

AN ACT

relating to state assessment of academic skills of public school students in special education programs.

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

SECTION 1. Section 39.023(b), Education Code, is amended to read as follows:

(b) The agency shall 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 ~~[the]~~ assessment instrument ~~[instruments]~~ 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. The assessment instruments required under this subsection must assess essential knowledge and skills and growth in the subjects of reading, mathematics, and writing. A student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).

1 SECTION 2. Section 39.051(b), Education Code, as amended by
2 Chapters 8, 725, 834, and 1420, Acts of the 77th Legislature,
3 Regular Session, 2001, is reenacted and amended to read as follows:

4 (b) Performance on the indicators adopted under this
5 section shall be compared to state-established standards. The
6 degree of change from one school year to the next in performance on
7 each indicator adopted under this section shall also be considered.
8 The indicators must be based on information that is disaggregated
9 by race, ethnicity, gender, and socioeconomic status and must
10 include:

11 (1) the results of assessment instruments required
12 under Sections 39.023(a), (c), and (l), aggregated by grade level
13 and subject area;

14 (2) dropout rates, including dropout rates and
15 district completion rates for grade levels 9 through 12;

16 (3) student attendance rates;

17 (4) the percentage of graduating students who attain
18 scores on the secondary exit-level assessment instruments required
19 under Subchapter B that are equivalent to a passing score on the
20 test instrument required under Section 51.306;

21 (5) the percentage of graduating students who meet the
22 course requirements established for the recommended high school
23 program by State Board of Education rule;

24 (6) the results of the Scholastic Assessment Test
25 (SAT), the American College Test (ACT), articulated postsecondary
26 degree programs described by Section 61.852, and certified
27 workforce training programs described by Chapter 311, Labor Code;

1 (7) the percentage of students, aggregated by grade
2 level, provided accelerated instruction under Section 28.0211(c),
3 the results of assessments administered under that section, the
4 percentage of students promoted through the grade placement
5 committee process under Section 28.0211, the subject of the
6 assessment instrument on which each student failed to perform
7 satisfactorily, and the performance of those students in the school
8 year following that promotion on the assessment instruments
9 required under Section 39.023;

10 (8) for students who have failed to perform
11 satisfactorily on an assessment instrument required under Section
12 39.023(a) or (c), the numerical progress of those students on
13 subsequent assessment instruments required under those sections,
14 aggregated by grade level and subject area;

15 ~~[(9) the percentage of students taking end-of-course
16 assessment instruments adopted under Section 39.023(d),]~~

17 (9) the percentage of students exempted, by exemption
18 category, from the assessment program generally applicable under
19 this chapter ~~[subchapter]; [and]~~

20 (10) [(11)] the percentage of students of limited
21 English proficiency exempted from the administration of an
22 assessment instrument under Sections 39.027(a)(3) and (4); and

23 (11) the percentage of students in a special education
24 program under Subchapter A, Chapter 29, assessed through assessment
25 instruments developed or adopted under Section 39.023(b).

26 SECTION 3. Section 39.075(a), Education Code, is amended to
27 read as follows:

1 (a) The commissioner shall authorize special accreditation
2 investigations to be conducted:

3 (1) when excessive numbers of absences of students
4 eligible to be tested on state assessment instruments are
5 determined;

6 (2) when excessive numbers of allowable exemptions
7 from the required state assessment are determined;

8 (3) in response to complaints submitted to the agency
9 with respect to alleged violations of civil rights or other
10 requirements imposed on the state by federal law or court order;

11 (4) in response to established compliance reviews of
12 the district's financial accounting practices and state and federal
13 program requirements;

14 (5) when extraordinary numbers of student placements
15 in alternative education programs, other than placements under
16 Sections 37.006 and 37.007, are determined;

17 (6) in response to an allegation involving a conflict
18 between members of the board of trustees or between the board and
19 the district administration if it appears that the conflict
20 involves a violation of a role or duty of the board members or the
21 administration clearly defined by this code;

22 (7) when excessive numbers of students in special
23 education programs under Subchapter A, Chapter 29, are assessed
24 through assessment instruments developed or adopted under Section
25 39.023(b); or

26 (8) [~~7~~] as the commissioner otherwise determines
27 necessary.

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

4 SECTION 5. Section 3 takes effect September 1, 2004.
5 Sections 1 and 2 take effect immediately if this Act receives a vote
6 of two-thirds of all members elected to each house, as provided by
7 Section 39, Article III, Texas Constitution. If this Act does not
8 receive the vote necessary for immediate effect, Sections 1 and 2
9 take effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 447 was passed by the House on April 25, 2003, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 447 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor