

## **BILL ANALYSIS**

Senate Research Center

H.B. 579  
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Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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. 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.

H.B. 579 amends current law 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.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 39.02301, Education Code) and SECTION 3 (Section 39.0547, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.023, Education Code, by adding Subsection (b-2), as follows:

(b-2) Requires the Texas Education Agency (TEA) to ensure that a student receives an accommodation applicable to assessment instruments during the administration of an assessment instrument under Section 39.023 (Adoption and Administration of Instruments) 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. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.02301, as follows:

Sec. 39.02301. ALTERNATIVE ASSESSMENT OR EXEMPTION FOR CERTAIN STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES. (a) Authorizes the parent of or person standing in parental relation to a student with significant cognitive disabilities, notwithstanding Section 39.023(b) (relating to requiring TEA to develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program) or (b-1) (relating to requiring TEA to redevelop assessment instruments adopted or developed for administration to significantly cognitively disabled students in a manner consistent with federal law) or any other law, and to the extent consistent with federal law, to 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) Requires 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), if a parent or person standing in parental relation makes a request for exemption under this section, to 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) Requires the commissioner of education (commissioner) to establish guidelines to assist a student's admission, review, and dismissal committee in making a determination for a student under Subsection (b).

(d) Requires the commissioner, in consultation with stakeholders, including parents of and persons standing in parental relation to students with significant cognitive disabilities, to 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). Requires that the criteria for the assessment method include progress on the goals identified in the student's individualized education plan.

(e) Requires the commissioner to adopt rules necessary to implement this section.

SECTION 3. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0547, as follows:

Sec. 39.0547. EVALUATING SPECIALIZED SUPPORT CAMPUSES. (a) Defines "specialized support campus."

(b) Requires 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 to establish appropriate accountability guidelines under Chapter 39 (Public School System Accountability) 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. Requires the commissioner to provide for public notice and comment in adopting rules under this subsection.

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

(e) Requires the commissioner, not later than December 1, 2026, to 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) Provides that this section expires September 1, 2027.

SECTION 4. Requires TEA, not later than January 1, 2024, to 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. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 6. Effective date: upon passage or September 1, 2023.