

BILL ANALYSIS

Senate Research Center

H.B. 2130
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties would note that there have been several recent major rule changes from the Department of Education that have affected special education student populations with regards to testing. Federal rules dictate that a state must test 95 percent of its overall student population in the public schools. With these recent changes, interested parties would like to see the state evaluate whether there are places for the state to change its policies to achieve better outcomes for students and to have the state's recent testing data evaluated.

H.B. 2130 requires the Texas Education Agency, in conducting the study, to address whether it has determined that the administration of alternate tests to students in a special education program complies with the federal Every Student Succeeds Act. The study will help decide whether administering other state-required tests to students in a special education program will provide an accurate assessment of the academic achievement of the students and cause specified results. Finally, the study is intended to show if making a statutory change exempting students in a special education program from the administration of any statewide standardized test unless the student's parent or guardian requests such administration would impact the statewide assessment program and the extent of any such impact, including any legal impact.

H.B. 2130 amends current law relating to a study conducted by the Texas Education Agency regarding the statewide assessment program in relation to students in special education programs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.02302, as follows:

Sec. 39.02302. STUDY OF STATEWIDE ASSESSMENT PROGRAM IN RELATION TO STUDENTS IN SPECIAL EDUCATION PROGRAMS. (a) Requires the Texas Education Agency (TEA), from funds already appropriated and using data collected by TEA, including data collected during the 2015-2016 and 2017-2018 school years, to conduct a study of the impact of the statewide assessment program on students in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs).

(b) Requires TEA, in conducting the study, to address:

(1) whether TEA has determined that the administration of alternate assessment instruments to students in a special education program under Subchapter A, Chapter 29, as provided by Section 39.023(b) (relating to TEA's requirement to develop or adopt certain assessment instruments) complies with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.);

(2) whether administering state-required assessment instruments, other than assessment instruments developed or adopted under Section 39.023(b), to students in a special education program under Subchapter A, Chapter 29, will provide certain results; and

(3) whether making a statutory change that has the effect of exempting students in a special education program under Subchapter A, Chapter 29, from the administration of an assessment instrument under Section 39.023 (Adoption and Administration of Instruments) unless the student's parent or guardian requests such administration would impact the statewide assessment program and the extent of any such impact, including any legal impact.

(c) Requires TEA, in conducting the study, to identify specific recommendations to improve the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29, including certain recommendations.

(d) Requires TEA, not later than October 1, 2018, to submit a report to each member of the legislature containing TEA's determinations and recommendations under this section.

(e) Requires TEA to publish on TEA's Internet website the report submitted under Subsection (d), all data on which TEA relied to form the basis of TEA's determinations and recommendations, and the methodologies TEA used to conduct the study.

(f) Provides that this section expires January 1, 2019.

SECTION 2. Effective date: upon passage or September 1, 2017.