Chapter 101, Subchapter CC, Implementation of Testing Program

Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
Meeting Summary	The primary issue for focus group participants in Subchapter CC was the five-year records retention requirement, introduced as part of the 14-point Test Security Plan and meant to aid investigations of testing incidents. Participants pointed out, and Student Assessment representatives confirmed, that most investigations do not extend past three years. Based on this, Student Assessment will reexamine the five-year records retention requirement and possibly amend the rules to reduce the retention requirement to three years. In response to the suggestion that references to Texas Educating Adults Management System (TEAMS) and Texas Assessment of Academic Skills (TAAS) in administrative code are now obsolete, Student Assessment representatives explained that some out-of-school examinees seeking a diploma continue to test under exit level requirements established under TEAMS and TAAS, even though the assessments themselves are no longer administered. Current references to TEAMS and TAAS in the code reflect this fact. With regard to comments about test-administration training, Student Assessment emphasized that training will likely increase during the first two years of the State of Texas Assessments of Academic Readiness (STAAR) due to the transition to a program, but that TEA will explore ways to reduce training requirements for districts and campuses. Next steps: Student Assessment will reexamine the five-year records retention requirement found in §101.3005(d). All rules of this subsection will be reviewed as necessary in the process of implementing State of Texas Assessments of Academic Readiness (STAAR).						
101	3001	Yes-Too much testing!	Move to a random sampling such as NAEP and also exemptions from testing to schools who meet certain standards.	Eliminates excessive testing and allows more time for instruction. Also reduces stress on students. Saves money spent on testing materials.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. All statewide assessments currently administered in Texas are mandated by either state law, federal law (NCLB), or both.
101	3001	Yes	Ensure that End of Course assessments are designed to measure learning and not be designed to "trick" the students. Make sure that the expectations for the assessment are very clear.	Proves to be a more reliable assessment of student learning and not a test taking strategy test.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program.

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101	3001	This rule should be eliminated. It appears to be outdated.	Eliminate rule.	Eliminating the rule assists the Agency in its quest to streamline its rules.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements. With regard to "Data retention – electronic paper" -- TEA intends to revise sec. 101.3005 to incorporate the Test Security Supplement, which specifies that districts may store required documentation in paper or electronic form.
101	3001	No rule currently exists.	Add a rule permitting end-of-course exams to be administered to each student at the end of the course, regardless of the traditional academic semester or school year.	This change will permit students, particularly those in self-paced programs, to take an end-of-course exam once the student completes the course, regardless of whether the student completes the course at the formal end of a school semester or school year.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. The new rules will specify the schedule for administration of EOCS .

