By:  Burns, Thompson of Brazoria, VanDeaver, H.B. No. 579

     et al.

A BILL TO BE ENTITLED

AN ACT

relating to procedures for the alternative assessment or exemption from assessment of certain public school students who receive special education services and alternative accountability plans for certain campuses serving students who receive special education services.

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

SECTION 1.  Section 39.023, Education Code, is amended by adding Subsection (b-2) to read as follows:

(b-2)  The agency shall ensure that a student receives an accommodation applicable to assessment instruments during the administration of an assessment instrument under this section if that accommodation is specified in the student's:

(1)  individualized education program created under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); or

(2)  plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

SECTION 2.  Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02301 to read as follows:

Sec. 39.02301.  ALTERNATIVE ASSESSMENT OR EXEMPTION FOR CERTAIN STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES. (a) Notwithstanding Section 39.023(b) or (b-1) or any other law, and to the extent consistent with federal law, the parent of or person standing in parental relation to a student with significant cognitive disabilities may request that the student be exempted from the administration of an alternative assessment instrument adopted or developed under Section 39.023(b) or (b-1).

(b)  If a parent or person standing in parental relation makes a request for exemption under this section, the student's admission, review, and dismissal committee, in consultation with the parent or person standing in parental relation and in compliance with the guidelines adopted under Subsection (c), shall determine if the student should be:

(1)  administered an alternative assessment instrument under Section 39.023(b) or (b-1);

(2)  exempted from administration of both alternative assessment instruments described by Subdivision (1) and assessed in the applicable subject using the alternative assessment method developed under Subsection (d); or

(3)  exempted from the administration of assessment instruments described by Subdivisions (1) and (2).

(c)  The commissioner shall establish guidelines to assist a student's admission, review, and dismissal committee in making a determination for a student under Subsection (b).

(d)  The commissioner, in consultation with stakeholders, including parents of and persons standing in parental relation to students with significant cognitive disabilities, shall develop for each applicable subject an alternative assessment method for the assessment of students for whom an exemption is requested from the administration of alternative assessment instruments described by Subsection (b)(1). The criteria for the assessment method must include progress on the goals identified in the student's individualized education plan.

(e)  The commissioner shall adopt rules necessary to implement this section.

SECTION 3.  Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0547 to read as follows:

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

(1)  has a campus identification number;

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

(3)  has a student enrollment in which:

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

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

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

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

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

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

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

(2)  complies with applicable federal law.

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

(e)  Not later than December 1, 2026, the commissioner shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over public education a report on the effectiveness of this section in evaluating specialized support campuses and any recommendations for legislative or other action.

(f)  This section expires September 1, 2027.

SECTION 4.  Not later than January 1, 2024, the Texas Education Agency shall apply to the United States Department of Education for a waiver of the annual alternate assessment of students with significant cognitive disabilities required under the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION 5.  This Act applies beginning with the 2023-2024 school year.

SECTION 6.  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, 2023.