

1-1 By: Roberts, et al. (Senate Sponsor - Menéndez) H.B. No. 2130  
 1-2 (In the Senate - Received from the House May 5, 2017;  
 1-3 May 5, 2017, read first time and referred to Committee on  
 1-4 Education; May 16, 2017, reported favorably by the following vote:  
 1-5 Yeas 11, Nays 0; May 16, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to a study conducted by the Texas Education Agency  
 1-22 regarding the statewide assessment program in relation to students  
 1-23 in special education programs.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 39, Education Code, is  
 1-26 amended by adding Section 39.02302 to read as follows:

1-27 Sec. 39.02302. STUDY OF STATEWIDE ASSESSMENT PROGRAM IN  
 1-28 RELATION TO STUDENTS IN SPECIAL EDUCATION PROGRAMS. (a) Using data  
 1-29 collected by the agency, including data collected during the  
 1-30 2015-2016 and 2017-2018 school years, the agency, from funds  
 1-31 already appropriated, shall conduct a study of the impact of the  
 1-32 statewide assessment program on students in a special education  
 1-33 program under Subchapter A, Chapter 29.

1-34 (b) In conducting the study, the agency shall address:

1-35 (1) whether the agency has determined that the  
 1-36 administration of alternate assessment instruments to students in a  
 1-37 special education program under Subchapter A, Chapter 29, as  
 1-38 provided by Section 39.023(b) complies with the Every Student  
 1-39 Succeeds Act (20 U.S.C. Section 6301 et seq.);

1-40 (2) whether administering state-required assessment  
 1-41 instruments, other than assessment instruments developed or  
 1-42 adopted under Section 39.023(b), to students in a special education  
 1-43 program under Subchapter A, Chapter 29, will:

1-44 (A) provide an accurate assessment of the  
 1-45 academic achievement of the students;

1-46 (B) result in the administration of assessment  
 1-47 instruments that are inappropriate for the educational capacity of  
 1-48 the students;

1-49 (C) result in a decrease in the number of  
 1-50 students promoted to the next grade level;

1-51 (D) result in a decrease in graduation rates for  
 1-52 the students;

1-53 (E) result in fewer opportunities to pursue  
 1-54 higher education options;

1-55 (F) result in fewer opportunities for  
 1-56 competitive integrated employment for the students; and

1-57 (G) result in any other:

1-58 (i) restrictions on the students;

1-59 (ii) alternative placements for the  
 1-60 students; or

1-61 (iii) limitations on the advancement of the

2-1 students; and  
2-2 (3) whether making a statutory change that has the  
2-3 effect of exempting students in a special education program under  
2-4 Subchapter A, Chapter 29, from the administration of an assessment  
2-5 instrument under Section 39.023 unless the student's parent or  
2-6 guardian requests such administration would impact the statewide  
2-7 assessment program and the extent of any such impact, including any  
2-8 legal impact.

2-9 (c) In conducting the study, the agency shall identify  
2-10 specific recommendations to improve the impact of the statewide  
2-11 assessment program on students in a special education program under  
2-12 Subchapter A, Chapter 29, including recommendations for:

2-13 (1) any reforms or changes with respect to contracting  
2-14 with assessment instrument vendors;

2-15 (2) any reforms or changes with respect to improving  
2-16 student grade-level promotion rates and student graduation rates;

2-17 (3) any reforms or changes with respect to developing  
2-18 allowable accommodations and applying principles of universal  
2-19 design for students during the administration of assessment  
2-20 instruments;

2-21 (4) any changes to rules adopted by the State Board of  
2-22 Education or the commissioner relating to the development,  
2-23 adoption, or administration of assessment instruments;

2-24 (5) any statutory changes to this code relating to the  
2-25 development, adoption, or administration of assessment  
2-26 instruments; and

2-27 (6) any additional reforms or changes based on the  
2-28 results of the study.

2-29 (d) Not later than October 1, 2018, the agency shall submit  
2-30 a report to each member of the legislature containing the agency's  
2-31 determinations and recommendations under this section.

2-32 (e) The agency shall publish on the agency's Internet  
2-33 website the report submitted under Subsection (d), all data on  
2-34 which the agency relied to form the basis of the agency's  
2-35 determinations and recommendations, and the methodologies the  
2-36 agency used to conduct the study.

2-37 (f) This section expires January 1, 2019.

2-38 SECTION 2. This Act takes effect immediately if it receives  
2-39 a vote of two-thirds of all the members elected to each house, as  
2-40 provided by Section 39, Article III, Texas Constitution. If this  
2-41 Act does not receive the vote necessary for immediate effect, this  
2-42 Act takes effect September 1, 2017.

2-43 \* \* \* \* \*