

BILL ANALYSIS

H.B. 447
By: Hochberg
Public Education
Committee Report (Amended)

BACKGROUND AND PURPOSE

Sppecialeducation students 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. The way the law is currently structured, if a student receives modified instruction in math and the TAKS is not an appropriate measure for the student in math, the student could be assessed with the alternative assessment instrument in reading and social sciences as well. Many are concerned that such decisions should be subject specific. House Bill 447 provides that a special education student 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

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 447 amends the Education Code to provide that a special education student receive modified instruction in the essential knowledge and skills for the assessed subject in order to be assessed with the alternative assessment instrument developed under this Subsection 39.023(b).

The bill reenacts Section 39.051(b) and deletes provisions relating to the percentage of students taking end-of-course assessment instruments adopted under Section 39.023(d). The bill adds the percentage of special education students assessed through the assessment instrument developed or adopted under Section 39.023(b) as an academic excellence indicator.

The bill requires the commissioner of education to authorize special accreditation investigations to be conducted when excessive numbers of special education students are assessed through the assessment instruments developed or adopted under Section 39.023(b).

These provisions apply beginning with the 2003-2004 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee amendment No.1 strikes SECTIONS 4 and 5 which stipulate when the Act applies and the

effective date. The amendment provides that SECTIONS 1 and 2 apply beginning with the 2003-2004 school year and that SECTION 3 applies beginning with the 2004-2005 school year. The amendment provides that SECTION 3 takes effect September 1, 2004 and that SECTIONS 1 and 2 take effect upon passage, or, if the Act does not receive the necessary vote, SECTIONS 1 and 2 take effect September 1, 2003.