BILL ANALYSIS

H.B. 1130 By: Huberty Public Education Committee Report (Unamended)

BACKGROUND AND PURPOSE

The United States Congress passed the Education of All Handicapped Children Act (now known as the Individuals with Disabilities Education Act) in 1975, which addressed services in public schools for students identified as having disabilities. After final regulations were adopted, a belief emerged among some advocacy groups that school districts were placing students with disabilities in more restrictive educational settings in an effort to generate more federal funding for these students. This prompted the Texas Legislature, among other state legislatures, to enact funding formulas that generated less or the same amount of funding for separate and more restrictive placements as that for less restrictive settings, which eliminated any fiscal benefit of placing students with disabilities in more restrictive settings. The legislature later amended this funding formula by removing the funding reduction provision but left a requirement for the compilation of a list of districts that exceed the statewide average ratio of students placed in more restrictive environments to those placed in less restrictive environments by 25 percent for two successive years. The Individuals with Disabilities Education Act has since been reauthorized by the U.S. Congress and now requires state agencies to adopt measures to gather and report certain information regarding educational placement of students with disabilities.

Data regarding student placement, with specific emphasis on placement in the least restrictive environments, is now part of the ongoing collection and reporting system used by the state, and the Texas Education Agency is required to report this information to the U.S. Department of Education. This federal reporting requirement now makes redundant the required list of districts exceeding the statewide ratio of students in more restrictive environments to those in less restrictive environments. H.B. 1130 repeals this requirement.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 1130 repeals Section 42.151(j), Education Code, requiring the Texas Education Agency to provide to each school district a list of districts that maintain for two successive years a ratio of students receiving special education services placed in self-contained classrooms to the number of students receiving special education services placed in a resource room or mainstream instructional arrangements that is 25 percent higher than the statewide average ratio.

EFFECTIVE DATE

September 1, 2011.