

BILL ANALYSIS

Senate Research Center
78R10773 CAS-D

H.B. 1441
By: Eissler (Williams)
Education
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Engrossed

DIGEST AND PURPOSE

Texas Education Code Section 42.151(j) currently penalizes a school district that maintains for two successive years a ratio that is 25 percent higher than the statewide average ratio of full-time equivalent students placed in partially or totally self-contained classrooms to the number of full-time equivalent students placed in resource room or mainstream instructional arrangements. The law requires that the Texas Education Agency determine the appropriateness of student placement and authorizes the commissioner of education to reduce the special education allotment the district receives to the level to which the student would be entitled if the district's ratio was not more than 25 percent higher than the statewide average ratio.

This provision poses difficulties under The Individuals with Disabilities Education Act (IDEA). IDEA requires that student placement be determined according to that student's individual education needs, not a pre-prescribed ratio put forth by the school district.

H.B. 1441 amends the Education Code to require the Texas Education Agency to make and disseminate, each year, to each school district, a list of those districts that maintain for two successive years a ratio of full-time equivalent students placed in partially or totally self-contained classrooms to the number of full-time equivalent students placed in resource room or mainstream instructional arrangements that is 25 percent higher than the statewide average ratio.

The bill deletes provisions that authorize the commissioner to reduce the special education allotment the district receives to the level to which the district would be entitled if the district's ratio was not more than 25 percent higher than the statewide average ratio.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.151(j), Education Code, to require the Texas Education Agency, each year, to make and disseminate to each school district a list of those districts that maintain for two successive years a ratio of full-time equivalent students placed in partially or totally self-contained classrooms to the number of full-time equivalent students placed in resource room or mainstream instructional arrangements that is a 25 percent higher than the statewide average ratio. Deletes provisions that authorize the commissioner to reduce the special education allotment the district receives to the level to which the district would be entitled if the district's ratio was not more than 25 percent higher than the statewide average ratio and deletes provision relating to placement reviews.

SECTION 2. Effective date: September 1, 2003.