

## **BILL ANALYSIS**

C.S.H.B. 579  
By: Burns  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Parents and school administrators have expressed concern that, for some students with significant cognitive disabilities, the administration of alternative statewide standardized tests causes undue stress and is an inefficient use of time and resources. They note that there are other ways to measure the progress of these students without subjecting them to an extremely burdensome test. C.S.H.B. 579 seeks to address this issue by setting out procedures under which certain students can be exempted from alternative statewide standardized tests, providing for alternative assessment methods for these students, and requiring the Texas Education Agency to apply for a federal waiver for this purpose.

### **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 rulemaking authority is expressly granted to the commissioner of education in SECTIONS 1 and 2 of this bill.

### **ANALYSIS**

C.S.H.B. 579 amends the Education Code to authorize the parent of or person standing in parental relation to a student with significant cognitive disabilities to request that the student be exempted from the administration of an alternative statewide standardized test for special education students or an alternative statewide standardized test for significantly cognitively disabled students. The bill requires the student's admission, review, and dismissal (ARD) committee to determine, in consultation with the parent or person standing in parental relation, whether the student should be administered one of those tests, be exempted from administration of both tests and assessed in the applicable subject using an alternative assessment method developed by the commissioner of education, or be exempted from both the tests and the alternative assessment method. The bill requires the commissioner to establish guidelines to assist a student's ARD committee in making that determination and requires the committee to comply with the guidelines. The bill requires the commissioner, in consultation with stakeholders, including applicable parents or persons standing in parental relation, to develop for each applicable subject an alternative assessment method for students for whom an exemption is requested and requires the criteria for the assessment method to include progress on the goals identified in the student's individualized education plan. The bill requires the commissioner to adopt rules necessary to implement these provisions of the bill.

C.S.H.B. 579 requires the commissioner, by rule and in consultation with stakeholders, including certain administrators, teachers, parents, and guardians, to establish appropriate accountability guidelines for use by a specialized support campus and requires the commissioner

to provide for public notice and comment in adopting those rules. The bill authorizes a specialized support campus to develop an alternative accountability plan based on the guidelines and tailored to the student population served by the campus. The bill makes the commissioner's approval of the plan contingent on its compliance with the guidelines and applicable federal law and requires the commissioner, if the plan is approved, to determine, report, and consider the performance of students enrolled at the campus using that plan. The bill requires the commissioner, not later than December 1, 2026, to submit a report on the effectiveness of these provisions and any recommendations for legislative or other action to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over public education. These provisions expire September 1, 2027.

C.S.H.B. 579 defines "specialized support campus" as a district campus that meets the following criteria:

- has a campus identification number;
- serves students enrolled in any grade level at which state tests are administered; and
- has a student enrollment with these characteristics:
  - at least 90 percent of students receive special education services; and
  - a significant percentage of the students required to take a statewide standardized test take an alternative test for special education students or for significantly cognitively disabled students and are unable to provide an authentic academic response on that test.

C.S.H.B. 579 requires the Texas Education Agency, not later than January 1, 2024, to apply to the U.S. Department of Education for a waiver of the annual alternate assessment of students with significant cognitive disabilities required under the federal Every Student Succeeds Act and the federal Individuals with Disabilities Education Act. The bill applies beginning with the 2023-2024 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 579 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute differs from the introduced with respect to the determinations a student's ARD committee may make regarding a request for the student's exemption from the administration of an alternative statewide standardized test as follows:

- the substitute includes language that was not in the introduced clarifying that for a student to be exempted and assessed using an alternative assessment method developed by the commissioner, the committee must determine that neither the alternative test for special education students nor the alternative test for students with significant cognitive disabilities should be administered; and
- the substitute gives the committee the option to exempt the student from both the tests and the alternative assessment method, whereas the introduced required all exempted students to be assessed using the alternative assessment method.

The substitute includes a requirement for the commissioner to establish guidelines to assist a student's ARD committee in making a determination on a request for the student's exemption from the administration of an alternative statewide standardized test, which did not appear in the introduced.

The substitute requires the commissioner to adopt rules necessary to implement all of the bill's provisions relating to alternate assessments or exemptions for certain students with significant cognitive disabilities, whereas the introduced required the adoption of rules only for the provisions regarding the development of an alternate assessment.