

By: Burns

H.B. No. 1906

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an exemption from or federal waiver of the annual  
3 assessment requirements for public school students with  
4 significant cognitive disabilities.

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

6 SECTION 1. Section 39.023, Education Code, is amended by  
7 adding Subsection (b-2) to read as follows:

8 (b-2) Notwithstanding Subsection (b), (b-1), or any other  
9 law, and to the extent consistent with federal law, the parent of or  
10 person standing in parental relation to a significantly cognitively  
11 disabled student may request that the student be exempted from the  
12 administration of an alternative assessment instrument adopted or  
13 developed under Subsection (b) or (b-1). If a parent or person  
14 standing in parental relation makes a request for exemption under  
15 this subsection, the student's admission, review, and dismissal  
16 committee, in consultation with the parent or person standing in  
17 parental relation, shall determine:

18 (1) if the student should be exempted from  
19 administration of the alternative assessment instrument; and

20 (2) if the student is exempted from administration of  
21 the alternative assessment instrument, whether another appropriate  
22 method to assess the student's progress is available.

23 SECTION 2. Not later than January 1, 2020, the Texas  
24 Education Agency shall apply to the United States Department of

1 Education for a waiver of the annual alternate assessment of  
2 students with significant cognitive disabilities required under  
3 the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and  
4 the Individuals with Disabilities Education Act (20 U.S.C. Section  
5 1400 et seq.).

6 SECTION 3. This Act applies beginning with the 2019-2020  
7 school year.

8 SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2019.