

BILL ANALYSIS

Senate Research Center
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to federal law, the purpose of special education is to ensure that all children with disabilities have available to them a free appropriate education designed to prepare and enable them to access postsecondary education, employment, and independent living. The current measurement systems do not give an accurate picture of where special education programs are meeting those goals, and where they are not. The systems do not provide district and campus level measurement or foster a climate where programs producing the best results are rewarded, or conversely, where programs producing poor results are recognized as such. A better measurement system is needed and can be realized today by using technology that was not available a few years ago.

As proposed, S.B. 2083 combines existing quantitative and new qualitative measures to obtain a more complete picture of how schools move students toward postsecondary outcomes. The bill requires a survey of every special education student who graduates from Texas schools one year and five years after graduating to determine whether they are attending a postsecondary educational institution, living independently, and working competitively. In addition, every parent, teacher, paraprofessional, and where applicable, each special education student will be surveyed each year to determine whether each stakeholder perceives the student to be appropriately progressing toward post secondary outcomes. Further, the bill provides data to parents regarding the discrete and relative performance of their district, campus, age range, and disability prior to the annual admission, review, and dismissal committee meeting.

The bill also calls for financial rewards to top districts and campuses that show best outcomes by disability, age, and district size. Part of the reward shall require the district to provide a description of their program highlighting the aspects which create success.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Sections 29.025 and 29.028, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 29, Education Code, by adding Sections 29.022-29.029, as follows:

Sec. 29.022. SPECIAL EDUCATION SURVEYS: DEVELOPMENT AND DESIGN.

(a) Requires the Texas Education Agency (TEA) to develop an Internet-based data collection platform that each school district and open-enrollment charter school is required to use to conduct surveys concerning each student participating in the district's or school's special education program; each student who has participated in the district's or school's special education program and has graduated from a district or school high school; and each student who has withdrawn from the district's or school's special education program.

(b) Requires TEA to develop questions and a structure for each survey required under Subsection (a) so that each survey is designed to be completed in 15 minutes or less. Requires TEA, in developing the surveys:

(1) to the extent practicable, consult with one or more national organizations with expertise in postsecondary education, employment, or life skills for persons with disabilities; and

(2) consult with parents of students eligible under Section 29.003 (Eligibility Criteria) to participate in a district or school special education program; teachers who teach in special education programs; school administrators; and other persons with significant interest or expertise in special education, including one person appointed by the presiding officer of the standing committee in the senate with primary jurisdiction over public education; and one person appointed by the presiding officer of the standing committee in the house of representatives with primary jurisdiction over public education.

(c) Requires that a survey under Subsection (a)(1) be designed to determine, among other information, whether the person completing the survey believes that the student is appropriately progressing academically and, as appropriate based on the grade-level or age of the student, toward living independently and working competitively; has, as appropriate based on the person completing the survey, an understanding of the educational rights under federal law of a student with a disability; and is satisfied with the admission, review, and dismissal committee meetings, conflict resolution procedures and outcomes, the level of due process provided in the special education program, the amount and type of teaching training, teacher retention, and, as applicable, the availability of student and parent contact information; and disaggregated by type of disability and by preschool, including early childhood, or primary or secondary school grade-level or age of the student.

(d) Requires that a survey under Subsection (a)(2) be designed to determine, among other information, whether the student is attending a postsecondary educational institution and, if so, the type of institution; living independently; and employed and, if so, the type of employment.

(e) Requires that a survey under Subsection (a)(3) be designed to determine, among other information, the reason for the student's withdrawal from the special education program, such as a change of residence or a decision to educate the student at home or in a private setting.

Sec. 29.023. SPECIAL EDUCATION SURVEYS: ADMINISTRATION AND RESULTS. (a) Requires a school district to conduct the surveys developed under Section 29.022 as follows:

(1) for a survey under Section 29.022(a)(1), once every school year, after an admission, review, and dismissal committee meeting;

(2) for a survey under Section 29.022(a)(2), approximately 12 months and again approximately 60 months after the date of a student's graduation; and

(3) for a survey under Section 29.022(a)(3), approximately 12 months after the last day of the school year in which the student withdrew from the district's or school's special education program.

