

By: Hinojosa

H.B. No. 1192

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of public school assessment
3 instruments and the temporary suspension of certain accountability
4 determinations for a school district or campus in a school year in
5 which the operations of the district or campus are disrupted as a
6 result of a declared disaster and the requirement to use those
7 assessment instruments as a criterion for promotion or graduation
8 of a public school student.

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

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

12 Sec. 39.0239. ADMINISTRATION OF ASSESSMENT INSTRUMENTS AND
13 TEMPORARY SUSPENSION OF CERTAIN ACCOUNTABILITY MEASURES DURING
14 DISASTER. (a) If a school district is located wholly or partly in
15 the area of a disaster declared by the president of the United
16 States under the Robert T. Stafford Disaster Relief and Emergency
17 Assistance Act (42 U.S.C. Section 5121 et seq.) or by the governor
18 under Chapter 418, Government Code, during a school year in which
19 district operations, including in-person attendance, are
20 disrupted, the commissioner shall apply to the United States
21 Department of Education for a waiver of the requirement under the
22 Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to
23 administer assessment instruments during that school year for the
24 affected district.

1 (b) If the United States Department of Education fails to
2 grant a waiver requested under Subsection (a), the assessment
3 instruments shall be administered as required under Section 39.023
4 during the applicable school year, but, notwithstanding any other
5 law, the commissioner may not consider the results of the
6 assessment instruments for purposes of:

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

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

12 (B) whether to impose any intervention or
13 sanction authorized by Chapter 39A after the applicable school year
14 on the district or the district's campuses; or

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

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2021.