

**SUBJECT:** Authorizing alternative assessment procedures for certain students

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 11 ayes — Buckley, Allen, Cunningham, Dutton, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Longoria, Talarico

1 nay — Schaefer

1 absent — Allison

**WITNESSES:** For — (*Registered, but did not testify*: Mark Terry, Texas Elementary Principals and Supervisors Association; Idona Griffith; Susan Stewart)

Against — (*Registered, but did not testify*: Carrie Moore, Texas Education 911)

On — Steven Aleman, Disability Rights Texas; Andrea Chevalier, Texas Council of Administrators of Special Education (*Registered, but did not testify*: Eric Marin, Kristin McGuire, Justin Porter, Iris Tian, Texas Education Agency; Ashley Ford, The Arc of Texas)

**BACKGROUND:** Subch. B, ch. 39 of the Education Code requires the State Board of Education to establish a statewide assessment program and instruments to assess students' essential knowledge and skills in reading, mathematics, social studies, and science.

Sec. 39.023(b) and (b-1) require the Texas Education Agency (TEA) to develop or adopt alternative assessment instruments for special education students and significantly cognitively disabled students for whom the standard assessment would not provide an appropriate measure of student achievement.

**DIGEST:** CSHB 579 would allow the parent or guardian of a student with cognitive disabilities to request that the student be exempted from the administration of an alternative assessment instrument adopted or developed under sec.

39.023(b) or (b-1). If a parent or guardian made such an exemption request, the bill would require the student's admission, review, and dismissal committee, in consultation with the parent or guardian, to determine if the student should be:

- administered an alternative assessment instrument under sec. 39.023(b) or (b-1);
- exempted from administration of both alternative assessment instruments and assessed in the applicable subject using the alternative assessment method developed by the bill; or
- exempted from the administration of the above mentioned assessment instruments.

The bill would require the TEA commissioner, in consultation with parents, guardians, and other stakeholders, to develop for each applicable subject an alternative assessment method for the assessment of the student for whom an exemption was requested. The criteria for the assessment method would be required to include progress on the goals identified in the student's individualized education plan.

The bill would define a "specialized support campus" as a school district campus that had a campus identification number and served students enrolled in any grade level at which state assessment instruments were administered. A specialized support campus would be required to have a student enrollment in which at least 90 percent of students received special education services and in which a significant percentage of the students required to take a standard assessment instrument took an alternative assessment instrument wherein they were unable to provide an authentic academic response.

CSHB 579 would require the TEA commissioner, in consultation with administrators and teachers of such campuses, relevant parents and guardians, and other stakeholders, to establish appropriate accountability guidelines for use by a specialized support campus in developing an alternative accountability plan based on the specific student population served by the campus. The commissioner would be required to provide for

public notice and comment in adopting rules for this purpose.

The bill would allow a specialized support campus to develop and submit to the TEA commissioner for approval an alternative accountability plan tailored to the student population served by the campus based on the appropriate accountability guidelines developed by the commissioner. The commissioner could approve the alternative accountability plan only if the plan followed the bill's established guidelines and complied with federal law. The bill would require the commissioner to determine, report, and consider the performance of students enrolled at a specialized support campus using the approved alternative accountability plan developed by the campus.

The bill would require the TEA commissioner no later than December 1, 2026, to submit a report on the effectiveness of such plans in evaluating specialized support campuses and any recommendations for action to the governor, the lieutenant governor, the speaker of the House, and the relevant standing legislative committees.

The provisions regarding alternative accountability plans for specialized support campuses would expire September 1, 2027.

The bill would require TEA to apply to the United States Department of Education no later than January 1, 2024, for a waiver of the annual alternate assessment of students with significant cognitive disabilities as required by federal statute.

The provisions of the bill would apply beginning with the 2023-2024 school year.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

SUPPORTERS  
SAY:

CSHB 579 would provide alternative testing methods for students with cognitive disabilities who are not properly served by the current standard

and alternative testing policies. Many students with cognitive disabilities in the state need a different way to show what they have learned in class, and the bill would provide these students with better alternative assessment methods. The bill also would empower parents and guardians by allowing them to request the exemption and consult with the student's ARD committee during the determination process. The bill would not lead to any undue burden on school administrators or require more resources than TEA could reasonably provide. The number of students affected by the bill also would not impact the state's ability to meet federal testing requirements.

CRITICS  
SAY:

While CSHB 579 is well intentioned, it is unclear if the alternative criteria established by the bill for exempted students would meet the requirements of federal law. Additionally, if TEA did not receive necessary federal waivers, the bill could lead to the state needing to operate state and federal accountability systems separately, which could require significantly more resources.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$4,210,465 to general revenue related funds through the biennium.