

AN ACT

relating to a study conducted by the Texas Education Agency regarding the statewide assessment program in relation to students in special education programs.

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

SECTION 1. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02302 to read as follows:

Sec. 39.02302. STUDY OF STATEWIDE ASSESSMENT PROGRAM IN RELATION TO STUDENTS IN SPECIAL EDUCATION PROGRAMS. (a) Using data collected by the agency, including data collected during the 2015-2016 and 2017-2018 school years, the agency, from funds already appropriated, shall conduct a study of the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29.

(b) In conducting the study, the agency shall address:

(1) whether the agency has determined that the administration of alternate assessment instruments to students in a special education program under Subchapter A, Chapter 29, as provided by Section 39.023(b) complies with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.);

(2) whether administering state-required assessment instruments, other than assessment instruments developed or adopted under Section 39.023(b), to students in a special education program under Subchapter A, Chapter 29, will:

1 (A) provide an accurate assessment of the
2 academic achievement of the students;

3 (B) result in the administration of assessment
4 instruments that are inappropriate for the educational capacity of
5 the students;

6 (C) result in a decrease in the number of
7 students promoted to the next grade level;

8 (D) result in a decrease in graduation rates for
9 the students;

10 (E) result in fewer opportunities to pursue
11 higher education options;

12 (F) result in fewer opportunities for
13 competitive integrated employment for the students; and

14 (G) result in any other:

15 (i) restrictions on the students;

16 (ii) alternative placements for the
17 students; or

18 (iii) limitations on the advancement of the
19 students; and

20 (3) whether making a statutory change that has the
21 effect of exempting students in a special education program under
22 Subchapter A, Chapter 29, from the administration of an assessment
23 instrument under Section 39.023 unless the student's parent or
24 guardian requests such administration would impact the statewide
25 assessment program and the extent of any such impact, including any
26 legal impact.

27 (c) In conducting the study, the agency shall identify

1 specific recommendations to improve the impact of the statewide
2 assessment program on students in a special education program under
3 Subchapter A, Chapter 29, including recommendations for:

4 (1) any reforms or changes with respect to contracting
5 with assessment instrument vendors;

6 (2) any reforms or changes with respect to improving
7 student grade-level promotion rates and student graduation rates;

8 (3) any reforms or changes with respect to developing
9 allowable accommodations and applying principles of universal
10 design for students during the administration of assessment
11 instruments;

12 (4) any changes to rules adopted by the State Board of
13 Education or the commissioner relating to the development,
14 adoption, or administration of assessment instruments;

15 (5) any statutory changes to this code relating to the
16 development, adoption, or administration of assessment
17 instruments; and

18 (6) any additional reforms or changes based on the
19 results of the study.

20 (d) Not later than October 1, 2018, the agency shall submit
21 a report to each member of the legislature containing the agency's
22 determinations and recommendations under this section.

23 (e) The agency shall publish on the agency's Internet
24 website the report submitted under Subsection (d), all data on
25 which the agency relied to form the basis of the agency's
26 determinations and recommendations, and the methodologies the
27 agency used to conduct the study.

1 (f) This section expires January 1, 2019.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 2130 was passed by the House on May 4, 2017, by the following vote: Yeas 132, Nays 10, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2130 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor