

## **BILL ANALYSIS**

Senate Research Center

H.B. 1906  
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Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Section 39.03(b), Education Code, requires the Texas Education Agency (TEA) to develop or adopt appropriate alternative assessments for special education students. Many children with significant cognitive disabilities experience extreme challenges and undue stress in taking these alternative assessments. H.B. 1906 seeks to offer relief for these students by allowing parents the opportunity to exempt their children from alternative assessments, with approval by the student's admission, review and dismissal committee. If students are granted an exemption, the commissioner of education, in coordination with stakeholders and parents, must develop an appropriate alternative assessment that would measure progress on the student's goals identified by the individualized education plan.

H.B. 1906 also provides for the designation of "specialized support campuses," which would include campuses in which at least 90 percent of students receive special education services, a significant percentage of students are required to take an alternative assessment and are unable to provide an authentic academic response on that instrument, meaning the student is unable to respond to the test. TEA, in consultation with parents and campus staff, are to develop appropriate accountability guidelines for these campuses and TEA is to report to the governor, lieutenant governor, and speaker of the house of representatives, including the standing legislative committees with primary jurisdiction over public education, a report on the effectiveness of evaluating specialized support campuses and recommendations for future legislative action.

H.B. 1906 amends current law relating to procedures for the alternative assessment of certain public school students that receive special education services and alternative accountability plans for certain campuses serving students that receive special education services.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 and 2 (Sections 39.023 and 39.0547, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.023, Education Code, by adding Subsections (b-2) and (b-3), as follows:

(b-2) Authorizes the parent of or person standing in parental relation to a student with significant cognitive disabilities, notwithstanding Subsection (b) (relating to requiring the Texas Education Agency (TEA) to develop or adopt certain assessment instruments in relation to the special education program), (b-1) (relating to requiring TEA to redevelop certain assessment instruments adopted in relation to the special education program), or any other law, and to the extent consistent with federal law, to request that the student be exempted from the administration of an alternative assessment instrument adopted or developed under Subsection (b) or (b-1). Requires the student's admission, review, and dismissal committee, in consultation with the parent or person standing in parental relation, if a parent or person standing in parental relation makes a request for exemption under this subsection, to determine if the student should be exempted from administration of the alternative assessment instrument. Requires the student, if the student is exempted

from administration of the alternative assessment instrument under this subsection, to be assessed in the applicable subject using the alternative assessment method developed under Subsection (b-3).

(b-3) Requires the commissioner of education (commissioner), in consultation with stakeholders, including parents of and persons standing in parental relation to students with significant cognitive disabilities, to develop for each applicable subject an alternative assessment method for the assessment of students who receive an exemption from the administration of an alternative assessment instrument under Subsection (b-2). Requires the criteria for the assessment method to include progress on the goals identified in the student's individualized education plan. Requires the commissioner to adopt rules necessary to implement this subsection.

SECTION 2. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0547, as follows:

Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a) Defines "specialized support campus" for purposes of section to mean a school district campus that:

- (1) has a campus identification number;
- (2) serves students enrolled in any grade level at which state assessment instruments are administered; and
- (3) has a student enrollment in which:
  - (A) at least 90 percent of students receive special education services under Subchapter A (Special Education Program), Chapter 29; and
  - (B) a significant percentage of the students required to take an assessment instrument under Section 39.023 (Adoption and Administration of Instruments):
    - (i) take an alternative assessment instrument under Section 39.023(b) or (b-1); and
    - (ii) are unable to provide an authentic academic response on that assessment instrument.

(b) Requires the commissioner, in consultation with administrators of specialized support campuses, teachers at specialized support campuses, parents and guardians of students enrolled at specialized support campuses, and other stakeholders, by rule to establish appropriate accountability guidelines under this chapter (Public School System Accountability) for use by a specialized support campus in developing an alternative accountability plan under Subsection (c) based on the specific student population served by the campus. Requires the commissioner to provide for public notice and comment in adopting rules under this subsection.

(c) 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, based on the guidelines established under Subsection (b). Authorizes the commissioner to approve the alternative accountability plan only if the plan:

- (1) follows the guidelines established under Subsection (b); and
- (2) complies with applicable federal law.

(d) Requires the commissioner, if the commissioner approves an alternative accountability plan developed by a specialized support campus under Subsection (c), to determine, report, and consider the performance of students enrolled at the campus using that plan, notwithstanding any other provision of this code.

(e) 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 this section in evaluating specialized support campuses and any recommendations for legislative or other action.

(f) Provides that this section expires September 1, 2023.

SECTION 3. Requires TEA, not later than January 1, 2020, to apply to the United States Department of Education for a waiver of the annual alternate assessment of students with significant cognitive disabilities required under the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION 4. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 5. Effective date: upon passage or September 1, 2019.