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HOUSE OF REPRESENTATIVES

*D. Wayne Burns*

*Carla A. Injor*

FLOOR AMENDMENT NO. \_\_\_\_\_

BY:

1 Amend H.B. 1906 (house committee printing) by striking all  
2 below the enacting clause and substituting the following:

3 SECTION 1. Section 39.023, Education Code, is amended by  
4 adding Subsections (b-2) and (b-3) to read as follows:

5 (b-2) Notwithstanding Subsection (b), (b-1), or any other  
6 law, and to the extent consistent with federal law, the parent of or  
7 person standing in parental relation to a student with significant  
8 cognitive disabilities may request that the student be exempted  
9 from the administration of an alternative assessment instrument  
10 adopted or developed under Subsection (b) or (b-1). If a parent or  
11 person standing in parental relation makes a request for exemption  
12 under this subsection, the student's admission, review, and  
13 dismissal committee, in consultation with the parent or person  
14 standing in parental relation, shall determine if the student  
15 should be exempted from administration of the alternative  
16 assessment instrument. If the student is exempted from  
17 administration of the alternative assessment instrument under this  
18 subsection, the student must be assessed in the applicable subject  
19 using the alternative assessment method developed under Subsection  
20 (b-3).

21 (b-3) The commissioner, in consultation with stakeholders,  
22 including parents of and persons standing in parental relation to  
23 students with significant cognitive disabilities, shall develop  
24 for each applicable subject an alternative assessment method for  
25 the assessment of students who receive an exemption from the  
26 administration of an alternative assessment instrument under  
27 Subsection (b-2). The criteria for the assessment method must  
28 include progress on the goals identified in the student's  
29 individualized education plan. The commissioner shall adopt rules

1 necessary to implement this subsection.

2 SECTION 2. Subchapter C, Chapter 39, Education Code, is  
3 amended by adding Section 39.0547 to read as follows:

4 Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a)  
5 In this section, "specialized support campus" means a school  
6 district campus that:

7 (1) has a campus identification number;

8 (2) serves students enrolled in any grade level at  
9 which state assessment instruments are administered; and

10 (3) has a student enrollment in which:

11 (A) at least 90 percent of students receive  
12 special education services under Subchapter A, Chapter 29; and

13 (B) a significant percentage of the students  
14 required to take an assessment instrument under Section 39.023:

15 (i) take an alternative assessment  
16 instrument under Section 39.023(b) or (b-1); and

17 (ii) are unable to provide an authentic  
18 academic response on that assessment instrument.

19 (b) The commissioner, in consultation with administrators  
20 of specialized support campuses, teachers at specialized support  
21 campuses, parents and guardians of students enrolled at specialized  
22 support campuses, and other stakeholders, by rule shall establish  
23 appropriate accountability guidelines under this chapter for use by  
24 a specialized support campus in developing an alternative  
25 accountability plan under Subsection (c) based on the specific  
26 student population served by the campus. The commissioner shall  
27 provide for public notice and comment in adopting rules under this  
28 subsection.

29 (c) A specialized support campus may develop and submit to  
30 the commissioner for approval an alternative accountability plan  
31 tailored to the student population served by the campus, based on

1 the guidelines established under Subsection (b). The commissioner  
2 may approve the alternative accountability plan only if the plan:

3 (1) follows the guidelines established under  
4 Subsection (b); and

5 (2) complies with applicable federal law.

6 (d) Notwithstanding any other provision of this code, if the  
7 commissioner approves an alternative accountability plan developed  
8 by a specialized support campus under Subsection (c), the  
9 commissioner shall determine, report, and consider the performance  
10 of students enrolled at the campus using that plan.

11 (e) Not later than December 1, 2022, the commissioner shall  
12 submit to the governor, the lieutenant governor, the speaker of the  
13 house of representatives, and the standing legislative committees  
14 with primary jurisdiction over public education a report on the  
15 effectiveness of this section in evaluating specialized support  
16 campuses and any recommendations for legislative or other action.

17 (f) This section expires September 1, 2023.

18 SECTION 3. Not later than January 1, 2020, the Texas  
19 Education Agency shall apply to the United States Department of  
20 Education for a waiver of the annual alternate assessment of  
21 students with significant cognitive disabilities required under  
22 the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and  
23 the Individuals with Disabilities Education Act (20 U.S.C. Section  
24 1400 et seq.).

25 SECTION 4. This Act applies beginning with the 2019-2020  
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives  
28 a vote of two-thirds of all the members elected to each house, as  
29 provided by Section 39, Article III, Texas Constitution. If this  
30 Act does not receive the vote necessary for immediate effect, this  
31 Act takes effect September 1, 2019.