

1-1 By: Hochberg (Senate Sponsor - Zaffirini) H.B. No. 447
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on
1-4 Education; May 22, 2003, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to state assessment of academic skills of public school
1-9 students in special education programs.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 39.023(b), Education Code, is amended to
1-12 read as follows:

1-13 (b) The agency shall develop or adopt appropriate
1-14 criterion-referenced assessment instruments to be administered to
1-15 each student in a special education program under Subchapter A,
1-16 Chapter 29, who receives modified instruction in the essential
1-17 knowledge and skills identified under Section 28.002 for the
1-18 assessed subject but for whom an ~~[the]~~ assessment instrument
1-19 ~~[instruments]~~ adopted under Subsection (a), even with allowable
1-20 modifications, would not provide an appropriate measure of student
1-21 achievement, as determined by the student's admission, review, and
1-22 dismissal committee. The assessment instruments required under
1-23 this subsection must assess essential knowledge and skills and
1-24 growth in the subjects of reading, mathematics, and writing. A
1-25 student's admission, review, and dismissal committee shall
1-26 determine whether any allowable modification is necessary in
1-27 administering to the student an assessment instrument required
1-28 under this subsection. The assessment instruments required under
1-29 this subsection shall be administered on the same schedule as the
1-30 assessment instruments administered under Subsection (a).

1-31 SECTION 2. Section 39.051(b), Education Code, as amended by
1-32 Chapters 8, 725, 834, and 1420, Acts of the 77th Legislature,
1-33 Regular Session, 2001, is reenacted and amended to read as follows:

1-34 (b) Performance on the indicators adopted under this
1-35 section shall be compared to state-established standards. The
1-36 degree of change from one school year to the next in performance on
1-37 each indicator adopted under this section shall also be considered.
1-38 The indicators must be based on information that is disaggregated
1-39 by race, ethnicity, gender, and socioeconomic status and must
1-40 include:

1-41 (1) the results of assessment instruments required
1-42 under Sections 39.023(a), (c), and (l), aggregated by grade level
1-43 and subject area;

1-44 (2) dropout rates, including dropout rates and
1-45 district completion rates for grade levels 9 through 12;

1-46 (3) student attendance rates;

1-47 (4) the percentage of graduating students who attain
1-48 scores on the secondary exit-level assessment instruments required
1-49 under Subchapter B that are equivalent to a passing score on the
1-50 test instrument required under Section 51.306;

1-51 (5) the percentage of graduating students who meet the
1-52 course requirements established for the recommended high school
1-53 program by State Board of Education rule;

1-54 (6) the results of the Scholastic Assessment Test
1-55 (SAT), the American College Test (ACT), articulated postsecondary
1-56 degree programs described by Section 61.852, and certified
1-57 workforce training programs described by Chapter 311, Labor Code;

1-58 (7) the percentage of students, aggregated by grade
1-59 level, provided accelerated instruction under Section 28.0211(c),
1-60 the results of assessments administered under that section, the
1-61 percentage of students promoted through the grade placement
1-62 committee process under Section 28.0211, the subject of the
1-63 assessment instrument on which each student failed to perform
1-64 satisfactorily, and the performance of those students in the school

2-1 year following that promotion on the assessment instruments
2-2 required under Section 39.023;

2-3 (8) for students who have failed to perform
2-4 satisfactorily on an assessment instrument required under Section
2-5 39.023(a) or (c), the numerical progress of those students on
2-6 subsequent assessment instruments required under those sections,
2-7 aggregated by grade level and subject area;

2-8 [~~(9) the percentage of students taking end-of-course~~
2-9 ~~assessment instruments adopted under Section 39.023(d);~~]

2-10 (9) the percentage of students exempted, by exemption
2-11 category, from the assessment program generally applicable under
2-12 this chapter [~~subchapter~~]; ~~and~~

2-13 (10) [~~(11)~~] the percentage of students of limited
2-14 English proficiency exempted from the administration of an
2-15 assessment instrument under Sections 39.027(a)(3) and (4); and

2-16 (11) the percentage of students in a special education
2-17 program under Subchapter A, Chapter 29, assessed through assessment
2-18 instruments developed or adopted under Section 39.023(b).

2-19 SECTION 3. Section 39.075(a), Education Code, is amended to
2-20 read as follows:

2-21 (a) The commissioner shall authorize special accreditation
2-22 investigations to be conducted:

2-23 (1) when excessive numbers of absences of students
2-24 eligible to be tested on state assessment instruments are
2-25 determined;

2-26 (2) when excessive numbers of allowable exemptions
2-27 from the required state assessment are determined;

2-28 (3) in response to complaints submitted to the agency
2-29 with respect to alleged violations of civil rights or other
2-30 requirements imposed on the state by federal law or court order;

2-31 (4) in response to established compliance reviews of
2-32 the district's financial accounting practices and state and federal
2-33 program requirements;

2-34 (5) when extraordinary numbers of student placements
2-35 in alternative education programs, other than placements under
2-36 Sections 37.006 and 37.007, are determined;

2-37 (6) in response to an allegation involving a conflict
2-38 between members of the board of trustees or between the board and
2-39 the district administration if it appears that the conflict
2-40 involves a violation of a role or duty of the board members or the
2-41 administration clearly defined by this code;

2-42 (7) when excessive numbers of students in special
2-43 education programs under Subchapter A, Chapter 29, are assessed
2-44 through assessment instruments developed or adopted under Section
2-45 39.023(b); or

2-46 (8) [~~(7)~~] as the commissioner otherwise determines
2-47 necessary.

2-48 SECTION 4. Sections 1 and 2 apply beginning with the
2-49 2003-2004 school year. Section 3 applies beginning with the
2-50 2004-2005 school year.

2-51 SECTION 5. Section 3 takes effect September 1, 2004.
2-52 Sections 1 and 2 take effect immediately if this Act receives a vote
2-53 of two-thirds of all members elected to each house, as provided by
2-54 Section 39, Article III, Texas Constitution. If this Act does not
2-55 receive the vote necessary for immediate effect, Sections 1 and 2
2-56 take effect September 1, 2003.

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