

BILL ANALYSIS

C.S.H.B. 2130
By: Roberts
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the state needs to evaluate whether its statewide testing policies should be changed to achieve better outcomes for students in special education programs. C.S.H.B. 2130 seeks to address this issue by requiring the Texas Education Agency to conduct a study of the impact of the statewide assessment program on students in special education programs.

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. 2130 amends the Education Code to require the Texas Education Agency (TEA), using data collected by TEA, including data collected during the 2015-2016 and 2017-2018 school years, and from funds already appropriated, to conduct a study of the impact of the statewide assessment program on students in a special education program. The bill requires TEA, in conducting the study, to address whether TEA has determined that the administration of alternate tests to students in a special education program complies with the federal Every Student Succeeds Act, whether administering other state-required tests to students in a special education program will provide an accurate assessment of the academic achievement of the students and cause specified results, and whether making a statutory change that has the effect of exempting students in a special education program from the administration of any statewide standardized test unless the student's parent or guardian requests such administration would impact the statewide assessment program and the extent of any such impact, including any legal impact. The bill requires TEA, in conducting the study, to identify specific recommendations to improve the impact of the statewide assessment program on students in a special education program and requires TEA to submit, not later than October 1, 2018, a report to each member of the legislature containing the determinations and recommendations under the bill's provisions. The bill requires TEA to publish on the TEA website the submitted report, all data on which TEA relied to form the basis of its determinations and recommendations, and the methodologies TEA used to conduct the study. The bill's provisions expire January 1, 2019.

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. 2130 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. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02302 to read as follows:

Sec. 39.02302. STUDY OF IMPACT OF STATEWIDE ASSESSMENT PROGRAM ON STUDENTS IN SPECIAL EDUCATION PROGRAMS. (a) The agency shall conduct a study of the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29.

(b) In conducting the study, the agency shall address:

(1) whether the agency has determined that the administration of alternate assessment instruments to students in a special education program under Subchapter A, Chapter 29, as provided by Section 39.023(b) complies with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.); and

(2) whether administering state-required assessment instruments, other than assessment instruments developed or adopted under Section 39.023(b), to students in a special education program under Subchapter A, Chapter 29, will:

(A) provide an accurate assessment of the academic achievement of the students;

(B) result in the administration of assessment instruments that are inappropriate for the educational capacity of the students; and

(C) result in an increase of grade-level regression for the students.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02302 to read as follows:

Sec. 39.02302. STUDY OF STATEWIDE ASSESSMENT PROGRAM IN RELATION TO STUDENTS IN SPECIAL EDUCATION PROGRAMS. (a) Using data collected by the agency, including data collected during the 2015-2016 and 2017-2018 school years, the agency, from funds already appropriated, shall conduct a study of the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29.

(b) In conducting the study, the agency shall address:

(1) whether the agency has determined that the administration of alternate assessment instruments to students in a special education program under Subchapter A, Chapter 29, as provided by Section 39.023(b) complies with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.);

(2) whether administering state-required assessment instruments, other than assessment instruments developed or adopted under Section 39.023(b), to students in a special education program under Subchapter A, Chapter 29, will:

(A) provide an accurate assessment of the academic achievement of the students;

(B) result in the administration of assessment instruments that are inappropriate for the educational capacity of the students;

(C) result in a decrease in the number of students promoted to the next grade level;

(D) result in a decrease in graduation rates for the students;

(E) result in fewer opportunities to pursue higher education options;

(F) result in fewer opportunities for competitive integrated employment for the students; and

(c) In conducting the study the agency shall identify specific recommendations to improve the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29, including recommendations for areas for improvement in:

(1) any reforms or changes with respect to contracting with assessment instrument vendors;

(2) any changes to rules adopted by the State Board of Education or the commissioner relating to the development, adoption, or administration of assessment instruments; and

(3) any statutory changes to this code relating to the development, adoption, or administration of assessment instruments.

(d) Not later than October 1, 2018, the agency shall submit a report to each member of the legislature containing the agency's determinations and recommendations under this section.

(G) result in any other:

(i) restrictions on the students;

(ii) alternative placements for the students;
or

(iii) limitations on the advancement of the students; and

(3) whether making a statutory change that has the effect of exempting students in a special education program under Subchapter A, Chapter 29, from the administration of an assessment instrument under Section 39.023 unless the student's parent or guardian requests such administration would impact the statewide assessment program and the extent of any such impact, including any legal impact.

(c) In conducting the study, the agency shall identify specific recommendations to improve the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29, including recommendations for:

(1) any reforms or changes with respect to contracting with assessment instrument vendors;

(2) any reforms or changes with respect to improving student grade-level promotion rates and student graduation rates;

(3) any reforms or changes with respect to developing allowable accommodations and applying principles of universal design for students during the administration of assessment instruments;

(4) any changes to rules adopted by the State Board of Education or the commissioner relating to the development, adoption, or administration of assessment instruments;

(5) any statutory changes to this code relating to the development, adoption, or administration of assessment instruments; and

(6) any additional reforms or changes based on the results of the study.

(d) Not later than October 1, 2018, the agency shall submit a report to each member of the legislature containing the agency's determinations and recommendations under this section.

(e) The agency shall publish on the agency's Internet website the report submitted under Subsection (d), all data on which the agency relied to form the basis of the agency's determinations and recommendations, and

the methodologies the agency used to conduct the study.

(e) This section expires January 1, 2019.

(f) This section expires January 1, 2019.

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.