

## **BILL ANALYSIS**

C.S.S.B. 1867  
By: Zaffirini  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that a school is required to maintain an individualized education program (IEP) for each child with a disability who attends the school and that an IEP can extend for a number of years past a typical high school graduation date to ensure that the student receives necessary services during the secondary to postsecondary transition. Many students with IEPs complete all credit requirements for graduation and even walk across the stage on graduation day but remain enrolled as high school students to receive transition services.

The parties express concern that these students are added to the number of students in the school who have not graduated, which negatively impacts the school's graduation rate and overall accountability rating. Because of this negative impact, school administrators may encourage the students to leave high school before completing an IEP or fail to offer adequate transition services to students with IEPs. Current law lists several groups of students who are excluded from the computation of high school completion rates, and the parties contend that certain students in special education programs who have satisfied credit requirements for graduation, but remain eligible for special education services, should be added to that list. C.S.S.B. 1867 seeks to address this issue.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1867 amends the Education Code to include among the students the commissioner of education is required to exclude in computing school district completion rates for grade levels 9 through 12 students who are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation, have not completed their individualized education program under state regulations and the federal Individuals with Disabilities Education Act, and are enrolled and receiving individualized education program services. The bill applies beginning with the 2015–2016 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

## COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1867 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. Section 39.053(g-1), Education Code, is amended to read as follows:

(g-1) In computing **dropout and** completion rates under Subsection (c)(2), the commissioner shall exclude:

(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;

(2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

(3) students in attendance who are not in membership for purposes of average daily attendance;

(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-1);

(5) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; ~~and~~

(6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults; and

(7) students who:

(A) are at least 18 years of age and have satisfied the credit requirements for high school graduation;

(B) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(C) are enrolled and receiving individualized education program services.

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 39.053, Education Code, is amended by adding Subsection (g-2) to read as follows:

(g-2) In computing completion rates under Subsection (c)(2), the commissioner shall exclude

students who:

(1) are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;

(2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(3) are enrolled and receiving individualized education program services.

SECTION 2. This Act applies beginning with the 2015-2016 school year.

SECTION 2. Same as engrossed version.

SECTION 3. 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, 2015.

SECTION 3. Same as engrossed version.