

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB866 by Huberty (Relating to the administration to public school students in certain grades of state-administered assessment instruments.), **As Passed 2nd House**

The fiscal implications of the bill cannot be determined at this time because conditions established in the bill required for the bill to take effect have not been met; and it is not known at this time whether or when those conditions may be met in the future.

The bill would make state assessments optional for students in grades 4, 6, and 7 who achieve a score equal to or greater than the minimum satisfactory adjusted scale score for that assessment in grades 3, 5, and 6. The bill would require that students who do not meet the minimum satisfactory adjusted scale score requirement on any assessments in grades 3 through 7 and who are promoted to the next grade be assessed in those subjects in the following grade.

The bill would allow school districts and charter schools to assess students who meet the exemption requirements for assessments in grades 4, 6, and 7 at their discretion and would require the Texas Education Agency to provide all the support provided for mandatory assessments.

The bill would require the Commissioner of Education to seek federal waivers in any case in which the provisions of the bill violate requirements of federal law.

The bill would take effect on any date not later than September 1, 2015, on which the Commissioner of Education obtains any necessary waiver application of federal law or regulation conflicting with the bill, or receives written notification from the United States Department of Education that a waiver is not required.

The bill would apply beginning with the first school year after the effective date of the bill.

The bill would revert back to current law beginning in fiscal year 2018.

The fiscal implications of this bill cannot be determined at this time because it is unknown whether the United States Department of Education would issue a waiver of the federal law or regulation conflicting with the bill, or notification that a waiver is not required.

If a waiver or notification that a waiver is not required is received, there would be an estimated General Revenue savings to the state of \$6.1 million in the first fiscal year following the waiver or notification receipt, \$4.1 million General Revenue savings in the second year, and \$5.4 million General Revenue savings in subsequent years.

If no such waiver or notification is received, the bill would not take effect; therefore there would be no fiscal impact to the state.

Local Government Impact

If the bill were to take effect, school districts could experience savings associated with reduced assessments. Savings would vary depending on the number of students scoring at levels required for exemption and the degree to which school districts opt not to assess students on a discretionary basis.

Source Agencies: 701 Central Education Agency

LBB Staff: UP, JBi, JSc, AH