

## **BILL ANALYSIS**

C.S.H.B. 2797  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that some school campuses that only enroll students who receive special education services do not qualify for an alternative accountability plan due to an insufficient number of the students being classified as at-risk. Furthermore, given the significant proportion of students who are unable to respond to traditional assessments, administering the alternative assessments may place an undue burden on teachers, students, and parents of children who have intensive medical needs and make it difficult to evaluate these schools. C.S.H.B. 2797 seeks to address these concerns by providing for the classification of these campuses as specialized support campuses and for the establishment of appropriate accountability guidelines under which these campuses can develop alternative accountability plans.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 2797 amends the Education Code to require the commissioner of education, in consultation with administrators, teachers, parents and guardians of students enrolled at specialized support campuses, and other stakeholders, to establish by rule appropriate accountability guidelines for use by a specialized support campus in developing an alternative accountability plan based on the specific student population served by the campus. The bill requires the commissioner to provide for public notice and comment in adopting the rules. The bill defines "specialized support campus" as a school district campus that:

- has a campus identification number;
- serves students enrolled in any grade level at which state tests are administered; and
- has a student enrollment in which at least 90 percent of students who receive special education services under the statewide special education program and a significant percentage of the students required to take a statewide standardized test:
  - take an alternative statewide standardized test for certain students in a special education program or for a cognitively disabled student; and
  - are unable to provide an authentic academic response on that test.

C.S.H.B. 2797 authorizes a specialized support campus to develop and submit to the commissioner for approval an alternative accountability plan tailored to the student population

served by the campus. The bill authorizes the commissioner to approve the alternative accountability plan only if the plan follows the accountability guidelines established by the commissioner and complies with federal law. The bill requires the commissioner, if the commissioner approves the plan, to determine, report, and consider the performance of students enrolled in the specialized support campus using that plan.

C.S.H.B. 2797 requires the commissioner, not later than December 1, 2022, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over public education a report on the effectiveness of the bill's provisions in evaluating specialized support campuses and any recommendations for legislative or other action.

C.S.H.B. 2797 applies beginning with the 2019-2020 school year and expires September 1, 2023.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2797 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the definition of "specialized support campus" relating to the characteristics of its student population.

The substitute replaces the requirement for the commissioner to adopt appropriate accountability indicators for each specialized support campus with a requirement for the commissioner to establish by rule appropriate accountability guidelines for use by a specialized support campus in developing an alternative accountability plan. The substitute includes a requirement for the commissioner to provide for public notice and comment in adopting the rules.

The substitute includes a provision authorizing a specialized support campus to develop and submit an alternative accountability plan and establishing conditions under which the commissioner may approve such a plan.

The substitute changes the provision requiring the commissioner to determine, report, and consider the performance of students enrolled in a specialized support campus from requiring such action to be conducted separately from the public school district that operates the campus for purposes of measures of annual improvement in student achievement, achievement indicators, and additional performance indicators to requiring such action using the campus's approved alternative accountability plan.

The substitute includes a requirement for the commissioner to submit a report on the effectiveness of the bill in evaluating specialized support campuses and recommendations for legislative and other action.

The substitute includes a provision making the bill expire September 1, 2023.