

By: Burns

H.B. No. 742

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to procedures for the alternative assessment of certain  
3 public school students that receive special education services and  
4 alternative accountability plans for certain campuses serving  
5 students that receive special education services.

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

7 SECTION 1. Section 39.023, Education Code, is amended by  
8 adding Subsections (b-2) and (b-3) to read as follows:

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

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

11       SECTION 2. Subchapter C, Chapter 39, Education Code, is  
12 amended by adding Section 39.0547 to read as follows:

13       Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a)  
14 In this section, "specialized support campus" means a school  
15 district campus that:

16               (1) has a campus identification number;

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

19               (3) has a student enrollment in which:

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

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

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

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

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

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

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

18               (2) complies with applicable federal law.

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

24       (e) Not later than December 1, 2024, the commissioner shall  
25 submit to the governor, the lieutenant governor, the speaker of the  
26 house of representatives, and the standing legislative committees  
27 with primary jurisdiction over public education a report on the

1 effectiveness of this section in evaluating specialized support  
2 campuses and any recommendations for legislative or other action.

3 (f) This section expires September 1, 2025.

4 SECTION 3. Not later than January 1, 2022, the Texas  
5 Education Agency shall apply to the United States Department of  
6 Education for a waiver of the annual alternate assessment of  
7 students with significant cognitive disabilities required under  
8 the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and  
9 the Individuals with Disabilities Education Act (20 U.S.C. Section  
10 1400 et seq.).

11 SECTION 4. This Act applies beginning with the 2021-2022  
12 school year.

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2021.