

BILL ANALYSIS

H.B. 742
By: Burns
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties suggest that certain assessments administered to students with significant cognitive disabilities in special education programs fail to benefit these students and are an inefficient use of time and resources. H.B. 742 seeks to address this issue by requiring the Texas Education Agency to apply for a federal waiver to exempt these students from certain annual assessment requirements imposed by federal law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 1 and 2 of this bill.

ANALYSIS

H.B. 742 amends the Education Code to authorize the parent of or person standing in parental relation to a student with significant cognitive disabilities to request that the student be exempted from the administration of an applicable alternative statewide standardized test. The bill requires the student's admission, review, and dismissal committee to determine, in consultation with the parent or person standing in parental relation, whether the student should receive an exemption. The bill requires the commissioner of education, in consultation with stakeholders, to develop for each applicable subject an alternative assessment method for students who receive such an exemption, requires the criteria for the assessment method to include progress on the goals identified in the student's individualized education plan, and requires the commissioner to adopt rules necessary to implement these requirements. A student who receives an exemption must be assessed in the applicable subject using the alternative assessment method developed by the commissioner.

H.B. 742 requires the commissioner, by rule and in consultation with stakeholders, to establish appropriate accountability guidelines for use by a specialized support campus, as defined by the bill, and requires the commissioner to provide for public notice and comment in adopting those rules. The bill authorizes a specialized support campus to develop an alternative accountability plan based on the guidelines and tailored to the student population served by the campus. The bill makes the commissioner's approval of the plan contingent on its compliance with the guidelines and applicable federal law and requires the commissioner, if the plan is approved, to determine, report, and consider the performance of students enrolled at the campus using that plan. The bill requires the commissioner, not later than December 1, 2024, to submit a report on the effectiveness of these provisions and any recommendations for legislative or other action to the governor, the lieutenant governor, the speaker of the house of representatives, and the

standing legislative committees with primary jurisdiction over public education. These provisions expire September 1, 2025.

H.B. 742 defines "specialized support campus" as a district campus that meets the following criteria:

- has a campus identification number;
- serves students enrolled in any grade level at which state tests are administered; and
- has a student enrollment with these characteristics:
 - at least 90 percent of students receive special education services; and
 - a significant percentage of the students required to take a statewide standardized test take an alternative test for special education students or for significantly cognitively disabled students and are unable to provide an authentic academic response on that test.

H.B. 742 requires the Texas Education Agency, not later than January 1, 2022, to apply to the U.S. Department of Education for a waiver of the annual alternate assessment of students with significant cognitive disabilities required under the federal Every Student Succeeds Act and the federal Individuals with Disabilities Education Act. The bill applies beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.