

By: Burns, Thompson of Brazoria, VanDeaver,
et al.

H.B. No. 579

A BILL TO BE ENTITLED

1 AN ACT
2 relating to procedures for the alternative assessment or exemption
3 from assessment of certain public school students who receive
4 special education services and alternative accountability plans
5 for certain campuses serving students who receive special education
6 services.

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

8 SECTION 1. Section 39.023, Education Code, is amended by
9 adding Subsection (b-2) to read as follows:

10 (b-2) The agency shall ensure that a student receives an
11 accommodation applicable to assessment instruments during the
12 administration of an assessment instrument under this section if
13 that accommodation is specified in the student's:

14 (1) individualized education program created under
15 the Individuals with Disabilities Education Act (20 U.S.C. Section
16 1400 et seq.); or

17 (2) plan created under Section 504, Rehabilitation Act
18 of 1973 (29 U.S.C. Section 794).

19 SECTION 2. Subchapter B, Chapter 39, Education Code, is
20 amended by adding Section 39.02301 to read as follows:

21 Sec. 39.02301. ALTERNATIVE ASSESSMENT OR EXEMPTION FOR
22 CERTAIN STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES. (a)
23 Notwithstanding Section 39.023(b) or (b-1) or any other law, and to
24 the extent consistent with federal law, the parent of or person

1 standing in parental relation to a student with significant
2 cognitive disabilities may request that the student be exempted
3 from the administration of an alternative assessment instrument
4 adopted or developed under Section 39.023(b) or (b-1).

5 (b) If a parent or person standing in parental relation
6 makes a request for exemption under this section, the student's
7 admission, review, and dismissal committee, in consultation with
8 the parent or person standing in parental relation and in
9 compliance with the guidelines adopted under Subsection (c), shall
10 determine if the student should be:

11 (1) administered an alternative assessment instrument
12 under Section 39.023(b) or (b-1);

13 (2) exempted from administration of both alternative
14 assessment instruments described by Subdivision (1) and assessed in
15 the applicable subject using the alternative assessment method
16 developed under Subsection (d); or

17 (3) exempted from the administration of assessment
18 instruments described by Subdivisions (1) and (2).

19 (c) The commissioner shall establish guidelines to assist a
20 student's admission, review, and dismissal committee in making a
21 determination for a student under Subsection (b).

22 (d) The commissioner, in consultation with stakeholders,
23 including parents of and persons standing in parental relation to
24 students with significant cognitive disabilities, shall develop
25 for each applicable subject an alternative assessment method for
26 the assessment of students for whom an exemption is requested from
27 the administration of alternative assessment instruments described

1 by Subsection (b)(1). The criteria for the assessment method must
2 include progress on the goals identified in the student's
3 individualized education plan.

4 (e) The commissioner shall adopt rules necessary to
5 implement this section.

6 SECTION 3. Subchapter C, Chapter 39, Education Code, is
7 amended by adding Section 39.0547 to read as follows:

8 Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a)
9 In this section, "specialized support campus" means a school
10 district campus that:

11 (1) has a campus identification number;

12 (2) serves students enrolled in any grade level at
13 which state assessment instruments are administered; and

14 (3) has a student enrollment in which:

15 (A) at least 90 percent of students receive
16 special education services under Subchapter A, Chapter 29; and

17 (B) a significant percentage of the students
18 required to take an assessment instrument under Section 39.023:

19 (i) take an alternative assessment
20 instrument under Section 39.023(b) or (b-1); and

21 (ii) are unable to provide an authentic
22 academic response on that assessment instrument.

23 (b) The commissioner, in consultation with administrators
24 of specialized support campuses, teachers at specialized support
25 campuses, parents and guardians of students enrolled at specialized
26 support campuses, and other stakeholders, by rule shall establish
27 appropriate accountability guidelines under this chapter for use by

1 a specialized support campus in developing an alternative
2 accountability plan under Subsection (c) based on the specific
3 student population served by the campus. The commissioner shall
4 provide for public notice and comment in adopting rules under this
5 subsection.

6 (c) A specialized support campus may develop and submit to
7 the commissioner for approval an alternative accountability plan
8 tailored to the student population served by the campus, based on
9 the guidelines established under Subsection (b). The commissioner
10 may approve the alternative accountability plan only if the plan:

11 (1) follows the guidelines established under
12 Subsection (b); and

13 (2) complies with applicable federal law.

14 (d) Notwithstanding any other provision of this code, if the
15 commissioner approves an alternative accountability plan developed
16 by a specialized support campus under Subsection (c), the
17 commissioner shall determine, report, and consider the performance
18 of students enrolled at the campus using that plan.

19 (e) Not later than December 1, 2026, the commissioner shall
20 submit to the governor, the lieutenant governor, the speaker of the
21 house of representatives, and the standing legislative committees
22 with primary jurisdiction over public education a report on the
23 effectiveness of this section in evaluating specialized support
24 campuses and any recommendations for legislative or other action.

25 (f) This section expires September 1, 2027.

26 SECTION 4. Not later than January 1, 2024, the Texas
27 Education Agency shall apply to the United States Department of

1 Education for a waiver of the annual alternate assessment of
2 students with significant cognitive disabilities required under
3 the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and
4 the Individuals with Disabilities Education Act (20 U.S.C. Section
5 1400 et seq.).

6 SECTION 5. This Act applies beginning with the 2023-2024
7 school year.

8 SECTION 6. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2023.