

1-1 By: Rodríguez, Menéndez S.B. No. 160
 1-2 (In the Senate - Filed November 14, 2016; January 25, 2017,
 1-3 read first time and referred to Committee on Education;
 1-4 April 10, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 10, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Hall	X			
1-13 Huffines	X			
1-14 Hughes	X			
1-15 Seliger	X			
1-16 Taylor of Collin	X			
1-17 Uresti	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 160 By: Uresti

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to a prohibition of a monitoring system performance
 1-24 indicator based solely on the number or percentage of students
 1-25 receiving special education services.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subchapter A, Chapter 29, Education Code, is
 1-28 amended by adding Section 29.0011 to read as follows:

1-29 Sec. 29.0011. PROHIBITED PERFORMANCE INDICATOR.

1-30 (a) Notwithstanding Section 29.001(5), Section 29.010, or any
 1-31 other provision of this code, the commissioner or agency may not
 1-32 adopt or implement a performance indicator in any agency monitoring
 1-33 system, including the performance-based monitoring analysis
 1-34 system, that solely measures a school district's or open-enrollment
 1-35 charter school's aggregated number or percentage of enrolled
 1-36 students who receive special education services.

1-37 (b) Subsection (a) does not prohibit or limit the
 1-38 commissioner or agency from meeting requirements under:

1-39 (1) 20 U.S.C. Section 1418(d) and its implementing
 1-40 regulations to collect and examine data to determine whether
 1-41 significant disproportionality based on race or ethnicity is
 1-42 occurring in the state and in the school districts and
 1-43 open-enrollment charter schools in the state with respect to the:

1-44 (A) identification of children as children with
 1-45 disabilities, including the identification of children as children
 1-46 with particular impairments;

1-47 (B) placement of children with disabilities in
 1-48 particular educational settings; and

1-49 (C) incidence, duration, and type of
 1-50 disciplinary actions taken against children with disabilities,
 1-51 including suspensions and expulsions; or

1-52 (2) 20 U.S.C. Section 1416(a)(3)(C) and its
 1-53 implementing regulations to address in the statewide plan the
 1-54 percentage of school districts and open-enrollment charter schools
 1-55 with disproportionate representation of racial and ethnic groups in
 1-56 special education and related services and in specific disability
 1-57 categories that results from inappropriate identification.

1-58 SECTION 2. This Act takes effect immediately if it receives
 1-59 a vote of two-thirds of all the members elected to each house, as
 1-60 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2017.

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