

1-1 By: Shapiro, Lucio S.B. No. 2083
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Education; May 1, 2009,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 6, Nays 0; May 1, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2083 By: Shapiro

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to outcome measurement and reporting concerning school
1-10 district and open-enrollment charter school special education
1-11 programs and grants to public school entities that perform well on
1-12 the measurements.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 29, Education Code, is
1-15 amended by adding Sections 29.022 through 29.030 to read as
1-16 follows:

1-17 Sec. 29.022. SPECIAL EDUCATION SURVEYS: DEVELOPMENT AND
1-18 DESIGN OF DATA COLLECTION PLATFORM AND FLOWCHART. (a) The agency
1-19 shall develop an Internet-based data collection platform that, in
1-20 accordance with Section 29.023:

1-21 (1) each school district and open-enrollment charter
1-22 school shall use to coordinate the completion of surveys concerning
1-23 each student participating in the district's or school's special
1-24 education program; and

1-25 (2) the agency shall use to survey:

1-26 (A) each student who has participated in a school
1-27 district's or open-enrollment charter school's special education
1-28 program and has graduated from a district or school high school or
1-29 the parent of or person standing in parental relation to such a
1-30 student; and

1-31 (B) each student who has withdrawn from a school
1-32 district's or open-enrollment charter school's special education
1-33 program or the parent of or person standing in parental relation to
1-34 such a student.

1-35 (b) The agency shall develop a survey question flowchart for
1-36 each survey required under Subsection (a) so that each survey is
1-37 designed to be completed in 15 minutes or less. In developing each
1-38 survey flowchart, the agency shall:

1-39 (1) to the extent practicable, consult with one or
1-40 more national organizations with expertise in postsecondary
1-41 education, employment, or life skills for persons with
1-42 disabilities; and

1-43 (2) consult with:

1-44 (A) parents of students eligible under Section
1-45 29.003 to participate in a district or school special education
1-46 program;

1-47 (B) teachers who teach special education
1-48 students;

1-49 (C) school administrators, including
1-50 superintendents, principals, and special education administrators;

1-51 (D) other persons with significant interest or
1-52 expertise in special education, including:

1-53 (i) one person appointed by the presiding
1-54 officer of the standing committee in the senate with primary
1-55 jurisdiction over public education; and

1-56 (ii) one person appointed by the presiding
1-57 officer of the standing committee in the house of representatives
1-58 with primary jurisdiction over public education; and

1-59 (E) persons who perform research at institutions
1-60 of higher education and have expertise concerning the design of
1-61 statistically valid, accurate, and objective data collection
1-62 methods.

1-63 (c) A survey under this section shall be, as applicable:

(1) designed to determine, among other information, whether the person completing the survey:

(A) perceives that the student is appropriately progressing toward each of the following:

(i) attending postsecondary education;

(ii) living independently; and

(iii) being employed;

(B) 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

(C) is satisfied with 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 teacher training, teacher retention, and, as applicable, the availability of student and parent contact information;

(2) disaggregated by type of disability and by preschool, including early childhood, or primary or secondary school grade-level or age of the student; and

(3) designed, to the extent practicable, through the use of multiple languages or other accommodations determined by the agency, to be completed without assistance from school district personnel.

(d) A survey under Subsection (a)(2)(A) shall be designed to determine, among other information, whether the student is:

(1) attending a postsecondary educational institution and, if so, the type of institution;

(2) living independently; and

(3) employed and, if so, the type of employment.

(e) A survey under Subsection (a)(2)(B) shall 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) The agency shall conduct the surveys described by Section 29.022 as follows:

(1) for a survey under Section 29.022(a)(1), once during each of the following periods during which a student is enrolled in a special education program:

(A) during the period the student is at least three years of age and younger than six years of age;

(B) during the period the student is at least six years of age and younger than 11 years of age;

(C) during the period the student is at least 11 years of age and younger than 15 years of age; and

(D) during the period the student is at least 15 years of age and younger than 22 years of age;

(2) for a survey under Section 29.022(a)(2)(A), 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)(2)(B), as soon as practicable after the student withdraws from the district's or school's special education program.

(b) For a survey under Section 29.022(a)(1), a school district or open-enrollment charter school shall coordinate the completion of separate surveys of:

(1) the parent of or person standing in parental relation to a student participating in the district's or school's special education program;

(2) the special education teacher of the student or, if the student is in general education classes only, a teacher of the student in a course in the foundation curriculum under Section 28.002(a)(1);

(3) if applicable, the primary paraprofessional working with the student; and

(4) if the student participates in admission, review, and dismissal committee meetings, the student.

(c) For a survey under Section 29.022(a)(2)(A) or (B), the

agency shall complete a survey of:

(1) the parent of or person standing in parental relation to each student who has participated in the district's or school's special education program; or

(2) to the extent practicable, each student.

