

By: Vasut

H.B. No. 3092

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to measures to mitigate the effects of the COVID-19  
3 pandemic on public schools during the 2020-2021 school year,  
4 including the administration of public school assessment  
5 instruments and the temporary suspension of certain accountability  
6 determinations, the requirement to use those assessment  
7 instruments as a criterion for promotion or graduation, and the  
8 calculation of average daily attendance.

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 2020-2021 SCHOOL YEAR. (a) Due to the effects of the coronavirus  
15 disease (COVID-19) pandemic on public education in this state, the  
16 commissioner shall apply to the United States Department of  
17 Education for a statewide waiver of the requirement under the Every  
18 Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to administer  
19 assessment instruments for the 2020-2021 school year.

20 (b) If the United States Department of Education grants a  
21 waiver requested under Subsection (a) before the administration of  
22 the assessment instruments as required under Section 39.023 for the  
23 2020-2021 school year, the assessment instruments may not be  
24 administered for that school year.

1        (c) 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 for the 2020-2021 school year, but, notwithstanding any other law,  
5 the commissioner may not consider the results of the assessment  
6 instruments for purposes of:

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

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

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

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

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

19        (d) This section expires September 1, 2023.

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

22        (d-1) For the 2020-2021 school year, the commissioner shall  
23 adjust the average daily attendance of a school district or  
24 open-enrollment charter school in which the coronavirus disease  
25 (COVID-19) pandemic has had a significant effect on the district's  
26 or school's average daily attendance. The adjustment must be  
27 sufficient to ensure that the district or school receives funding

1 comparable to the funding that the district or school would have  
2 received if the decline in average daily attendance reasonably  
3 attributable to the pandemic had not occurred. This subsection  
4 applies only to a school district or open-enrollment charter school  
5 offering in-person instruction for that school year in accordance  
6 with commissioner rule. This subsection expires September 1, 2023.

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