicator otherwise required by the bill was not valid or reliable.

The bill would amend the three domains of indicators by which school districts and campuses must be evaluated. In the student achievement domain, indicators of student achievement would have to include, for evaluating the performance of high school campuses and districts that included high school campuses, indicators that accounted for students who demonstrate military readiness through verified enlistment in the armed forces or Texas National Guard or by achieving a passing score on the Armed Services Vocational Aptitude Battery Test and successfully completing a Junior Reserve Officer Training Corps Program.

In the closing the gaps domain, the bill would remove the requirement for the indicator to use disaggregated data to demonstrate the differentials among students that specifically included students formerly receiving special education services, students who were continuously enrolled, and students who were mobile.

TEA would have to study the college, career, and military readiness indicators established by the bill to determine the correlation of each indicator with postsecondary success, including the correlation of industry certifications with wages and available jobs. The value assigned to each indicator would have to be based on the strength of its correlation with successful outcomes and updated by the commissioner within the timeframe specified by the bill. TEA also would be required to develop a measure of student through-year instructional growth and improvement from the beginning of the school year through the end of the school year for evaluating the performance of campuses serving grade levels in which beginning-of-year and middle-of-year assessment instruments adopted or developed under the bill were required to be administered. By the 2032-2033 school year, the commissioner would have to present such a measure to the accountability advisory committee established by the bill to

consider the incorporation of the measure into certain indicators the commissioner considered relevant. By July 15, 2031, TEA would have to submit to the governor, the lieutenant governor, the speaker of the House, and the chairs of the relevant standing legislative committees a report regarding the measure.

The bill would amend certain other requirements related to these indicators to authorize the commissioner to modify the state standards for each indicator adopted under the bill. HB 8 would specify that the commissioner would have to increase the rigor by which the commissioner determined the overall performance ratings to continuously improve student performance to, by the 15th year after the date the commissioner modified the performance standards, achieve the goals of:

- eliminating achievement gaps based on race, ethnicity, socioeconomic status; and
- ensuring Texas ranked nationally in the top five states in preparing students for postsecondary success and on the National Assessment of Education Progress or its successor assessment.

Beginning with the indicators adopted for the 2027-2028 school year and as required to meet the goals established under the bill, the education commissioner would have to increase the scores needed to achieve performance standards on indicators only every fifth school year unless an indicator required adjustment before that school year to ensure consistency of performance standards. No later than 30 days before the commissioner adopted a rule modifying the performance standards, the commissioner would have to submit to the governor, the lieutenant governor, the speaker of the House, and the chairs of the relevant standing legislative committees a report that:

- identified the performance standards being modified;
- included a summary of the reasons for the modification of the performance standards;
- included the expected impact of the modified standards on district and campus performance ratings; and

- included information regarding the timeline for and a summary of stakeholder engagement during the development of the modified standards.

For each of the two school years preceding a school year the commissioner increased a score, the commissioner would have to report the overall performance of school districts and campuses under that increased score in a manner that could be reviewed by school administrators. TEA would have to provide copies of the required report to the aforementioned government officials. In reporting the performance of districts and campuses on indicators for a school year in which the score needed to achieve performance standards on one or more of those indicators was increased, the commissioner would be required to include an informational report on the performance of districts and campuses during the preceding school year under the increased score.

Industry certification list. TEA, the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC) would be required to jointly develop and make available a list of industry certifications that were eligible to be counted towards the student achievement domain. In developing the list, TEA, THECB, and TWC would have to consider:

- the inventory of industry-recognized certifications developed by the industry-based certification advisory council; and
- the certifications included in the credential library established by THECB and TWC.

The industry certifications included in the list would have to:

- be aligned to a program of study that, according to labor market data, prepared students for high-wage, high-skill, in-demand occupations;
- allow students to demonstrate mastery of the skills required for occupations within an approved program of study; and
- be obtained through an assessment of the knowledge and skills

provided by or determined by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.