(d) The agency shall develop a statewide Internet-based information reporting system that the agency posts on the agency's Internet website and that provides current and historical special education snapshot 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. In addition, the information system must provide relative performance statistics for districts, campuses, and schools among, as determined by the agency, peer institutions in this state and, if practicable, nationally, based on:

(1) outcomes by students and interim outcome progress indicators, as indicated by the surveys conducted under this section; and

(2) other indicators established by law and rules, as determined appropriate by the agency, including the indicator under Section 39.051(b)(12) and the districts', campuses', or schools' current special education compliance status with the agency.

Sec. 29.024. SPECIAL EDUCATION SNAPSHOT. (a) The agency shall develop and each school district or open-enrollment charter school shall provide to the parent of or person standing in parental relation to each student participating in the district's or school's special education program, once each school year before the first admission, review, and dismissal committee meeting, a special education snapshot. The snapshot must be designed to be easily understood by parents and persons standing in parental relation and must 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:

(1) issues surveyed under Sections 29.022 and 29.023; and

(2) other indicators established by law and rules, as determined appropriate by the agency, 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 the agency.

(b) In a case in which disaggregation of data as reported in the snapshot would, because of the survey sample size, create a violation under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), the agency shall increase the grouping sample size used for snapshot purposes by adding age ranges or historical results to the extent necessary to comply with that law.

(c) In a case in which disaggregation of data as reported in the snapshot would, because of the small survey sample size, create among peers relative performance statistics that are not statistically sound, the agency shall increase the grouping sample size used for snapshot purposes by adding age ranges or historical results to create statistically valid relative performance statistics. The discrete survey results shall be disaggregated to the fullest extent possible.

Sec. 29.025. SPECIAL EDUCATION SUCCESS GRANTS FOR PUBLIC SCHOOLS. (a) To the extent funds are available, the agency shall award grants to school districts, campuses, and open-enrollment charter schools with high relative performance statistics for students with a specific disability, as indicated by the snapshot information under Section 29.023(d).

(b) The commissioner shall by rule 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 and among types of disabilities. The rule must require a district, campus, or school, before receiving an award, to provide a detailed, written description on a form adopted by the commissioner under Subsection

(d) of the award-winning special education program, especially the aspects of the program that have led to student success. The agency shall post each description on the agency's Internet website and shall provide copies to school districts, open-enrollment charter schools, and regional education service centers and, on request, to members of the public.

(c) The total amount of grant awards under this section may not exceed \$2 million per year.

(d) The commissioner by rule shall adopt a written description form for purposes of Subsection (b). To enable another school district, campus, or open-enrollment charter school to understand and implement a special education program similar to the program for which a grant has been awarded under this section, the form must require a program description that describes, among any other aspects of the program as determined by the commissioner:

(1) program methodologies and practices;
 (2) lessons learned from program implementation;
 (3) staff qualification requirements;
 (4) staff-to-student ratios across placements;
 (5) staff training, development, and retention strategies, including methods and measures used to support staff;
 (6) unique, creative, or advanced program elements;
 (7) significant challenges faced and any solutions found; and

(8) approximate budget information, with major program expenditures specified.

Sec. 29.026. SPECIAL EDUCATION SURVEYS: ANALYSIS.
 (a) The agency shall periodically perform a statistical analysis to isolate particular results of surveys conducted under Sections 29.022 and 29.023 that predict student success.

(b) The agency shall post the results of the analysis under Subsection (a), with any personally identifiable student information removed, on the agency's Internet website and shall 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. In addition, on request, the agency shall make the data on which the analysis is based available, with any personally identifiable student information removed, to persons providing research, members of special education advocacy groups, and other interested persons. The agency may require a person to whom that data is made available to execute a nondisclosure agreement as the agency determines necessary to ensure that the person releases to the public only summary results of the person's research and does not release to the public information or a form of information that reveals personally identifiable student information.

Sec. 29.027. PARENT AND TEACHER CONTACT INFORMATION. The agency shall provide a method during the survey by which parents and teachers of students who have participated in a special education program and completed a survey under Section 29.023 may, through the agency, 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. SPECIAL EDUCATION SURVEYS: CONFIDENTIALITY OF INFORMATION. (a) Notwithstanding any other provision of this subchapter, the results of a special education survey under this subchapter are not considered public information under Chapter 552, Government Code.

(b) The agency shall take measures to ensure confidentiality of individual survey results so that parents of or persons standing in parental relation to students of school districts or open-enrollment charter schools and employees of the districts or schools are not subject to consequences as a result of their answers to survey questions.

Sec. 29.029. RULES. The commissioner shall adopt rules as necessary to administer Sections 29.022-29.028.

Sec. 29.030. SPECIAL EDUCATION SURVEYS: IMPLEMENTATION PLAN. (a) Not later than March 1, 2010, the agency shall submit to the governor, lieutenant governor, speaker of the house of

representatives, and presiding officer of the standing committee of each house of the legislature with primary jurisdiction over public education a plan for implementing the requirements of Sections 29.022-29.028.

(b) The implementation plan must include the confidentiality measures required by Section 29.028(b).

(c) Not later than September 1, 2010, school districts and open-enrollment charter schools shall begin conducting surveys under Sections 29.022 and 29.023. This section expires September 30, 2010.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each 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, 2009.

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