

By: Dean

H.B. No. 2802

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of public school assessment
3 instruments and the temporary suspension of certain accountability
4 determinations for public schools in a school year in which public
5 school operations are disrupted as a result of a declared disaster
6 and the requirement to use those assessment instruments as a
7 criterion for promotion or graduation of a public school student.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 SECTION 1. Subchapter B, Chapter 39, Education Code, is
10 amended by adding Section 39.0239 to read as follows:

11 Sec. 39.0239. ADMINISTRATION OF ASSESSMENT INSTRUMENTS AND
12 TEMPORARY SUSPENSION OF CERTAIN ACCOUNTABILITY MEASURES DURING
13 DISASTER. (a) If, during a school year, a statewide disaster
14 declared by the president of the United States under the Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.
16 Section 5121 et seq.) or by the governor under Chapter 418,
17 Government Code, significantly disrupts school district
18 operations, including in-person attendance, in a majority of school
19 districts in this state, the commissioner shall apply to the United
20 States Department of Education for a waiver of the requirement
21 under the Every Student Succeeds Act (20 U.S.C. Section 6301 et
22 seq.) to administer assessment instruments during that school year.

23 (b) If the United States Department of Education fails to
24 grant a waiver requested under Subsection (a), the assessment

1 instruments shall be administered as required under Section 39.023
2 during the applicable school year, but, notwithstanding any other
3 law, the commissioner may not consider the results of the
4 assessment instruments for purposes of:

5 (1) evaluating school district or campus performance
6 under this chapter for the applicable school year, including in
7 determining:

8 (A) the performance rating to assign to each
9 district or campus under Section 39.054; or

10 (B) whether to impose any intervention or
11 sanction authorized by Chapter 39A after the applicable school year
12 on each district or campus; or

13 (2) determining a student's qualification for
14 promotion or graduation.

15 SECTION 2. As soon as practicable after the effective date
16 of this Act, the commissioner of education shall apply to the United
17 States Department of Education for a statewide waiver of the annual
18 assessment of students required under the Every Student Succeeds
19 Act (20 U.S.C. Section 6301 et seq.) for the 2020-2021 school year.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2021.