

- SUBJECT:** Testing exemptions for students with severe cognitive disabilities
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Mary Cullinane, League of Women Voters of Texas; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Will Holleman, Texas Association of School Boards; Paige Williams, Texas Classroom Teachers Association; Kyle Ward, Texas PTA; John Grey, Texas School Alliance; Lisa Dawn-Fisher, Texas State Teachers Association; Calvin Tillman)
- Against — (*Registered, but did not testify:* Jacquie Benestante, Autism Society of Texas; Chris Masey, Coalition of Texans with Disabilities; Lisa Flores)
- On — Christine Broughal, Texans for Special Education Reform; Linda Litzinger, Texas Parent to Parent; (*Registered, but did not testify:* Mara Moskowitz, Texans for Special Education Reform; Tyson Kane, Eric Marin, and Tammy Percy, Texas Education Agency)
- BACKGROUND:** Education Code sec. 39.023(b) requires appropriate criterion-referenced assessment instruments to be administered to each student in a special education program for whom a standard instrument, even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.
- DIGEST:** HB 1906 would allow the parent of a significantly cognitively disabled student to request that the student be exempted from state testing requirements to the extent consistent with federal law. If such a request

was made, the student's admission, review, and dismissal committee, in consultation with the parent, would have to determine:

- if the student should be exempted from administration of the alternative assessment instrument; and
- whether, if the student was exempted, another appropriate method to assess the student's progress was available.

By January 1, 2020, the Texas Education Agency would have to apply to the U.S. Department of Education for a waiver of the required annual alternate assessment of students with significant cognitive disabilities under the Every Student Succeeds Act and the Individuals with Disabilities Education Act.

The bill would apply beginning with the 2019-2020 school year.

The 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, 2019.

**SUPPORTERS  
SAY:**

HB 1906 would provide relief from the stress of STAAR testing for students who are challenged by significant cognitive disabilities. It would allow parents, in cooperation with the student's admission, review, and dismissal committee, to find an individualized method to measure academic progress for students on a case-by-case basis.

While alternative assessments and testing accommodations are available for students in special education programs, they still might not appropriately accommodate students with the greatest needs. HB 1906 could help a small group of students whose challenges are so great that a traditional test may not make sense. While some have said the bill could result in some students being left behind, the bill would require that any exemption be permissible under federal requirements. The bill also could open the door to other creative solutions for evaluating achievement for these students.

Exempting students with cognitive disabilities from STAAR would provide for more accurate testing results in statewide reporting. Individual schools are aware of their students with disabilities and are better able to provide for their educational needs, regardless of testing requirements.

**OPPONENTS  
SAY:**

HB 1906 could put students with significant cognitive disabilities at risk of being left behind in the classroom by removing them from state and federal testing requirements. Federal law is designed to ensure that the educational rights of students with special needs are protected. Testing helps ensure that these students are being educated well and that their parents can know their levels of achievement. While STAAR might not be the best assessment for all students, it is currently the statewide standard and should be used until another one is available.