

BILL ANALYSIS

Senate Research Center

H.B. 447
By: Hochberg (Zaffirini)
Education
5/19/2003
Engrossed

DIGEST AND PURPOSE

A special education student can be exempted from the Texas Assessment of Knowledge and Skills (TAKS) and given an alternative assessment instrument if the student receives modified instruction in the essential knowledge and skills and the TAKS would not provide an appropriate measure of student achievement. H.B. 447 provides that a special education student must receive modified instruction in the essential knowledge and skills for the assessed subject in order to be assessed with the alternative assessment instrument.

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 Section 39.023(b), Education Code, to require the Texas Education Agency to develop or adopt appropriate criterion-referenced assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, who receives modified instruction in the essential knowledge and skills identified under Section 28.002 for the assessed subject but for whom an assessment instrument adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee. Makes nonsubstantive changes.

SECTION 2. Reenacts Section 39.051(b), Education Code, as amended by Chapters 8, 725, 834, and 1420, Acts of the 77th Legislature, Regular Session 2001, and amends it as follows:

(b) Requires the performance indicators to be based on information that is disaggregated by race, ethnicity, gender, and socioeconomic status and to include the percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed and adopted under Section 39.023 (b). Deletes text requiring the performance indicators to include the percentage of students taking end of course assessment instrument adopted under Section 39.023(d). Makes conforming changes.

SECTION 3. Amends Section 39.075(a), Education Code, to require the commissioner of education (commissioner) to authorize special accreditation investigations to be conducted under certain conditions, including when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through instruments developed or adopted under Section 39.023(b).

SECTION 4. Provides that Sections 1 and 2 apply beginning with the 2003-2004 school year. Provides that Section 3 applies beginning with the 2004-2005 school year.

SECTION 5. Effective date: Provides that Section 3 takes effect September 1, 2004.

Section 1 and 2 take effect upon passage or September 1, 2003.