87R9195 MM-D

By:  Vasut H.B. No. 3092

A BILL TO BE ENTITLED

AN ACT

relating to measures to mitigate the effects of the COVID-19 pandemic on public schools during the 2020-2021 school year, including the administration of public school assessment instruments and the temporary suspension of certain accountability determinations, the requirement to use those assessment instruments as a criterion for promotion or graduation, and the calculation of average daily attendance.

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

SECTION 1.  Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0239 to read as follows:

Sec. 39.0239.  ADMINISTRATION OF ASSESSMENT INSTRUMENTS AND TEMPORARY SUSPENSION OF CERTAIN ACCOUNTABILITY MEASURES DURING 2020-2021 SCHOOL YEAR. (a) Due to the effects of the coronavirus disease (COVID-19) pandemic on public education in this state, the commissioner shall apply to the United States Department of Education for a statewide waiver of the requirement under the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to administer assessment instruments for the 2020-2021 school year.

(b)  If the United States Department of Education grants a waiver requested under Subsection (a) before the administration of the assessment instruments as required under Section 39.023 for the 2020-2021 school year, the assessment instruments may not be administered for that school year.

(c)  If the United States Department of Education fails to grant a waiver requested under Subsection (a), the assessment instruments shall be administered as required under Section 39.023 for the 2020-2021 school year, but, notwithstanding any other law, the commissioner may not consider the results of the assessment instruments for purposes of:

(1)  evaluating school district or campus performance under this chapter for the affected district for that school year, including in determining:

(A)  the accreditation status of a district under Section 39.051;

(B)  the performance rating to assign to the district or the district's campuses under Section 39.054; or

(C)  whether to impose any intervention or sanction authorized by Chapter 39A after that school year on the district or the district's campuses; or

(2)  determining a student's qualification for promotion or graduation.

(d)  This section expires September 1, 2023.

SECTION 2.  Section 48.005, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1)  For the 2020-2021 school year, the commissioner shall adjust the average daily attendance of a school district or open-enrollment charter school in which the coronavirus disease (COVID-19) pandemic has had a significant effect on the district's or school's average daily attendance. The adjustment must be sufficient to ensure that the district or school receives funding comparable to the funding that the district or school would have received if the decline in average daily attendance reasonably attributable to the pandemic had not occurred. This subsection applies only to a school district or open-enrollment charter school offering in-person instruction for that school year in accordance with commissioner rule. This subsection expires September 1, 2023.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.