

**Public Comment on Proposed Amendment to 19 TAC, Chapter 101, Assessment, Subchapter CC,
Commissioner’s Rules Concerning Implementation of Assessment Instruments, §101.3011,
Implementation and Administration of Academic Content Area Assessment Instruments
September 20, 2018**

TASA appreciates the opportunity to provide public comment on the the proposed amendment to TAC §101.3011(e) that will require students who take Algebra I, English I, and English II end-of-course exams prior to high school to also take the SAT or ACT in the corresponding subject area when in high school. Penny Schwinn, Texas Education Agency chief deputy commissioner for academics, estimates the cost to be approximately \$5.45 million statewide. That is an estimated cost of \$50 per student for about 109,000 students, with no fiscal implications for state government, as school districts would be required to bear the costs.

We respectfully express our concerns with this proposed rule language, as well as how the agency proposes that this mandate be funded. We also make recommendations to remedy the issues.

Issue: TAC §101.3011(e) is in the section of rules governing the *state* assessment system and therefore part of the state system. The state should bear the costs for this new assessment requirement.

Issue: The proposed amendment cites Texas Education Code (TEC) §39.023(a)(6) as statute relevant to the rule. TEC §39.023(a)(6) requires all students be assessed in “any other subject and grade required by federal law,” in addition to STAAR tests in grades 3–8. This state requirement is part of code governing the state assessment of academic skills, and state funds should be appropriated for these tests as they are for other assessments required in this section of TEC.

Issue: The Texas Education Agency amended its state ESSA plan to reflect the federal requirement. As part of the state ESSA plan, and a state requirement that TEA proposed, these additional assessments should be funded by the state.

Issue: The proposed amendment language in TAC §101.3011(e) inserts “Texas public school districts and open-enrollment charter schools” and deletes “TEA” as the entity responsible for administering the tests. TEC §39.023(a)(6) does not require school districts to administer the tests, only that students be assessed in the specified tests. The proposed rule language goes beyond what is called for in statute in order to shift state costs to local school districts.

Issue: In TEA’s Legislative Appropriations Request (LAR), \$166,383,476 is requested for the biennium for the state assessment and accountability system with no request to the Texas Legislature to appropriate the \$5.45 million anticipated for the new state-required assessments.

Recommendation: We recommend that the TEA's LAR be adjusted to include the \$5.45 million estimated cost of the new state-mandated assessments as an exceptional item. We also urge the Commissioner to work with the Chair and members of the: House Appropriations Committee, House Public Education Committee, Senate Education Committee, and Senate Finance Committee to incorporate the cost of these assessments into the state budget. The proposed rule amendment should be revised to reflect this change in fiscal responsibility.

Please feel free to contact me with any questions regarding these concerns or recommendations.

Respectfully,

A handwritten signature in black ink that reads "Casey McCreary". The signature is written in a cursive, flowing style.

Casey McCreary, Ed.D.
Associate Executive Director, Education Policy