

BILL ANALYSIS

C.S.H.B. 1441
By: Eissler
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas Education Code Section 42.151 (j) presently 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 law is problematic for several reasons. The Individuals with Disabilities Education Act (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. This results in admission review and dismissal (ARD) committees examining formulas rather than the child's individual needs when making placement decisions is completely contrary to federal and state law intent. In addition, this requirement is a hardship on many districts where specialized facilities are available and that serve as an attraction for parents to move into the district in order to receive special education services. The oversight from Texas Education Agency requires time away from students and excessive paperwork requirements beyond those normally required under the IDEA. Finally, this law was passed at a time when Texas Education Agency's accounting methodology was different as reported to the federal government. The change in accounting procedures has softened any conclusion that Texas has students in self-contained classroom settings disproportionate to other states.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.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.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1441 modifies the original version by amending, rather than repealing, Section 42.151(j), Education Code.