

Amend CSHB 764 (house committee report) as follows:

(1) On page 13, line 3, strike "(h-1)" and substitute "(b-2), (b-3), (h-1),".

(2) On page 13, between lines 25 and 26, insert the following:

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

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

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

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

Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a) In this section, "specialized support campus" means a school

district campus that:

(1) has a campus identification number;

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

(3) has a student enrollment in which:

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

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

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

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

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

(c) A specialized support campus may develop and submit to the commissioner for approval an alternative accountability plan tailored to the student population served by the campus, based on the guidelines established under Subsection (b). The commissioner may approve the alternative accountability plan only if the plan:

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

(2) complies with applicable federal law.

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

(e) Not later than December 1, 2024, the commissioner shall

submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over public education a report on the effectiveness of this section in evaluating specialized support campuses and any recommendations for legislative or other action.

(f) This section expires September 1, 2025.

SECTION _____. Not later than January 1, 2022, the Texas Education Agency shall apply to the United States Department of Education for a waiver of the annual alternate assessment of students with significant cognitive disabilities required under the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).