TEA, THECB, and TWC would have to regularly review and, if necessary, update the eligibility of industry certifications, including whether the programs still met the relevant requirements. If, after reviewing an industry certification, TEA, THECB, and TWC determined the certification was no longer eligible and should be removed from the list, the entities would have to post on their respective websites information regarding the removal of the certification within two years before the intended date of removal. During the three years following such a determination, a school district could receive the benefit of achievement indicators based on that industry certification only for a cohort of students who were participating in the program of study aligned with that certification during the school year TEA determined the certification was no longer eligible and earned the certification within the three-year period.

In addition to existing requirements for the inventory, the bill would require the industry-based certification advisory council's inventory of industry-recognized certifications that could be earned by a public high school student through a career and technology education program to meet the requirements of the bill.

Reporting of local indicators of student engagement and workforce development. The bill would require TEA to collect for reporting purposes only information provided by school districts and charter schools regarding local indicators of student engagement and workforce development. A district or charter school would be allowed to provide to TEA information regarding the following indicators at a campus that served prekindergarten through eighth grade students:

- an indicator that accounted for the percentage of students participating in school-sponsored extracurricular or cocurricular student activities consistent with the findings of the extracurricular and cocurricular student activity indicator study, as that study

- existed before September 1, 2023;
- for campuses that served students in prekindergarten, an indicator that accounted for student participation in full-day prekindergarten programs;
 - for campuses that served students in kindergarten through fifth grade, an indicator that accounted for teacher completion rates of the literacy achievement and mathematics achievement academies;
 - an indicator that accounted for students in sixth through eighth grades who successfully completed a career and technology course approved for purposes of the career and technology education allotment; and
 - an indicator that accounted for students who successfully completed and received credit for a course designated for a grade higher than the grade in which the student was enrolled.

TEA would have to post the information collected under the bill on the Texas School Accountability Dashboard.

Accountability advisory committee. Under HB 8, the education commissioner would be required to establish an accountability advisory committee to advise the commissioner and TEA on the adoption and modification of performance standards and indicators. The committee would have to meet at least once during the year preceding the school year for which the commissioner proposed to modify the performance standards. The committee would have to include staff members from the offices of certain government officials and stakeholder groups specified by the bill and provide committee meeting minutes accordingly.

Methods and standards for evaluating performance. HB 8 would amend the methods of performance evaluation for the purposes of accreditation to specify that the commissioner would have to adopt rules to evaluate school district and campus performance and assign each district and campus a domain performance rating every school year.

Any interventions or sanctions to which a school district or campus was subject under current statute would be required to continue during a period

in which the district or campus was assigned an overall performance rating of “Not Rated.” The commissioner could not assign an overall performance rating of “Not Rated” to all school districts or all campuses on a statewide basis. If TEA made changes to the assessment program for assessment instruments administered under the bill that required new standards for issuing performance ratings, TEA would have to conduct a performance comparison analysis between the program as changed and the preceding program to establish roughly comparable standards for issuing performance ratings. As soon as reasonably possible in years in which the standards were modified or recalibrated or in which a new assessment instrument was offered, the commissioner would have to make available information regarding the performance ratings and the number of consecutive school years of unacceptable performance ratings for each school district and campus.

Adoption of indicators and standards. The bill would amend certain indicator standards to allow the commissioner to adopt indicators and standards at any time before issuing the evaluation of a school district or campus, rather than at any time during a school year. If the commissioner did not initially adopt performance standards by July 15 immediately preceding a school year, district and campus performance ratings for the school year would have to be based on the standards in effect for the preceding school year.

Explanatory materials for accountability rating system. By July 15 of each year, the commissioner would be required to provide each school district a document in a simple, accessible format that explained the accountability performance standards for the following school year, in addition to certain other performance rating information.

Local accountability system. From money appropriated or otherwise available for the purpose, TEA would have to establish a grant program to assist at least one school district in each education service center region in developing a local accountability plan that complied with the requirements under the local accountability system.

Distinction designations. The education commissioner would be required to award distinction designations for outstanding performance concurrently with the assignment of performance ratings.

