

By: Huberty

H.B. No. 363

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition of a monitoring system performance indicator based on the number or percentage of students receiving special education services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0011 to read as follows:

Sec. 29.0011. PROHIBITED PERFORMANCE INDICATOR. (a)
Notwithstanding Section 29.001(5), Section 29.010, or any other provision of this code, the commissioner or agency may not adopt or implement a performance indicator in any agency monitoring system, including the performance-based monitoring analysis system, that evaluates the total number of enrolled students or the overall percentage of the total number of enrolled students of a school district or open-enrollment charter school who receive special education services.

(b) Subsection (a) does not:

(1) prohibit a performance indicator designed to monitor disproportionality by assessing the percentage of specific racial or ethnic groups who receive special education services; or

(2) affect the duty of the commissioner or agency to provide and report information as required by state or federal law on students who receive special education services.

SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2017.