

BILL ANALYSIS

C.S.S.B. 37
By: Zaffirini
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to a recent report by the Georgetown Public Policy Institute at Georgetown University, 65 percent of all jobs will require some form of postsecondary education or training by 2020, and a report recently published by the Employment and Disability Institute at the Cornell University School of Industrial and Labor Relations indicates that the employment rate of working-age persons with disabilities in Texas has been significantly lower than the employment rate of such persons without disabilities. Interested parties contend that Texas currently ranks last among states offering postsecondary educational opportunities for persons with intellectual and developmental disabilities, with only a handful of Texas institutions of higher education offering these opportunities. Taking all of this information into consideration, the parties believe that continuing to ignore these growing disparities will result in additional barriers on employment, independence, and a higher quality of life for persons with disabilities and assert the need for the state to coordinate these postsecondary educational efforts more effectively by gathering data on this issue. C.S.S.B. 37 seeks to promote and effectively coordinate postsecondary education for persons with intellectual and developmental disabilities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 37 amends the Education Code to require the Texas Higher Education Coordinating Board to collect and maintain data relating to undergraduate and graduate level participation of persons with intellectual and developmental disabilities at institutions of higher education and to conduct an ongoing study of the data to analyze factors affecting the participation of such persons at institutions of higher education. The bill requires the coordinating board to conduct an ongoing study on the recruitment of such persons at institutions of higher education and requires the study to identify previously made recruitment efforts, limitations on recruitment, and possible methods for recruitment. The bill requires the coordinating board, not later than November 1 of each even-numbered year, to submit to the governor and members of the legislature a report on the results of the study on recruitment and any recommendations for legislative or other action. The bill requires each institution of higher education, at times prescribed by the coordinating board, to submit to the coordinating board any information requested by the coordinating board as necessary for the coordinating board to carry out its duties under the bill's provisions. The bill requires the coordinating board to adopt rules as necessary to implement the bill's provisions in a manner that ensures compliance with federal

law regarding confidentiality of student medical or educational information.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 37 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.081 to read as follows:

Sec. 61.081. CONTINUING STUDY OF PARTICIPATION OF PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES IN HIGHER EDUCATION. (a) The board shall collect data and maintain a database relating to the participation of persons with intellectual or developmental disabilities in this state in public higher education, including data relating to applications, recruitment, admissions, retention, graduation, and professional licensing of persons with intellectual or developmental disabilities at both the undergraduate and graduate levels.

(b) The board shall maintain a continuous study of the data collected under Subsection (a) and of factors affecting that data.

(c) In order to avoid duplication with any other study by the office of the comptroller, the board shall, through a memorandum of understanding, work in conjunction with the comptroller in conducting the study.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0664 to read as follows:

Sec. 61.0664. COLLECTION AND STUDY OF DATA ON PARTICIPATION OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN HIGHER EDUCATION. (a) The board shall collect and maintain data relating to undergraduate and graduate level participation of persons with intellectual and developmental disabilities at institutions of higher education, including data regarding applications for admission, admissions, retention, graduation, and professional licensing.

(b) The board shall conduct an ongoing study of the data collected and maintained under Subsection (a) to analyze factors affecting the participation of persons with intellectual and developmental disabilities at institutions of higher education.

(c) The board shall conduct an ongoing study on the recruitment of persons with intellectual and developmental disabilities at institutions of higher education. The study must identify previously made recruitment efforts, limitations on recruitment, and possible methods for recruitment. Not later than November 1 of each even-numbered year, the board shall submit to the governor and members of the legislature a report on the results of the study conducted under this subsection and any recommendations for

legislative or other action.

(d) Each institution of higher education, at times prescribed by the board, shall submit to the board any information requested by the board as necessary for the board to carry out its duties under this section.

(e) The board shall adopt rules as necessary to implement this section in a manner that ensures compliance with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. Same as engrossed version.