

BILL ANALYSIS

C.S.H.B. 657
By: Bernal
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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, which increases the likelihood that the student will drop out. C.S.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 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 grades 5 and 8.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 657 amends the Education Code to require the admission, review, and dismissal committee of a student who participates in a public school district's special education program and who does not perform satisfactorily on a statewide standardized test to meet before the student is administered the test for the second time. The bill authorizes the committee at the meeting to promote the student to the next grade level if the committee concludes that the student has made sufficient progress in the measurable academic goals contained in the student's individualized education program and establishes that a school district that promotes a student in this manner is not required to provide an additional opportunity for the student to perform satisfactorily on the test.

C.S.H.B. 657 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 of the options of the admission, review, and dismissal committee if the student does not perform satisfactorily on a test.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 657 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

(i) The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter A [B], Chapter 29, and who does not perform satisfactorily on an assessment instrument specified under Subsection (a) and administered under Section 39.023(a) or (b) must set a meeting date not later than five days after the date the district receives the results of the assessment instrument and must meet before the student is administered the assessment instrument for the second time. The committee shall determine:

(1) the manner in which the student will participate in an accelerated instruction program under this section; and

(2) whether the student will be promoted in accordance with Subsection (i-1) or retained under this section.

(i-1) At a meeting of the admission, review, and dismissal committee of a student under Subsection (i), the committee may promote the student to the next grade level if the 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. 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) Not later than September 1 of each school year, a school district must 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 admission, review, and dismissal committee under Subsections (i) and (i-1) if the student does not perform satisfactorily on an assessment instrument.

HOUSE COMMITTEE SUBSTITUTE

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

(i) The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter A [B], Chapter 29, and who does not perform satisfactorily on an assessment instrument specified under Subsection (a) and administered under Section 39.023(a) or (b)

must meet before the student is administered the assessment instrument for the second time. The committee shall determine:

(1) the manner in which the student will participate in an accelerated instruction program under this section; and

(2) whether the student will be promoted in accordance with Subsection (i-1) or retained under this section.

(i-1) At a meeting of the admission, review, and dismissal committee of a student under Subsection (i), the committee may promote the student to the next grade level if the 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. 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) Not later than September 1 of each school year, a school district must 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 admission, review, and dismissal committee under Subsections (i) and (i-1) if the student does not perform satisfactorily on an assessment instrument.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 2. Same as introduced version.