

## Chapter 242

H.B. No. 657

### AN ACT

1  
2 relating to procedures for a student enrolled in a special  
3 education program who fails to perform satisfactorily on certain  
4 assessment instruments.

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

6 SECTION 1. Section 28.0211, Education Code, is amended by  
7 amending Subsection (i) and adding Subsections (i-1) and (i-2) to  
8 read as follows:

9 (i) The admission, review, and dismissal committee of a  
10 student who participates in a district's special education program  
11 under Subchapter A [~~B~~], Chapter 29, and who does not perform  
12 satisfactorily on an assessment instrument specified under  
13 Subsection (a) and administered under Section 39.023(a) or (b) must  
14 meet before the student is administered the assessment instrument  
15 for the second time. The committee shall determine:

16 (1) the manner in which the student will participate  
17 in an accelerated instruction program under this section; and

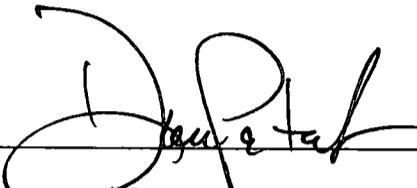
18 (2) whether the student will be promoted in accordance  
19 with Subsection (i-1) or retained under this section.

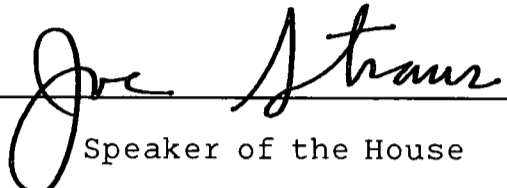
20 (i-1) At a meeting of the admission, review, and dismissal  
21 committee of a student under Subsection (i), the committee may  
22 promote the student to the next grade level if the committee  
23 concludes that the student has made sufficient progress in the  
24 measurable academic goals contained in the student's

1 individualized education program developed under Section 29.005. A  
2 school district that promotes a student under this subsection is  
3 not required to provide an additional opportunity for the student  
4 to perform satisfactorily on the assessment instrument.

5 (i-2) Not later than September 1 of each school year, a  
6 school district must notify the parent or person standing in  
7 parental relation to a student enrolled in the district's special  
8 education program under Subchapter A, Chapter 29, of the options of  
9 the admission, review, and dismissal committee under Subsections  
10 (i) and (i-1) if the student does not perform satisfactorily on an  
11 assessment instrument.

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

  
\_\_\_\_\_  
President of the Senate

H.B. No. 657  
  
\_\_\_\_\_  
Speaker of the House

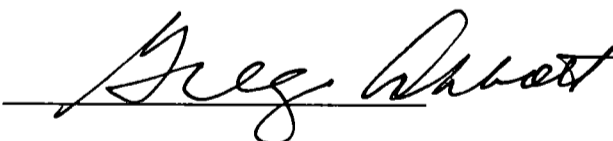
I certify that H.B. No. 657 was passed by the House on April 27, 2017, by the following vote: Yeas 130, Nays 14, 1 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House


I certify that H.B. No. 657 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 5-28-2017  
Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:00 PM O'CLOCK

MAY 29 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 9, 2017**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB657 by Bernal (Relating to procedures for a student enrolled in a special education program who fails to perform satisfactorily on certain assessment instruments.), As Engrossed

**No significant fiscal implication to the State is anticipated.**

The bill would require the admission, review, and dismissal (ARD) committee of a special education student to set a meeting before the student is administered an assessment instrument for a second time. The committee would determine the student's participation in an accelerated instruction program and whether the student would be retained or promoted if the ARD concluded that the student made sufficient progress toward the student's individualized education program.

The bill would also require the school district to notify the parents of a special education student of the options of the ARD committee if the student does not perform satisfactorily on an assessment instrument by September 1 of each year.

The bill would take effect September 1, 2017, or immediately if passed with the necessary voting margins.

**Local Government Impact**

TEA anticipates a reduction in local administrative and testing costs for any student who is promoted and no longer has to retest in 5th and 8th grade.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, SL, THo, AM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 1, 2017**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB657 by Bernal (Relating to procedures for a student enrolled in a special education program who fails to perform satisfactorily on certain assessment instruments.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would require the admission, review, and dismissal (ARD) committee of a special education student to set a meeting before the student is administered an assessment instrument for a second time. The committee would determine the student's participation in an accelerated instruction program and whether the student would be retained or promoted if the ARD concluded that the student made sufficient progress toward the student's individualized education program.

The bill would also require the school district to notify the parents of a special education student of the options of the ARD committee if the student does not perform satisfactorily on an assessment instrument by September 1 of each year.

The bill would take effect September 1, 2017, or immediately if passed with the necessary voting margins.

**Local Government Impact**

TEA anticipates a reduction in local administrative and testing costs for any student who is promoted and no longer has to retest in 5th and 8th grade.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, SL, THo, AM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 19, 2017**

**TO:** Honorable Dan Huberty, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB657** by Bernal (Relating to procedures for a student enrolled in a special education program who fails to perform satisfactorily on certain assessment instruments.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill's provisions would require the admission, review, and dismissal (ARD) committee of a special education student to set a meeting date not later than five days after the date the district receives the results of an assessment instrument and before the student is administered the assessment instrument for a second time. The committee would determine the student's participation in an accelerated instruction program and whether the student would be retained or promoted if the ARD concluded that the student made sufficient progress toward the student's individualized education program.

The bill's provisions would also require the school district to notify the parents of a special education student of the options of the ARD committee if the student does not perform satisfactorily on an assessment instrument by September 1 of each year.

The bill would take effect September 1, 2017, or immediately if passed with the necessary voting margins.

**Local Government Impact**

TEA estimates potential school district costs associated with having to rapidly hold an ARD committee meeting within five days of receiving assessment results. However, TEA also anticipates a reduction in local administrative and testing costs for any student that is promoted and no longer has to retest in 5th and 8th grade.

**Source Agencies:** 701 Texas Education Agency

**LBB Staff:** UP, THo, AM, SL