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17_03 Adopted Amendment to 19 TAC §101.3041

Commissioner's Rules

Adopted Amendment to 19 TAC Chapter 101, Assessment, Subchapter CC, Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program, Division 4, Performance Standards, §101.3041, Performance Standards

Attachments:

[I. Statutory Citations](#) (PDF)

[II. Text of Adopted Amendment to 19 TAC Chapter 101, Assessment, Subchapter CC, Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program, Division 4, Performance Standards, §101.3041, Performance Standards \(including figures\)](#) (PDF)

[III. Summary of Public Comments and Agency Responses](#)

SUMMARY: The rule action presented in this item was filed as adopted with the *Texas Register* under the commissioner's rulemaking authority. This item adopts an amendment to 19 TAC Chapter 101, Assessment, Subchapter CC, Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program, Division 4, Performance Standards, §101.3041, Performance Standards. The adopted amendment establishes a final set of performance standards for the State of Texas Assessments of Academic Readiness (STAAR®) Grades 3-8 and end-of-course (EOC) assessments beginning with the 2016-2017 school year. No changes have been made to the rule or figures since published as proposed.

STATUTORY AUTHORITY: Texas Education Code (TEC), §39.0241(a) and §39.025(a).

TEC, §39.0241(a), authorizes the commissioner to determine the level of performance considered to be satisfactory on the assessment instruments.

TEC, §39.025(a), authorizes the commissioner to adopt rules requiring a student in the foundation high school program under TEC, §28.025, to be administered an end-of-course assessment instrument listed in TEC, §39.023(c), only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under TEC, §39.0241(a), on each end-of-course assessment instrument

administered to the student.

EFFECTIVE DATE: April 16, 2017.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2015, the commissioner of education adopted a standard progression approach for STAAR® performance standards from the 2015-2016 school year through the 2021-2022 school year, increasing performance standards annually toward the final recommended Level II performance standard in the 2021-2022 school year. Given the STAAR® performance results for 2012 through 2016, the commissioner is now modifying the performance labels.

The amendment to 19 TAC §101.3041 modifies Figure: 19 TAC §101.3041(b)(1) and Figure: 19 TAC §101.3041(c)(1) to replace the standard progression phase-in schedule with the final set of standards and labels indicating student performance. The amendment establishes the 2015-2016 STAAR® passing standard as the minimum passing requirement (Approaches Grade Level) and sets the panel-recommended standard as the benchmark indicating a higher level of satisfactory achievement (Meets Grade Level). The Level III performance standard is renamed Masters Grade Level to clearly indicate advanced grade-level performance on a STAAR® assessment and to articulate the relationship between each of the performance levels.

To clarify, TEA has not changed the STAAR® passing standard. Instead, the agency is revising the performance label descriptors to more accurately categorize student performance on the STAAR® assessments. The Approaches Grade Level performance encompasses the entire phase-in score range under the previous standard progression phase-in model. A student performing in this range has passed an assessment and has met any assessment grade promotion or graduation requirements.

The final performance labels and descriptors are as follows.

- Does Not Meet Grade Level. This performance category applies to students scoring below Approaches Grade Level. Students at this level have not passed since performance at this level indicates a student is unlikely to succeed in the next grade or course without significant, ongoing academic intervention. Students in this category do not demonstrate a sufficient understanding of the assessed knowledge and skills.
- Approaches Grade Level. The minimum score needed to meet Approaches Grade Level is the 2016 STAAR® Level II standard. Students at this level have met the assessment requirements for purposes of Student Success Initiative grade promotion and graduation and are considered to have met at least the minimum passing standard. A student achieving Approaches Grade Level is likely to succeed in the next grade or course with targeted academic intervention. Students in this category generally demonstrate the ability to apply the assessed knowledge and skills in familiar contexts.
- Meets Grade Level. The minimum score needed to achieve Meets Grade Level is the STAAR® Panel Recommended passing standard. Students at this performance level have a high likelihood of success in the next grade or course but may still need some short-term, targeted academic intervention. Students in this category generally demonstrate the ability to think critically and apply the assessed knowledge and skills

in familiar contexts. Students who achieve Meets Grade Level on the STAAR® Algebra II and English III assessments are sufficiently prepared for postsecondary success.

- **Masters Grade Level.** Previously known as Advanced. The TEA expects students at Masters Grade Level to succeed in the next grade or course with little or no academic intervention. Students in this category demonstrate the ability to think critically and apply the assessed knowledge and skills in varied contexts, both familiar and unfamiliar. Students taking the STAAR® Algebra II and English III assessments who achieve Masters Grade Level are well prepared for postsecondary success.

For STAAR® EOC testing, since the standard in place when a student first takes an EOC assessment is the standard that is maintained throughout the student's school career, the 2012-2015 phase-in standard for the STAAR® EOC assessments is maintained.

The performance standards and revised labels are effective with the 2016-2017 school year.

No changes have been made to the rule or figures since published as proposed.

FISCAL IMPACT: The Texas Education Agency has determined that there are no additional costs to persons or entities required to comply with the amendment. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required. There is no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

PUBLIC AND STUDENT BENEFIT: Beginning with the 2016-2017 school year, the adopted amendment implements the final Level II STAAR® performance standard for all STAAR® Grades 3-8 and EOC assessments.

PROCEDURAL AND REPORTING IMPLICATIONS: The adopted amendment has no procedural and reporting implications beyond those that apply to all Texas students.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The adopted amendment has no new locally maintained paperwork requirements.

PUBLIC COMMENTS: The public comment period on the proposal began December 9, 2016, and ended January 9, 2017, and included a public hearing held on January 13, 2017. Attachment III reflects a summary of public comments received, including those received at the public hearing, and corresponding agency responses.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Members Responsible:

Penny Schwinn, Deputy Commissioner, Academics

Mariana Vassileva, Deputy Director, Assessment Operations and Administration

For more information, email rules@tea.texas.gov.