(b) Requires a school district or open-enrollment charter school, for a survey under Section 29.022(a)(1), to conduct separate surveys of the parent of a student participating in the district or school special education program, each teacher of the student, each paraprofessional working with the student, and, to the extent practicable, the student. Requires a district or school, for a survey under Section 29.022(a)(2) or (3), to conduct a separate survey of the parent of each student who has participated in the district's or school's special education program and, to the extent practicable, each student.

(c) Requires TEA to develop a statewide Internet-based information system that TEA posts on TEA's Internet website and that provides current and historical survey results for each school district, campus, and open-enrollment charter school that are disaggregated by students' type of disability and by students' preschool or grade-level range or age. Requires that, in addition, the information system rank districts, campuses, and schools among, as determined by TEA, peer institutions in this state and, if practicable, nationally, based on accomplishments by students and satisfaction with special education programs, as indicated by the surveys conducted under this section; and other indicators established by law and rules, as determined appropriate by TEA, including the indicator under Section 39.051(b)(12) (regarding the indicator for the percentage of students in a special education program assessed using certain TEA-approved assessment instruments) and the districts', campuses', or schools' current special education compliance status with TEA.

Sec. 29.024. SPECIAL EDUCATION REPORT CARD. Requires TEA to develop and each school district or open-enrollment charter school to provide to the parent of each student participating in the district's or school's special education program, before each admission, review, and dismissal committee meeting, a special education report card. Requires that the report card indicate the discrete and relative performance, disaggregated by students' type of disability and by students' preschool or grade-level range or age, of the district and campus or school on issues surveyed under Sections 29.022 and 29.023; and other indicators established by law and rules, as determined appropriate by TEA, including the indicator under Section 39.051(b)(12) and the district's and campus's or school's current special education compliance status with TEA.

Sec. 29.025. SPECIAL EDUCATION SUCCESS GRANTS. (a) Requires TEA, to the extent funds are available, to award grants to school districts, campuses, and open-enrollment charter schools with high rankings under the information system under Section 29.023(c).

(b) Requires the commissioner of education (commissioner) by rule to adopt criteria on which to base a grant award under this section, for grouping districts, campuses, and open-enrollment charter schools based on the number of students enrolled in the program and other factors, and for distinguishing among districts, campuses, and schools. Requires that the rule require a district, campus, or school, before receiving an award, to provide a detailed, written description of the special education program, especially the aspects of the program that have led to student success. Requires TEA to post each description on TEA's Internet website and provide copies to school districts, open-enrollment charter schools, and regional education service centers and, on request, to members of the public.

(c) Prohibits the total amount of grant awards under this section from exceeding \$2 million per year.

Sec. 29.026. SPECIAL EDUCATION SURVEYS: ANALYSIS. Requires TEA to periodically perform a statistical analysis to isolate particular results of surveys conducted under Sections 29.022 and 29.023 that predict student success. Requires TEA to post the results of the analysis, without using any personally identifiable student information, on TEA's Internet website and to provide copies of the results to school districts, open-enrollment charter schools, and regional education service centers and, on request, to members of the public. Requires TEA, in addition, on request, to make the information available to persons providing research, members of special education advocacy groups, and other interested persons.

Sec. 29.027. PARENT AND TEACHER CONTACT INFORMATION. Requires TEA to provide a method by which parents and teachers of students who have participated in a special education program and completed a survey under Section 29.023 are authorized, through TEA, to provide contact information to persons who provide training, advocacy,

or other targeted assistance in creating academic success for students in special education programs.

Sec. 29.028. RULES. Requires the commissioner to adopt rules as necessary to administer Sections 29.022-29.027.

Sec. 29.029. SPECIAL EDUCATION SURVEYS: IMPLEMENTATION PLAN. Requires TEA, not later than January 1, 2010, to submit to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education a plan for implementing the requirements of Sections 29.022-29.027. Requires school districts and open-enrollment charter schools, not later than June 15, 2010, to begin conducting surveys under Sections 29.022 and 29.023. Provides that this section expires June 30, 2010.

SECTION 2. Effective date: upon passage or September 1, 2009.