

## **BILL ANALYSIS**

Senate Research Center

H.B. 1800  
By: Hochberg (Barrientos)  
Education  
5-16-97  
Engrossed

### **DIGEST**

Currently, the Texas public school accountability system does not include accountability measures for students with disabilities who cannot take the same standardized tests as students without disabilities. The students with disabilities who do take these tests are not aggregated with other students. This bill provides an assessment instrument that will bring special education students into the statewide accountability program for standardized testing.

### **PURPOSE**

As proposed, H.B. 1800 provides an assessment instrument that will bring special education students into the statewide accountability program for standardized testing.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.023, Education Code, to require that all students, except students assessed under Subsection (b) or exempted under Section 39.027, be given assessment instruments in certain areas. Requires the Texas Education Agency (agency) to develop or adopt appropriate criterion-referenced assessment instruments to be administered for certain students in a special education program under Chapter 29A. Requires the assessment instruments required under this subsection to assess competencies and growth in reading, mathematics, and writing. Provides that a student's admission, review, and dismissal committee is to determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. Requires assessment instruments to be administered on the same schedule as the assessment instruments administered under Subsection (a). Requires the student's admission, review, and dismissal committee to determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection or whether the student should be exempted under Section 39.027(a)(2), if a student is in a special education program under Chapter 29A. Requires a student's admission, review, and dismissal committee to determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection or whether the student should be exempted under Section 39.027(a)(2), if a student is in a special education program under Chapter 29A. Requires the agency to release questions and answers for assessment instruments administered under Subsection (a), (b), (c) or (d). Requires the State Board of Education to administer the end-of-course assessment instruments under Subsection (d) in Algebra I and Biology I. Requires the agency to initially release under Subsection (e) the questions and answer keys to each assessment instrument administered under Subsection (b) during the third school year in which the instrument is administered after the last time the instrument is administered for that school year.

SECTION 2. Amends Section 39.024, Education Code, to require the admission, review, and dismissal committee of a student being assessed under Section 39.023(b) to determine the level of performance considered to be satisfactory on the assessment instruments administered to that student in accordance with criteria established by agency rule. Requires the intensive programs for students who did not perform satisfactorily on an assessment instrument under Section 39.023(a) or (c) to be designed in a certain manner. Requires the intensive programs for students who did not perform

satisfactorily on an assessment instrument under Section 39.023(b) to be designed by each student's admission, review, and dismissal committee to enable the student to attain a standard of annual growth on the basis of the student's individualized education program. Requires the agency to develop study guides for the assessment instruments administered under Sections 39.023(a) and (c). Requires each school district to distribute the study guides to certain parents to assist parents in providing assistance during the period that school is recessed for summer.

SECTION 3. Amends Section 39.025(a), Education Code, to make a conforming change.

SECTION 4. Amends Section 39.027, Education Code, to authorize a student to be exempted from the administration of an assessment instrument under Section 39.023(a) or (b), if the student meets certain eligibility requirements provided that the student's individualized education program does not include instruction in the essential knowledge and skills under Section 28.002 at any grade level. Authorizes a student to be exempted under Section 39.023(c) or (d) if the student is eligible for a special education program under Section 29.003, and certain provisions apply. Authorizes a student to be exempted under Section 39.023 if the student is of limited English proficiency. Requires the commissioner of education (commissioner) to develop and adopt a process for reviewing the exemption process of a school district or shared services arrangement. Sets forth requirements for the exemptions. Authorizes a student who is eligible for a special education program under Section 29.003 to be exempted from the administration of an assessment instrument under Section 39.023(a) if the assessment instrument meets certain conditions, notwithstanding Subsection (a). Defines "average daily attendance." Deletes provisions requiring the commissioner to develop and propose an assessment system for evaluating the progress students exempted under Subsection (a).

SECTION 5. Amends Section 39.031(b), Education Code, to make a conforming change.

SECTION 6. Amends Section 39.051, Education Code, by amending Subsection (b) and adding Subsection (f), to provide that performance indicators be based on certain factors, including the results of assessment instruments required under Sections 39.023(a) and (c), rather than Subchapter B. Requires the indicator under Subsection (b)(1) to include the results of assessment instruments required under Section 39.023(b), beginning with the 2002-2003 school year. Prohibits results from being aggregated by grade level or subject area.

SECTION 7. Amends Section 26.005, to authorize a parent to be entitled to access to a copy of each state assessment instrument administered under Section 39.023, rather than 39.023(a), (b), or (c), to the parent's child, except as provided by Section 39.023(e).

SECTION 8. Amends Section 28.025(a), Education Code, to make a conforming change.

SECTION 9. Amends Section 29.202, Education Code, to make a conforming change.

SECTION 10. Repealer: Section 7.055(a)(33), Education Code (Commissioner of Education Powers and Duties).

SECTION 11. Sets forth requirements of the Texas Education Agency and the commissioner of education, regarding the assessment of testing instruments.

SECTION 12. Emergency clause.  
Effective date: upon passage.