

By: Bernal, Guillen, Burns

H.B. No. 657

A BILL TO BE ENTITLED

AN ACT

relating to procedures for a student enrolled in a special education program who fails to perform satisfactorily on certain assessment instruments.

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

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

1 individualized education program developed under Section 29.005. A
2 school district that promotes a student under this subsection is
3 not required to provide an additional opportunity for the student
4 to perform satisfactorily on the assessment instrument.

5 (i-2) Not later than September 1 of each school year, a
6 school district must notify the parent or person standing in
7 parental relation to a student enrolled in the district's special
8 education program under Subchapter A, Chapter 29, of the options of
9 the admission, review, and dismissal committee under Subsections
10 (i) and (i-1) if the student does not perform satisfactorily on an
11 assessment instrument.

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