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3001, 3003, 3004	These rules are out-of-date	Please take out	These rules are out-of-date	See chapter summary.	39.023(c)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements. With regard to "Data retention – electronic paper" -- TEA intends to revise sec. 101.3005 to incorporate the Test Security Supplement, which specifies that districts may store required documentation in paper or electronic form.
101	3001, 3003, 3005	Only sections G (on pg 3 of 5) & security on p4 applies to current processes. Rules no longer apply. Rule no longer applies except for 101.3005 which are accur. valid. 101.3001 (5) (C) – refers to additional doc.	Delete any language that is not current/relevant to recent legislation where state assessment is defined by STAAR/EOC phase –in. Reduce requirement to retain rules beyond applicable timeframe. Delete rule. Rule should be revised, rewritten or deleted.	Rewrite the rules based on new requirements in regard to test dates and re-tests. Just state requirement instead of referring to additional doc.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3001, 3004, 3005	101.3004 Issue, no provision for input from districts on testing standards 101.3001 Issue, testing history not needed 101.3004 Issue, standards presented too late. 101.3005 Issue, no specific timelines for testing residential facilities	101.3004 to allow for district input 101.3001 edit historical data, put current tests in readable tables. 101.3004 districts receive standards in a timely manner for training before school begins 101.3005 add specific training guidelines that meet the needs of residential facilities	101.3004 to ensure cosistency and equity in standards 101.3001 clarity 101.3004 school planning 101.3005 to secure validity and reliability of tests	See chapter summary.	39.023(c)(i)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements. Although not required to do so in rule, TEA involves education professionals in both the item development and the standard setting processes for all assessments. THIS ROW IS SPLIT INTO TWO SETS OF COMMENTS. SEE BELOW.
101	3003	101.3003 Issue, assessment timelines for non-english speaking students entering in middle school not current with research	101.3003 research based timelines	101.3003 meets the needs of students		39.023(m)	Statutory change required. Assessment requirements in rule for non-English speaking students must remain consistent with state and federal law.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3003	Outdated references to TAAS, TEAMS; references to students who are 9th grade in 2001. Records retention years. # of training required is not specific. Combine this rule with others related to test administration & assessment (specifically 101.D.D.) Data retention – electronic paper. State accountability aligned TIGHLY with Federal Account. Outdated – delete. EOC Is going to be a logistical challenge. Consider time allotted for amount of time for 8 EOC exams vs. 1 cumulative. CONTINUED	Elimate outdated references. Reduce number of years record must be maintained from 5 to 3. # of training required for test administration need to be specific. Needs updating to reflect current program and future – i.e. EOC. Clarification of electronic data retention. Need specific amount and frequency of training. Use ACT Test as an EOC for seniors similar to Illinois. Rewrite rules based on EOC STAAR. Assessing all students on college readiness is not helpful. CONTINUED	Maintaining records causes undue cost in space and time. # of trainings required will be affected by implementation of EOC. Credit by exam course need to be addressed with EOC.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements. With regard to "Data retention – electronic paper" -- TEA intends to revise sec. 101.3005 to incorporate the Test Security Supplement, which specifies that districts may store required documentation in paper or electronic form.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
CONTINUED FROM ISSUE: EOC needs to have flexibility as to when it can be administered and with students completing online courses or other alternative courses they should be tested at the end of course no matter when they complete. # of exams a child might have to take. Sequencing of courses. **CONTINUED FROM DESIRED CHANGE:** Time spent on test administration & incident reports is an undue burden to the school districts. Set national standards. Our state standards could exceed national standards but they should be tightly aligned with the minimal requirements for federal accountability. Recommended implementation assessments. 101.3004 (B) – no longer 10th grade, would be 9th grade. 101.3001 (5)(5) – add graduation assessment committee to assess progress (like SSI)							
101	3003	Benefit – End of Course Exams. Revise – remove references to prior tests that are no longer given. Revised – update to new tests (STAAR) and dates.	No change. Remove obsolete references in 101.3001(a); other sections applicable, eg, 101.3003 Revise to new STAAR tests/dates.	Proposed language updates the rule and refers to make the rule more concise.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3003 (g)	Beginning 2011-12 students first enrolled in grade 9 or lower must fulfill...	Add a clarification statement addressing the 15% required use of EOC when calculating course credit. Change "shall" to "may" adopt a policy including no more than 15% of EOC final grade in calculating course completion.	The state has moved from assessing into interferring with "local independent control" - determine if their children are making progress, instruction, classroom grades, credit! Possible for 1 day test to fail a students year long efforts.	See chapter summary.	39.023 c)	Statutory change required. It is the school district's responsibility to adopt a policy to address how a student's EOC performance will count for 15 percent of his/her course grade. Because there is no state requirement for how course grades are calculated, Student Assessment will not adopt rules addressing how districts would incorporate the EOC score into students' grades.
101	3003 (g)	The End of Course (EOC) exams become graduation requirements for the freshman who enter high school in 2011-2012. As of May 2010 the logistics of EOC testing, which we anticipated to be complex, have not been fully communicated to districts.	Communication about EOC with districts needs to be more frequent and comprehensive (early and often).	The participant group stressed the need for TEA to consider the perspective of the student in development of communications and logistics. Students, specifically the 2009-2010 seventh grade class, are “left in the dark” about examination requirements and the impact of those requirements on graduation, grade placement and rankings, and college application submissions. Some of these students, for whom the EOC is a graduation requirement, took the Algebra I EOC this spring without knowing how or if it could be counted towards their required cumulative score for graduation.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA is working on this issue. A report to the legislature about the transition from TAKS to STAAR,was delivered December 1, 2010 and the contents of that report will aid in informing districts about issues pertaining to the implementation of the EOC program as well as future rulemaking in 2011-2013.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3004	Yes	Take the politics out of assessment. The intent with the constant changing performance standards appears to be politically motivated to ensure that all schools are not successful.	Use assessment for what it was intended and set the standard and leave it alone.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. The performance standards do not change from year to year. Because TAKS is a post-equated assessment, the cut score at met standard and commended performance cannot be established until after each assessment has been administered and scored. TEA is considering using a pre-equated model for the STAAR program to the extent possible.
101	3004 (a)	The process for standard setting on TAKS was not communicated fully to districts. Also, districts have reason to believe that standards will be rotated annually on STAAR examinations. Therefore, districts have serious reservations about the development of STAAR and have a desire for the process to be inclusive of district concerns.	Districts need transparency in standard setting and the ability to assess the impact of the implementation of STAAR standards on current district student populations. Participants also recommend that STAAR use "robust, well-understood, appropriate, relevant standards" and standards are NOT rotated in and out of the test. Therefore, instruction can readily and positively respond to test results.	Standard setting needs to be transparent enough that it can be communicated to parents, staff, students, community and media. If standards are important enough to be tested, they should be tested every year.	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Additional information about all aspects of the STAAR program continues to be provided as decisions are made.
101	3005 (c)	Training does need to be required, however the amount of specific test training for each administration is time consuming and restraining.	Less specific test administration training. For example training for each administration of the 5th grade reading test is redundant.	It is very difficult to find time and money for substitutes for teachers to be trained for each specific test and each administration.	See chapter summary.	39.023(i), 39.0304	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3005	Out of date. Being phased out.	Update.	Will change with STAAR.			All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements. THIS ROW IS SPLIT INTO 4 SETS OF COMMENTS. SEE BELOW.
101	3005	101.3005(d)-Keeping records for 5 years.	101.3005(d)-Change from a minimum of 5yrs to 3yrs.	101.3005(d)-logistics, if an audit is to come up, it should happen w/in 3 years.			All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will consider changing the record-keeping requirement from 5 to 3 years under TEC 39.0301(a)(2), which holds that TEA "may establish record retention requirements for school district records related to the security of assessment instruments."

