

AN ACT

relating to developmentally appropriate assessment of special education students.

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

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

(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee. The agency may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's admission, review, and dismissal committee.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. As soon as practicable after the effective date of this Act, but not later than October 1, 2013, the Texas Education Agency shall adopt and implement rules consistent with Subsection

1 (b), Section 39.023, Education Code, as amended by this Act.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 906 passed the Senate on
April 25, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 906 passed the House on
May 22, 2013, by the following vote: Yeas 148, Nays 0, two
present not voting.

Chief Clerk of the House

Approved:

Date

Governor