

BILL ANALYSIS

Senate Research Center
83R7607 CAS-F

S.B. 816
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 816 will improve the initial evaluation process to determine eligibility for special education services for students and parents, and significantly reduce costs incurred by school districts that must perform initial eligibility evaluations during the summer months when schools are not in operation.

Currently, Section 29.004(a), Education Code, requires the initial evaluation of a student to determine whether he or she is eligible for special education services to be completed within 60 calendar days of receiving written parental consent. The current law results in numerous problems.

Currently, 60 calendar days to do an initial evaluation actually results in 40 school days at most to perform the initial evaluation. That number is reduced if the period includes any district or state testing days. If the student is frequently absent, the testing schedule is interrupted, wherein more time is needed to schedule evaluation staff. The nature and complexity of evaluations has changed significantly over the past 10 years, resulting in more extensive assessments and the preparation of evaluation reports that may be as much as 50 pages long.

The federal Individuals with Disabilities Education Act requires the initial evaluation to be completed within 60 calendar days, but allows a state to set its own timeline for completion of the initial evaluation. Approximately one-half of the other states have taken advantage of this flexibility.

S.B. 816 changes the initial evaluation time to 60 school days so that districts will have actual work days to perform in-depth, high-quality evaluations and prepare the report. S.B. 816 takes into account that students may be absent and adjusts the school day timeline to coincide with attendance. For prekindergarten students, the bill sets a 60 school day evaluation timeline without regard to attendance.

The bill eliminates evaluations during the summer when school is not in session. Depending on a district's size, this will also result in cost savings to school districts ranging from a few thousand dollars to many tens of thousands of dollars.

The bill addresses and solves a problem that affects all districts, regardless of size or location. A change in state law will result in better quality evaluations for students and significant cost savings for school districts.

As proposed, S.B. 816 amends current law relating to the date by which a school district must complete a report of an initial evaluation of a student for special education services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.004, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.004, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a written report of a full individual and initial evaluation of a student for purposes of special education services be completed not later than:

(1) the 60th school day of the student's actual school attendance, rather than the 60th calendar day, following the date on which the school district, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian; or

(2) for a prekindergarten student, the 60th school day following the date on which the school district receives written consent for the evaluation, signed by the student's parent or legal guardian.

Makes nonsubstantive changes.

(a-1) Provides that "school day," for purposes of Subsection (a), does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. Authorizes the commissioner of education by rule to determine days during which year-round schools are recessed that, consistent with this subsection, are not considered to be school days for purposes of this subsection.

SECTION 2. Makes application of Section 29.004(a), Education Code, prospective to September 1, 2013.

SECTION 3. Effective date: September 1, 2013.