

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 205

50th Legislature, 2nd Session, 2012

Tracking Number: .188598.1

Short Title: School District Financial Flexibility

Sponsor(s): Senator Cynthia Nava

Analyst: James Ball

Date: January 31, 2012

Bill Summary:

SB 205 seeks to provide financial flexibility to school districts during this time of decreased funding by temporarily suspending the requirements that school districts administer certain student assessments, “notwithstanding” certain other student assessments (see “Substantive Issues,” below).

SB 205 also requires, however, that public schools administer an appropriate assessment in grades 9 and 10 to comply with the *Individuals with Disabilities Education Act* (IDEA) during school year 2012-2013.

Fiscal Impact:

SB 205 does not contain an appropriation.

Substantive Issues:

The overall effects of SB 205 are unclear. The Public Education Department (PED) analysis of SB 205 notes that the language in SB 205 easily confuses readers with double negatives. PED states that it is unclear whether the amendment suspends the named assessments or suspends all assessments but those named. To illustrate, the first group of assessments that may be suspended includes:

- standards-based assessments in math, reading, language arts, and social studies for grades 3 through 8 and grade 11;
- a standards-based writing assessment for grades 3 through 8; and
- a standards-based assessment in science for one of grades 3 through 5, 6 through 8, and grade 11.

These assessments may be suspended “notwithstanding the standards-based assessment in social studies in grade eleven.”

The second group of assessments includes a college and workplace readiness assessment system with the following components:

- a short-cycle diagnostic assessment in reading, language arts, and math in grades 9 and 10; and
- a college placement assessment, a workforce readiness assessment, or an alternative demonstration of competency using standards-based indicators in grade 11.

These assessments may be suspended “notwithstanding a college placement assessment or a workforce readiness assessment in grade eleven.”

It may be that the actual effect of the language in SB 205 is to suspend all assessments except those named in the bill. Language in the bill clearly states that districts shall not be required to administer the student assessments required in statute “notwithstanding” the two named assessments. However, the term “notwithstanding” generally would be taken to mean “despite” or “regardless of” the named assessments, thereby adding yet more confusion about the intent of the bill.

In addition, because the long title of HB 205 refers solely to the suspension of certain student assessments, it is unclear why the bill directs districts to use appropriate assessments for grades 9 and 10 to comply with IDEA. PED notes in this regard that IDEA does not require any particular assessment in grades 9 or 10.

Related Bills:

SB 209 *School District Financial Flexibility*