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3005	Add specificity for calculation of GPA with EOC.			See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. It is the school district's responsibility to adopt a policy to address how a student's EOC performance will count for 15 percent of his/her course grade. Because there is no state requirement for how course grades are calculated, Student Assessment will not adopt rules addressing how districts would incorporate the EOC score into students' grades. State law specifies that TEA implement 12 EOCs -- TEA does not have the authority to adopt fewer.
101	3005		Have less EOC exams when this is updated once.			39.023(c)	Statutory change required. State law specifies that TEA implement 12 EOCs -- TEA does not have the authority to adopt fewer.
101	3005	It is a criterion referenced test, why wait until after the test to see the MET standard & commended.	Set standard before testing. Quarterly testing admin training.	Set standard in advance so it won't be subject to change.			All rules, including training requirements, will be reviewed in 2011-2012 with the implementation of the STAAR program. TAKS is a post-equated assessment -- met standard and commended performance cut points cannot be determined until after the tests have been administered and scored. THIS ROW IS SPLIT INTO 3 SETS OF COMMENTS. SEE BELOW.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3005	Requirements for graduation – this section doesn't fit the current assessment system. This still includes references to TEAMS & TAAS. Also includes assessments for only GR 9-10, not Exit. Should change to include references to STAAR & STAAR EOC. At the 8th grade level students may have to take both cumulative & item specific tests; EOC. Entire rule is outdated – does not reflect what is in place this year.	Fewer End of Course. Update the entire rule. TEKS revisions released prior to EOC.	Concern of delivery of instruction for small districts. Clear, concise communication of testing requirements is most necessary when large, whole-scale changes are implemented (STAAR, EOC). Concern of delivery of instruction for small districts.		39.023(c)	Statutory change required. However, provisions will remain for students who graduate under TAKS, TAAS, or TEAMS requirements. In rulemaking, TEA will address the issue of middle school students who take courses that have EOCs during the 2010-2011 school year.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3005	Different document retention policies. Concern for simultaneous exams – AP, EOC, TAKS, IB, finals and the conflicts that will ensue. Lowest performing students could be taking 6 or more tests simultaneously. Overkill for training on test admin. TEKS revisions will not be available to prepare for initial (cuts off)	Need a chart of document retention timeline or standardized approach or both. Suggested testing calendar that could also take into account UIL calendar. Fewer tests – or test in 2yr intervals (i.e. test algebra at end of Algebra II) 101.3005c – Possibly change “may require evidence” to “will” and set the # of hours of necessary training.	Difficult to keep up with differing/multiple requirements. Lack of alignment between what is tested & what is taught. Too much time involved with the training of test coordinators.	See chapter summary.	39.023	All rules, including training requirements, will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will consider changing the record-keeping requirement from 5 to 3 years under TEC 39.0301(a)(2), which holds that TEA "may establish record retention requirements for school district records related to the security of assessment instruments." TEA will revise this subchapter to reflect changes under the new STAAR program. Under Subchapter EE, the commissioner of education provides notice of testing days to UIL -- this is designed to prevent conflict between statewide testing and UIL events. With regard to "fewer tests" or testing in 2yr intervals (i.e. test algebra at end of Algebra II)" -- these suggestions are contrary to state law (TEC, sec. 39.023) and federal NCLB requirements.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101	3005(c)	We agree with the training requirements. However, uniformity of training and access are concerns.	Training required should be more uniform througout the state. Districts are confused about what is most important about what is to be addressed. There is also a concern about amount of important material that is lost from the time the training is delivered from TEA to ESC then to district testing coordinators, campus coordinators and then to test administrators. We feel there should be online training provided directly to test administrators from TEA.	Consistent training for all test coordinators and administrators.	See chapter summary.	39.023, 39.023(i)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program.
101	3005(c)	TEA assigned external test monitors are creating student distractions and additional stress when they enter the classroom during the administration of the test.	We request that TEA assigned test monitors not enter the classrooms durng the testing.	It will reduce student anxiety and distraction.	See chapter summary.	39.023(i), 39.0301	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. Test security and monitoring fall under TEC 39.0301, which allows the agency to establish procedures to ensure the security of assessment instruments.
101	3005(c)	Training does need to be required, however the amount of specific test training for each administration is time consuming and restraining.	Less specific test administration training. For example training for each administration of the 5th grade reading test is redundant.	It is very difficult to find time and money for substitutes for teachers to be trained for each specific test and each administration.	See chapter summary.	39.023(i), 39.0304	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program.

