

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 15, 2019**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1906** by Burns (Relating to procedures for the alternative assessment of certain public school students that receive special education services and alternative accountability plans for certain campuses serving students that receive special education services.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1906, As Engrossed: a negative impact of (\$17,775,674) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$11,089,837)
2021	(\$6,685,837)
2022	(\$6,685,837)
2023	(\$6,685,837)
2024	(\$6,685,837)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>	<b>Change in Number of State Employees from FY 2019</b>
2020	(\$11,089,837)	1.0
2021	(\$6,685,837)	1.0
2022	(\$6,685,837)	1.0
2023	(\$6,685,837)	1.0
2024	(\$6,685,837)	1.0

**Fiscal Analysis**

The bill would authorize, to the extent allowed under federal law, the parent or guardian of a

student with significant cognitive disabilities to request that the student be exempted from the administration of alternative assessment instruments. The student's admission, review and dismissal committee, in consultation with the parent or guardian, would make the determination as to whether the student should be exempted. If the student is exempted, the student would be required to be assessed using an alternative assessment for students with significant cognitive disabilities, which would be established by the bill. The bill would require the Commissioner of Education, in conjunction with parents and other stakeholders, to develop alternative assessments for students with significant cognitive disabilities who receive this exemption. The Texas Education Agency (TEA) would be required to apply for a federal waiver to allow for the implementation of these provisions.

The bill would also establish an alternative accountability and assessment method for campuses with a student enrollment in which at least 90 percent of the students receive special education services, a significant percentage of students take an alternative assessment, and a significant percentage of students are unable to provide an authentic academic response on the assessment. The Commissioner would be required to adopt appropriate accountability indicators for such a campus, in consultation with stakeholders.

The Commissioner would be required to issue a report to the Governor and the Legislature by December 1, 2022 related to the evaluation of specialty support campuses.

The bill would take effect beginning with the 2019-2020 school year. The bill would take immediate effect if it receives a two-thirds vote in each house of the Legislature. Otherwise, the bill would take effect September 1, 2019.

### **Methodology**

According to TEA, the agency would be required to develop alternatives for 22 assessments. At a cost of \$500,000 per assessment, the cost to develop assessments would total \$11.0 million in fiscal year 2020. Maintaining the assessments would cost \$300,000 for each assessment, for a cost of \$6.6 million per year in subsequent years.

TEA would require one Program Specialist V to assist with the implementation of provisions related to the alternative accountability and assessment method for specialty support campuses. Costs associated with this FTE, including salary, benefits, and other expenses, would total \$175,674 in the 2020-2021 biennium.

### **Local Government Impact**

School districts could see increased costs related to evaluating requests from parents who seek to have their children exempted from assessments. School districts that have a specialized support campus could see some increased costs related to the process of working with TEA to formulate the secondary accountability measures that are described in the bill.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** WP, HL, AM, THo