

## **BILL ANALYSIS**

H.B. 2802  
By: Dean  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted with concern that the COVID-19 pandemic has significantly disrupted the 2019-2020 and 2020-2021 academic school years across the country. These disruptions call into question the usefulness and feasibility of statewide standardized testing requirements as well as concerns about the costs of administering these tests in the current academic environment. H.B. 2802 seeks to address these concerns by mandating that the commissioner of education apply to the U.S. Department of Education for a waiver from federal testing requirements during any school year in which a disaster has been declared by the president or by the governor.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2802 amends the Education Code to require the commissioner of education, as soon as practicable after the bill's effective date, to apply to the U.S. Department of Education for a statewide waiver from the requirement to administer tests to students under the federal Every Student Succeeds Act for the 2020-2021 school year. The bill provides the following:

- if a statewide disaster declared by the president of the United States under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act or by the governor under the Texas Disaster Act of 1975 significantly disrupts public school district operations during the school year, including in-person attendance, in a majority of districts in Texas, the commissioner must apply to the U.S. Department of Education for a waiver of the requirement under the federal Every Student Succeeds Act to administer tests during that school year; and
- if the U.S. Department of Education fails to grant such a waiver, statewide standardized tests must be administered but the commissioner may not consider the test results for the following purposes:
  - evaluating school district or campus performance for the applicable school year, including in determining the performance rating to assign to each district or campus or whether to impose any intervention or sanction authorized by related statutory provisions after the applicable school year on each district or campus; or
  - determining a student's qualification for promotion or graduation.

### **EFFECTIVE DATE**

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