Campus turnaround plan. If the commissioner did not approve a campus turnaround plan, the bill would require the commissioner to order, in addition to certain existing requirements, the operation of the campus by an entity with which the school district contracted.

The bill would remove the authorization for a district to take any needed actions to prepare for the implementation of the plan following approval of a campus turnaround plan. Instead, the school district, in consultation with the campus intervention team, would be required to take any actions needed to implement the plan.

HB 8 would amend provisions related to modifications of a campus turnaround plan to establish that, if a campus for which a turnaround plan had been ordered received an acceptable performance rating subsequent to the order, the school district no longer would be required to implement the plan.

Interventions and sanctions while assignment of performance ratings enjoined. Notwithstanding any other law, during a period in which TEA was enjoined from assigning performance ratings to a school district, charter school, or campus, any previously imposed interventions or sanctions to which the district, charter school, or campus was subject would have to continue throughout the period. As soon as practicable after the dissolution of such an injunction, TEA would be required to:

- assign performance ratings for each school year and to each district, school, and campus for which TEA was enjoined from assigning performance ratings; and
- impose any appropriate interventions or sanctions based on the above assigned ratings.

If TEA were permanently enjoined from assigning performance ratings to

a district, charter school, or campus for a school year, TEA would have to consider it to have received a “Not Rated” rating for that school year for purposes of calculating consecutive years of performance and determining whether to impose an intervention or sanction. To ensure the expeditious implementation of interventions or sanctions, TEA could modify or waive a deadline or timeframe required by law or TEA rule applicable to the assignment of performance ratings for a school year for which TEA was enjoined from assigning performance ratings. TEA would have to impose an intervention or sanction as required by law unless the intervention or sanction, as determined by the commissioner:

- had been superseded by a subsequent intervention or sanction; or
- could be removed based on subsequent performance.

The bill also would require the commissioner to impose an intervention on a district, charter school, or campus if it would have been subject to commissioner action based on the performance rating for a school year for which TEA was enjoined from assigning performance ratings, regardless of performance in a subsequent school year.

The commissioner would have to revoke a charter holder’s charter for a school for which the holder received a charter renewal based on the absence of a performance rating for a school year for which TEA was enjoined from assigning a performance rating if, after the assignment of performance ratings for that year, the charter would not have been renewed, regardless of the school’s performance in a subsequent school year. This provision would not apply if TEA had renewed the charter based on the charter holder entering into and meeting the requirements of a performance agreement with TEA.

Repeals. Article 2 of HB 8 would repeal Education Code sec. 39A.106 and sec. 39A.110(b), which pertain to the date on which a campus turnaround plan must take effect and the conditions under which such a plan may be modified, respectively.

Article 3. Transparency of public school performance

Action for declaratory judgment. A school district or charter school would be required to bring an action for declaratory judgment challenging the validity or applicability of a rule adopted under statutory provisions regarding the public school accountability system within six months after the date the rule was adopted.

Compliance. Failure to comply with certain requirements of Education Code ch. 39 related to the assessment of academic skills, accreditation, and financial accountability would not prevent the administration of a statewide assessment instrument or the assignment of performance ratings. Failure to comply with such requirements also could not be the basis of a challenge to an assigned performance rating or an intervention or sanction. Each applicable legislative committee would be required to establish a process to receive information regarding a failure to comply with these requirements and could require TEA to justify the failure. TEA would have to notify each committee if TEA was aware that the commissioner or TEA had failed to meet a deadline or other relevant requirement.

Review by commissioner, accountability determination. A school district or charter school could not challenge on any basis, including a lack of commissioner or TEA authority, a TEA decision relating to an academic or financial accountability rating in another proceeding unless, rather than if, the district or charter school had exhausted the district's or school's remedies.

Authorized expenditures. Notwithstanding any other law, federal, state, or local funding could not be used to initiate or maintain any action or proceeding against the state or an agency or officer of the state, including an action or proceeding that included a claim of ultra vires conduct, except that funds could be used for an action or proceeding that was specifically authorized by law.

