

SUBJECT: Revising the average daily attendance calculation for certain students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 10 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

1 absent — Dutton

SENATE VOTE: On final passage, May 3 — 31-0

WITNESSES: For — Steven Aleman, Disability Rights Texas; Nancy Guido, North East ISD; John Haag; Terri Haag; Daniella Meineke; Vickie Mitchell; (*Registered, but did not testify:* Mark Wiggins, Association of Texas Professional Educators; Chris Masey, Coalition of Texans with disabilities; Jodi Duron, Elgin ISD; Kristi Hassett and Krona Thimesch, Lewisville ISD; Jesus Chavez, South Texas Association of Schools; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Veronica Garcia, Texas Charter Schools Association; Janna Lilly, Texas Council of Administrators of Special Education; Colby Nichols, Texas Rural Education Association, Texas Association of Community Schools)

Against — None

On — (*Registered, but did not testify:* Gene Lenz, Leonardo Lopez, and Al McKenzie, Texas Education Agency)

BACKGROUND: Under 19 TAC, part 2, subchap. D, §89.63, an off-home campus is defined as an instructional arrangement/setting for providing special education and related services to:

- a student who is one of a group of students from multiple school

- districts served in a single location when a free appropriate public education is not available in the respective sending district;
- a student in a community setting or environment, not operated by a school district, that prepares the student for postsecondary education, integrated employment, and/or independent living; or
 - a student in a self-contained program at a separate campus operated by the school district that provides only special education and related services.

Concerns have been raised that schools might not receive sufficient funding for adult special education students who attend off-campus instructional programs operating outside the regular school day. Some suggest including these students in the average daily attendance calculation within the special education allotment would address this issue.

DIGEST: SB 2188 would establish that, for the purposes of the special education allotment within the Foundation School Program funding formula, a student who was 18 or older, had met graduation credit requirements, and was in an off-home campus instructional arrangement was a full-time equivalent student if the student received 20 hours of contact a week. Such students would be considered part-time equivalent students if they received at least 10 but less than 20 hours of contact a week.

The commissioner of education could adopt rules to administer the bill and would be required to implement the bill only if the Legislature appropriated money specifically for that purpose. If money was not appropriated, the commissioner of education could, but would not be required to, implement the provisions of the bill using other available appropriations.

The bill would apply beginning with the 2017-18 school year.

NOTES: The Legislative Budget Board estimates SB 2188 would have a negative impact of \$7 million to general revenue related funds through fiscal 2018-19 if the agency implemented the program.