

All Prefiled Amendments for: HB 1906

Hinojosa

Amendment

861064

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HOUSE OF REPRESENTATIVES

*D. H. Burns**C. A. Injor*

FLOOR AMENDMENT NO. _____

BY:

1 Amend H.B. 1906 (house committee printing) by striking all
2 below the enacting clause and substituting the following:

3 SECTION 1. Section 39.023, Education Code, is amended by
4 adding Subsections (b-2) and (b-3) to read as follows:

5 (b-2) Notwithstanding Subsection (b), (b-1), or any other
6 law, and to the extent consistent with federal law, the parent of or
7 person standing in parental relation to a student with significant
8 cognitive disabilities may request that the student be exempted
9 from the administration of an alternative assessment instrument
10 adopted or developed under Subsection (b) or (b-1). If a parent or
11 person standing in parental relation makes a request for exemption
12 under this subsection, the student's admission, review, and
13 dismissal committee, in consultation with the parent or person
14 standing in parental relation, shall determine if the student
15 should be exempted from administration of the alternative
16 assessment instrument. If the student is exempted from
17 administration of the alternative assessment instrument under this
18 subsection, the student must be assessed in the applicable subject
19 using the alternative assessment method developed under Subsection
20 (b-3).

21 (b-3) The commissioner, in consultation with stakeholders,
22 including parents of and persons standing in parental relation to
23 students with significant cognitive disabilities, shall develop
24 for each applicable subject an alternative assessment method for
25 the assessment of students who receive an exemption from the
26 administration of an alternative assessment instrument under
27 Subsection (b-2). The criteria for the assessment method must
28 include progress on the goals identified in the student's
29 individualized education plan. The commissioner shall adopt rules

1 necessary to implement this subsection.

2 SECTION 2. Subchapter C, Chapter 39, Education Code, is
3 amended by adding Section 39.0547 to read as follows:

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

7 (1) has a campus identification number;

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

10 (3) has a student enrollment in which:

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

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

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

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

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

29 (c) A specialized support campus may develop and submit to
30 the commissioner for approval an alternative accountability plan
31 tailored to the student population served by the campus, based on

1 the guidelines established under Subsection (b). The commissioner
2 may approve the alternative accountability plan only if the plan:

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

5 (2) complies with applicable federal law.

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

11 (e) Not later than December 1, 2022, the commissioner shall
12 submit to the governor, the lieutenant governor, the speaker of the
13 house of representatives, and the standing legislative committees
14 with primary jurisdiction over public education a report on the
15 effectiveness of this section in evaluating specialized support
16 campuses and any recommendations for legislative or other action.

17 (f) This section expires September 1, 2023.

18 SECTION 3. Not later than January 1, 2020, the Texas
19 Education Agency shall apply to the United States Department of
20 Education for a waiver of the annual alternate assessment of
21 students with significant cognitive disabilities required under
22 the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) and
23 the Individuals with Disabilities Education Act (20 U.S.C. Section
24 1400 et seq.).

25 SECTION 4. This Act applies beginning with the 2019-2020
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives
28 a vote of two-thirds of all the members elected to each house, as
29 provided by Section 39, Article III, Texas Constitution. If this
30 Act does not receive the vote necessary for immediate effect, this
31 Act takes effect September 1, 2019.