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101	3005	Amount of time in training and quality of training for test administrators	allowed the online course to replace face-to-face training? (Currently online is optional.) Online training with Q&A; support training. TEA conducting the training through distance learning; sites can log in and watch them give the training themselves. This would standardize the training so that all the people hear the same thing from TEA. Process now is ESC staff receives training; ESC staff then trains test coordinators; test coordinators train teachers, leaves a lot of room for interpretation. Stream training for 30 day period. We would still need some at campus level because of campus-related issues (i.e. testing set-up, who's going to do what, when, where, etc.)	Efficiency, reduce possibility of error in training	See chapter summary.	39.023(i)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA is reviewing training requirements under the STAAR program.
101	3005	rule states that keep documentation for 5 years	Shorten to 3 years.	efficiency, saves facilities space	See chapter summary.	39.023(i)	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will consider changing the record-keeping requirement from 5 to 3 years. However, districts are not required to keep documents in hard copy form. Electronic storage is permitted (see Test Security Supplement)

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101		Yes	allow out of state achievement scores to be substituted for TAKS exit level exam for students of military families.	Students have not been exposed to TEKS and are not prepared to take the state assessment and therefore may not meet the graduation requirements.	See chapter summary.	162	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. This is allowed for eligible students of military families who transfer from other member states in the Interstate Compact for Educational Opportunity for Military Children. See TEC, ch. 162.
101		No Comment	No Comment	No Comment			All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. No change requested.
101		Procedures and Training. Useful web-based modules for training made required rather than optional.	Procedures and Training. Useful web-based modules for training made required rather than optional.	Procedures and Training. Useful web-based modules for training made required rather than optional. The concrete examples and tools were very powerful for training purposed. Positive feedback from testing coordinators was received from the use of these modules.	See chapter summary.		All rules will be reviewed in 2011-2012 with the implementation of the STAAR program.

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Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
101		Language does not reflect new testing programs and does not address early grades going to STAAR. Currently accountability systems are not merged. We have a variety of accountability systems in our state	Language does not reflect new testing programs and does not address early grades going to STAAR. The change from TAKS to STAAR are not reflected. Fix it now or fix it later. Currently accountability systems are not merged. We have a variety of accountability systems in our state. If you merge it would make it easier for districts and easier to explain to the public and parents and other stakeholders.	Language does not reflect new testing programs and does not address early grades going to STAAR. The change from TAKS to STAAR are not reflected. Fix it now or fix it later. Currently accountability systems are not merged. We have a variety of accountability systems in our state. If you merge it would make it easier for districts and easier to explain to the public and parents and other stakeholders	See chapter summary.	39.023	All rules will be reviewed in 2011-2012 with the implementation of the STAAR program. TEA will revise this subchapter to reflect changes under the new STAAR program. The new rules will specify the schedule for administration of EOCS. Transition documents for the future accountability system are in development.