

SUBJECT: Requiring commissioner of education to seek testing waiver in disaster

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Dutton, Allen, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

1 absent — Lozano

WITNESSES: For — (*Registered, but did not testify:* David Anderson, Arlington ISD Board of Trustees; Andrea Chevalier, Association of Texas Professional Educators; Traci Berry, Goodwill Central Texas; Chloe Latham Sikes, Intercultural Development Research Association; Fatima Menendez, MALDEF; Charles Gaines, Raise Your Hand Texas; Heather Sheffield, TAMSA; Grover Campbell, TASB; Theresa Trevino, Texans Advocating for Meaningful Student Assessment; Dena Donaldson, Texas AFT; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Paige Williams, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Ana Ramon, Texas Legislative Education Equity Coalition; Suzi Kennon, Texas PTA; Dee Carney, Texas School Alliance; Laura Atlas Kravitz, Texas State Teachers Association)

Against — None

On — (*Registered, but did not testify:* Eric Marin, Jeff Cottrill, and Monica Martinez, Texas Education Agency; Annemarie Donnelly)

BACKGROUND: Education Code ch. 39, subch. B requires the Texas Education Agency to adopt and develop appropriate criterion-referenced assessment instruments that evaluate a student's knowledge and skills in reading, writing, mathematics, social studies, and science.

Concerns have been raised that the COVID-19 pandemic has significantly

disrupted the 2019-2020 and 2020-2021 academic school years nationwide. Suggestions have been made to provide flexibility to public schools during a declared disaster by protecting them from performance ratings and federal testing requirements.

DIGEST:

HB 2802 would require the commissioner of education to apply, under a declared disaster, to the U.S. Department of Education for a waiver of the requirement under the Every Student Succeeds Act to administer assessment instruments during a school year.

Waiver. The commissioner would have to apply for the waiver if, during a school year, a statewide disaster declared by the U.S. president or by the governor significantly disrupted school district operations, including in-person attendance, in a majority of school districts in the state.

Assessment instruments results. If the U.S. Department of Education failed to grant the requested waiver, the assessment instruments would have to be administered as required under current law during the applicable school year. However, the commissioner of education could not consider the results of the assessment instruments for evaluating school district or campus performance for the applicable school year, including determining:

- the performance rating of each district or campus; or
- whether to impose any authorized intervention or sanction after the applicable school year on each district or campus.

The commissioner also could not consider the results of the assessment instruments for determining a student's qualifications for promotion or graduation.

Other provisions. As soon as practicable after the bill's effective date, the commissioner of education would have to apply for a statewide waiver of the annual assessment of students required under the Every Student Succeeds Act for the 2020-2021 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, 2021.