

BILL ANALYSIS

Senate Research Center
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H.B. 657
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns that, even if a special education student shows growth as measured by the student's individualized education program (IEP), the student's performance on a statewide standardized test may result in the student not being promoted to the next grade level. This increases the likelihood that the student will drop out. H.B. 657 seeks to prevent unnecessary re-testing and reduce the grade retention and dropout rates for special education students by authorizing the admission, review, and dismissal (ARD) committee of a student enrolled in a special education program who fails to perform satisfactorily on certain tests to decide if progress toward the measurable academic goals in the student's IEP serves as justification for promotion in fifth and eighth grades.

Currently, due to a federal mandate, special education students must be tested on grade level curriculum. Exceptions include students with significant cognitive disabilities, the majority of special education students are tested on STAAR A, which only allow for a limited list of accommodations. Therefore, even when a student, who may be reading at a lower grade level, makes significant progress during the year fails to reach proficiency, if a students' teacher or parent does not request an ARD meeting, the student may have to sit through two rounds of retesting. Many districts already convene an ARD meeting if a special education student does not reach proficiency. They recognize that the ARD committee should be the decision-making authority when it comes to testing participation, accelerated instruction, and grade promotion. In fact, this process is already a documented option in the Texas Education Agency Student Success Initiative Manual. H.B. 657 ensures that vital education decisions for all special education students are made by the ARD committee and not a test score.

H.B. 657 amends current law relating to procedures for a student enrolled in a special education program who fails to perform satisfactorily on certain assessment instruments.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.0211, Education Code, by amending Subsection (i) and adding Subsections (i-1) and (i-2), as follows:

- (i) Requires that the admission, review, and dismissal (ARD) committee of a student who participates in a district's special education program under Subchapter A (Essential Knowledge and Skills; Curriculum), rather than Chapter B (Bilingual Education and Special Language Programs), Chapter 29 (Educational Programs), and who does not perform satisfactorily on a certain assessment instrument to meet before the student is administered the assessment instrument for the second time. Requires the ARD committee to determine whether the student will be promoted in accordance with Subsection (i-1) or retained under this section (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction), rather than promoted or retained under this section.

(i-1) Authorizes the ARD committee, at a meeting of the ARD committee of a student under Subsection (i), to promote the student to the next grade level if the ARD committee concludes that the student has made sufficient progress in the measurable academic goals contained in the student's individualized education program developed under Section 29.005 (Individualized Education Program). Provides that a school district that promotes a student under this subsection is not required to provide an additional opportunity for the student to perform satisfactorily on the assessment instrument.

(i-2) Requires a school district, not later than September 1 of each school year, to notify the parent or person standing in parental relation to a student enrolled in the district's special education program under Subchapter A, Chapter 29, of the options of the ARD committee under Subsections (i) and (i-1) if the student does not perform satisfactorily on an assessment instrument.

SECTION 2. Effective date: upon passage or September 1, 2017.