

BILL ANALYSIS

C.S.H.B. 713
By: Wu
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the availability of some special education services may be too limited because of the application of inappropriate performance indicators used to evaluate a school or district. C.S.H.B. 713 seeks to address this issue by prohibiting a monitoring system performance indicator based solely on the number or percentage of students receiving special education services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 713 amends the Education Code to prohibit the commissioner of education and the Texas Education Agency (TEA) from adopting or implementing a performance indicator in any TEA monitoring system that solely measures a public school district's or open-enrollment charter school's aggregated number or percentage of enrolled students who receive special education services. This prohibition expressly does not prohibit or limit the commissioner or TEA from meeting requirements under specified federal law and its implementing regulations to address in the statewide plan the percentage of school districts and charter schools with disproportionate representation of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification or to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in Texas and in the districts and charter schools in Texas with respect to the identification of children as children with disabilities; placement of children with disabilities in particular educational settings; and incidence, duration, and type of disciplinary actions taken against children with disabilities.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 713 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0011 to read as follows:

Sec. 29.0011. PROHIBITED PERFORMANCE INDICATOR. Notwithstanding Section 29.001(5), Section 29.010, or any other provision of this code, the commissioner or agency may not adopt or implement a performance indicator in any agency monitoring system, including the performance-based monitoring analysis system, that evaluates the total number of students or the percentage of enrolled students of a school district or open-enrollment charter school who receive special education services.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0011 to read as follows:

Sec. 29.0011. PROHIBITED PERFORMANCE INDICATOR. (a) Notwithstanding Section 29.001(5), Section 29.010, or any other provision of this code, the commissioner or agency may not adopt or implement a performance indicator in any agency monitoring system, including the performance-based monitoring analysis system, that solely measures a school district's or open-enrollment charter school's aggregated number or percentage of enrolled students who receive special education services.

(b) Subsection (a) does not prohibit or limit the commissioner or agency from meeting requirements under:

(1) 20 U.S.C. Section 1418(d) and its implementing regulations to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the state and in the school districts and open-enrollment charter schools in the state with respect to the:

(A) identification of children as children with disabilities, including the identification of children as children with particular impairments;

(B) placement of children with disabilities in particular educational settings; and

(C) incidence, duration, and type of disciplinary actions taken against children with disabilities, including suspensions and expulsions; or

(2) 20 U.S.C. Section 1416(a)(3)(C) and its implementing regulations to address in the statewide plan the percentage of school districts and open-enrollment charter schools with disproportionate representation of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification.

SECTION 2. Same as introduced version.

house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.