Article 4. Conforming changes and changes related to transition of assessment program

Waivers and exemptions. HB 8 would remove the prohibition for a school campus or district to receive an exemption or waiver from a requirement, restriction, or prohibition relating to participation in a University Interscholastic League competition.

Paper administration of assessment instruments on request. A school district could administer in paper format a nonadaptive assessment instrument adopted or developed by TEA as a substitute for a required assessment instrument to any student whose parent, guardian, or teacher requested paper administration. Such a request would have to be submitted to the school district by a reasonable date as determined by TEA, which would have to be by the 60th day before the date the applicable assessment administration schedule window closed.

Integrated formative assessment pilot program. TEA would be required to implement the integrated formative assessment pilot program beginning with the 2028-2029 school year.

Consideration of religious holy days in scheduling assessment instruments. A school district's board of trustees or a charter school's governing body could consider the dates of religious holy days or periods of observance likely to be observed by students during the assessment administration schedule window, rather than the period set by SBOE, in establishing the district's or school's calendar.

Conforming changes. Article 4 would make various conforming changes throughout the Education Code, including updating references to reading language arts assessment instruments, replacing references from interim assessment instruments to beginning-of-year and middle-of-year assessment instruments, and replacing references to SBOE with TEA. The bill would remove the specifications for paper administration of an instrument for the fall and spring semesters.

Repeals. Article 4 of HB 8 would repeal Education Code secs. 33.0812, 39.029, and 39.032, which pertain to the prohibition of scheduling of

certain extracurricular activities, the administration of instruments to migratory children, and certain assessment instrument standards, respectively.

Article 5. Transition and effective date

Except as otherwise provided, the provisions of the bill would apply beginning with the 2027-2028 school year. The provision regarding TEA approval of a list of alternative norm-referenced assessment instruments and certain repeals sections would apply beginning with the 2025-2026 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

SUPPORTERS
SAY:

HB 8 would fundamentally improve the Texas standardized testing regime and public school accountability system by replacing the widely unpopular STAAR test with TEA-developed or approved, instructionally supportive assessments to be administered at the beginning, middle, and end of the school year.

The new testing structure established by the bill would benefit students, parents, and educators by providing more transparency, insights into student progress, and teacher supports while addressing issues raised under the current state testing system. By administering shorter tests spread throughout the year and not allowing for test results to affect a student's ability to progress to the next grade level, the bill would help address growing concerns over the substantial amount of test-related pressure and anxiety experienced by students. This model would also help to better measure students' academic progress throughout the school year. Crucially, while the beginning-of-year and middle-of-year assessments would be norm-referenced, the bill would still require that the new end-of-year assessment remain criterion-referenced. By comparing students' answers to pre-selected grading standards instead of each other, criterion-referenced assessments provide an objective way to measure student

mastery in alignment with Texas-specific learning standards.

HB 8 would limit excessive benchmark testing and allow for more instructional time per year by implementing a through-year testing model. The current model allows for too many disruptions and distractions, preventing students from spending as much time as possible learning when they are at school. Recent studies from the Texas Through-Year Assessment Pilot Program, in which a small number of schools implemented through-year testing, have resulted in high satisfaction being reported by both students and teachers. More time learning and less time testing under the bill would allow teachers to focus on educating their students on the Texas Essential Knowledge and Skills rather than just teaching for performance on a standardized test.

The bill also would provide greater transparency regarding standardized tests and the public school accountability system. By requiring the results of the assessments to be provided within 48 hours, the bill would help parents and teachers know when students are struggling without having to wait months for results. This, in turn, would enable more timely and meaningful decision-making, improving student education and strengthening the home-school partnership. HB 8 also would provide greater transparency by limiting the circumstances in which a district could challenge its accountability rating. Lawsuits brought by school districts in recent years have prevented the release of school ratings statewide, creating unpredictability and inhibiting parents and the public from knowing how well their schools are doing. The bill would still allow districts to challenge their ratings, but in a more timely manner.

