

BILL ANALYSIS

Senate Research Center

S.B. 906
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Special education students are assessed through the STAAR-Alternate test, which is composed of three complexity levels with Level 1 being reserved for the most significantly cognitively impaired students. Upon recommendations made by Texas Education Agency's (TEA) standards-setting committee, Level 1 performance standards were recently changed so that these students must now attempt some Level 2 assessment tasks in order to pass. This causes students who suffer severe disabilities to automatically fail the STAAR-Alternate test, regardless of their success on Level 1 tasks.

By federal mandate, Adequate Yearly Progress (AYP) standards allow for one percent of the school's total population to take the Level 1 test, known as the one percent cap. Anything above the one percent cap is counted as failing in the school's AYP rating. Therefore, a limit has already been set.

S.B. 906 allows the student's admission, review, and dismissal (ARD) committee to determine the appropriate level of assessment. Should the ARD committee determine that the student should be testing at the lowest level, TEA may not adopt a performance standard that indicates the student will not pass.

As proposed, S.B. 906 amends current law relating to developmentally appropriate assessment of special education students.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 39.023(b), Education Code, to prohibit the Texas Education Agency (TEA) from adopting a performance standard that indicates that a student's performance on the criterion-referenced alternate assessment instrument to be administered to each student in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's admission, review, and dismissal committee.

SECTION 2. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 3. Requires TEA, as soon as practicable after the effective date of this Act, but not later than October 1, 2013, to adopt and implement rules consistent with Section 39.023(b), Education Code, as amended by this Act.

SECTION 4. Effective date: upon passage or September 1, 2013.