

By: Burns

H.B. No. 579

Substitute the following for H.B. No. 579:

By: Buckley

C.S.H.B. No. 579

A BILL TO BE ENTITLED

AN ACT

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

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

8 SECTION 1. Subchapter B, Chapter 39, Education Code, is
9 amended by adding Section 39.02301 to read as follows:

10 Sec. 39.02301. ALTERNATIVE ASSESSMENT OR EXEMPTION FOR
11 CERTAIN STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES. (a)
12 Notwithstanding Section 39.023(b) or (b-1) or any other law, and to
13 the extent consistent with federal law, the parent of or person
14 standing in parental relation to a student with significant
15 cognitive disabilities may request that the student be exempted
16 from the administration of an alternative assessment instrument
17 adopted or developed under Section 39.023(b) or (b-1).

18 (b) If a parent or person standing in parental relation
19 makes a request for exemption under this section, the student's
20 admission, review, and dismissal committee, in consultation with
21 the parent or person standing in parental relation and in
22 compliance with the guidelines adopted under Subsection (c), shall
23 determine if the student should be:

24 (1) administered an alternative assessment instrument

1 under Section 39.023(b) or (b-1);

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

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

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

11 (d) The commissioner, in consultation with stakeholders,
12 including parents of and persons standing in parental relation to
13 students with significant cognitive disabilities, shall develop
14 for each applicable subject an alternative assessment method for
15 the assessment of students for whom an exemption is requested from
16 the administration of alternative assessment instruments described
17 by Subsection (b)(1). The criteria for the assessment method must
18 include progress on the goals identified in the student's
19 individualized education plan.

20 (e) The commissioner shall adopt rules necessary to
21 implement this section.

22 SECTION 2. Subchapter C, Chapter 39, Education Code, is
23 amended by adding Section 39.0547 to read as follows:

24 Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a)
25 In this section, "specialized support campus" means a school
26 district campus that:

27 (1) has a campus identification number;

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

3 (3) has a student enrollment in which:

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

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

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

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

12 (b) The commissioner, in consultation with administrators
13 of specialized support campuses, teachers at specialized support
14 campuses, parents and guardians of students enrolled at specialized
15 support campuses, and other stakeholders, by rule shall establish
16 appropriate accountability guidelines under this chapter for use by
17 a specialized support campus in developing an alternative
18 accountability plan under Subsection (c) based on the specific
19 student population served by the campus. The commissioner shall
20 provide for public notice and comment in adopting rules under this
21 subsection.

22 (c) A specialized support campus may develop and submit to
23 the commissioner for approval an alternative accountability plan
24 tailored to the student population served by the campus, based on
25 the guidelines established under Subsection (b). The commissioner
26 may approve the alternative accountability plan only if the plan:

27 (1) follows the guidelines established under

1 Subsection (b); and

2 (2) complies with applicable federal law.

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

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

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

15 SECTION 3. Not later than January 1, 2024, the Texas
16 Education Agency shall apply to the United States Department of
17 Education for a waiver of the annual alternate assessment of
18 students with significant cognitive disabilities required under
19 the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and
20 the Individuals with Disabilities Education Act (20 U.S.C. Section
21 1400 et seq.).

22 SECTION 4. This Act applies beginning with the 2023-2024
23 school year.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.