More consistent annual ratings and assessment results also would allow elected officials and voters to more accurately evaluate the effectiveness of education policy in the state. The changes to the accountability system made by the bill would make the periodic updates to the system more regularly timed and ensure completion before the beginning of the school year. This would help school districts to better understand and adjust to new rules and plan ahead to help them achieve the best ratings possible. The bill would also limit last-minute recalculations and ensure more

fairness for school districts.

Additionally, the inclusion of educators and legislative representatives or their designees in the accountability advisory committee established by the bill would allow for greater involvement of Texas teachers in the writing and selection of materials included in the newly adopted tests. Greater teacher involvement would promote the quality and rigor of the assessment instruments. This also would ensure that legislators play a role in the implementation of the bill.

The changes to the accountability system established by HB 8 would help the state economy by giving business leaders more confidence in the quality of education of the graduates they hope to hire. Additionally, the bill would move Texas schools toward stronger college, career, and military readiness indicators to help ensure students are prepared for high-wage, high-skill jobs.

The financial investment made by the bill, while significant, could ultimately save the state money by reducing the overall amount of testing that must be administered and limiting the ability of school districts to challenge ratings.

While some have suggested that the bill should provide a pause on accountability ratings while transitioning to the new assessment system, preemptively planning for a pause could undermine the bill's goals of transparency and consistency for school districts, as ISDs that show improvements would not have their successes made public and campuses in need of additional supports could in turn be under-resourced.

**CRITICS
SAY:**

While replacing the STAAR test is an important step in improving the state's assessment and accountability system, HB 8 would not sufficiently address problems under the current testing model while imposing a substantial financial cost to the state. The new testing model would still create high stakes for schools because test results would still factor heavily into accountability ratings. The end-of-year assessment established by the bill would essentially replace the current STAAR test,

but with two additional standardized assessments administered during the school year. By increasing the number of tests, the bill could lead to more student stress and testing anxiety, result in more overall testing, and reduce instructional time. At the same time, the new testing model would cost tens of millions of dollars due to upfront development and implementation costs. Any savings from the bill would be insufficient to offset these expenses.

HB 8 also should not transfer rulemaking and oversight authority for the new testing model from the elected State Board of Education to TEA and its unelected commissioner. Given its lack of success in developing the STAAR test, TEA should not be given responsibility for developing and adopting a new assessment model. Furthermore, by limiting the ability of districts to challenge TEA-assigned ratings, the bill would give TEA even more power over assessment and accountability while disempowering school boards from advocating for themselves and their communities.

Although the new assessments would not be fully implemented until the 2027-2028 school year, Texas schools would continue to receive ratings during the transition period, which could temporarily harm student performance under the new model. The bill should include a pause on accountability ratings during the transition period to ensure schools are not penalized while they are in the process of implementing the bill. HB 8 also should include a parent engagement domain within the accountability system to provide more accurate ratings for schools that incorporate parent involvement into their students' academic success. Other factors related to student growth, school climate, community context, and educator impact should be addressed by the accountability system rather than providing a rating based primarily on one narrowly focused metric.

The accountability advisory committee established by HB 8 should include more educator or school administrator input. The professionals who are working with and responsible for the education of students should be given a larger say in how student performance is assessed and how school ratings are awarded.

HB 8 should prohibit the rescoring fee from being paid upfront or should remove the fee altogether. Under the current STAAR testing model, many schools must submit students' tests to be rescored at a cost of \$50 for each resubmitted test. If a given test was incorrectly scored, the fee is refunded. Upfront payment can be cost-prohibitive for many schools.

OTHER
CRITICS
SAY:

While HB 8 provides many much-needed changes to the state's testing and accountability system, the bill would still prioritize test results within the A-F school rating system. The bill also would not transition to the new through-year assessment model quickly enough.

HB 8 should eliminate but not replace the STAAR test. If the state must administer a test, the Measure of Academic Progress (MAP) tests would be a better replacement. The bill should implement assessments that allow Texas to compare growth and proficiency with other states.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about \$55.9 million to general revenue related funds through the biennium.