

## **BILL ANALYSIS**

Senate Research Center  
81R28062 CAS-F

C.S.S.B. 2083  
By: Shapiro, Lucio  
Education  
4/29/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to federal law, the purpose of special education is to ensure that all children with disabilities have available to them a free appropriate education designed to prepare and enable them to access postsecondary education, employment, and independent living. The current measurement systems do not give an accurate picture of where special education programs are meeting those goals, and where they are not. The systems do not provide district and campus level measurement or foster a climate where programs producing the best results are rewarded, or conversely, where programs producing poor results are recognized as such. A better measurement system is needed and can be realized today by using technology that was not available a few years ago.

C.S.S.B. 2083 relates to outcome measurement and reporting concerning school district and open-enrollment charter school special education programs and grants to public school entities that perform well on the measurements.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Sections 29.025 and 29.029, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 29, Education Code, by adding Sections 29.022-29.030, as follows:

Sec. 29.022. SPECIAL EDUCATION SURVEYS: DEVELOPMENT AND DESIGN OF DATA COLLECTION PLATFORM AND FLOWCHART. (a) Requires the Texas Education Agency (TEA) to develop an Internet-based data collection platform that, in accordance with Section 29.023:

- (1) each school district and open-enrollment charter school is required to use to coordinate the completion of surveys concerning each student participating in the district's or school's special education program; and
- (2) the agency is required to use to survey:
  - (A) each student who has participated in a school district's or open-enrollment charter school's special education program and has graduated from a district or school high school or the parent of or person standing in parental relation to such a student; and
  - (B) each student who has withdrawn from a school district's or open-enrollment charter school's special education program or the parent of or person standing in parental relation to such a student.

(b) Requires TEA to develop a survey question flowchart for each survey required under Subsection (a) so that each survey is designed to be completed in 15 minutes or less. Requires TEA, in developing the surveys:

(1) to the extent practicable, consult with one or more national organizations with expertise in postsecondary education, employment, or life skills for persons with disabilities; and

(2) consult with parents of students eligible under Section 29.003 (Eligibility Criteria) to participate in a district or school special education program; teachers who teach in special education students; school administrators, including superintendents, principals, and special education administrators; other persons with significant interest or expertise in special education, including one person appointed by the presiding officer of the standing committee in the senate with primary jurisdiction over public education; and one person appointed by the presiding officer of the standing committee in the house of representatives with primary jurisdiction over public education; and persons who perform research at institutions of higher education and have expertise concerning the design of statistically valid, accurate, and objective data collection methods.

(c) Requires that a survey under this section be, as applicable, designed to determine, among other information, whether the person completing the survey perceives that the student is appropriately progressing toward attending postsecondary education, living independently, and being employed; has, as appropriate based on the person completing the survey, an understanding of the educational rights under federal law of a student with a disability; and is satisfied with the admission, review, and dismissal committee meetings, conflict resolution procedures and outcomes, the level of due process provided in the special education program, the amount and type of teaching training, teacher retention, and, as applicable, the availability of student and parent contact information; disaggregated by type of disability and by preschool, including early childhood, or primary or secondary school grade-level or age of the student; and designed, to the extent practicable, through the use of multiple languages or other accommodations determined by the agency, to be completed without assistance from school district personnel.

(d) Requires that a survey under Subsection (a)(2)(A) be designed to determine, among other information, whether the student is attending a postsecondary educational institution and, if so, the type of institution; living independently; and employed and, if so, the type of employment.

(e) Requires that a survey under Subsection (a)(2)(B) be designed to determine, among other information, the reason for the student's withdrawal from the special education program, such as a change of residence or a decision to educate the student at home or in a private setting.

Sec. 29.023. SPECIAL EDUCATION SURVEYS: ADMINISTRATION AND RESULTS. (a) Requires TEA to conduct the surveys described by Section 29.022 as follows:

(1) for a survey under Section 29.022(a)(1), once during each of certain periods during which a student is enrolled in a special education program;

(2) for a survey under Section 29.022(a)(2)(A), approximately 12 months and again approximately 60 months after the date of a student's graduation; and

(3) for a survey under Section 29.022(a)(2)(B), as soon as practicable after the student withdraws from the district's or school's special education program.

(b) Requires a school district or open-enrollment charter school, for a survey under Section 29.022(a)(1), to coordinate the completion of separate surveys of

the parent of or person standing in parental relation to a student participating in the district's or school's special education program; the special education teacher of the student or, if the student is in general education classes only, a teacher of the student in a course in the foundation curriculum under Section 28.002(a)(1); if applicable, the primary paraprofessional working with the student; and if the student participates in admission, review, and dismissal committee meetings, the student.

(c) Requires TEA, for a survey under Section 29.022(a)(2)(A) or (B), to complete a survey of the parent of or person standing in parental relation to each student who has participated in the district's or school's special education program or to the extent practicable, each student.

(d) Requires TEA to develop a statewide Internet-based information reporting system that TEA posts on TEA's Internet website and that provides current and historical special education snapshot results for each school district, campus, and open-enrollment charter school that are disaggregated by students' type of disability and by students' preschool or grade-level range or age. Requires that, in addition, the information system provide relative performance statistics for districts, campuses, and schools among, as determined by TEA, peer institutions in this state and, if practicable, nationally, based on outcomes by students and interim outcome progress indicators, as indicated by the surveys conducted under this section; and other indicators established by law and rules, as determined appropriate by TEA, including the indicator under Section 39.051(b)(12) (regarding the indicator for the percentage of students in a special education program assessed using certain TEA-approved assessment instruments) and the districts', campuses', or schools' current special education compliance status with TEA.

Sec. 29.024. SPECIAL EDUCATION SNAPSHOT. (a) Requires TEA to develop and each school district or open-enrollment charter school to provide to the parent of or person standing in parental relation to each student participating in the district's or school's special education program, once each school year before the first admission, review, and dismissal committee meeting, a special education snapshot. Requires that the snapshot be designed to be easily understood by parents and persons standing in parental relation and indicate the discrete and relative performance, disaggregated by students' type of disability and by students' preschool or grade-level range or age, of the district and campus or school on issues surveyed under Sections 29.022 and 29.023; and other indicators established by law and rules, as determined appropriate by TEA, including the indicator under Section 39.051(b)(12) and the district's and campus's or school's current special education compliance status with TEA.

(b) Requires TEA, in a case in which disaggregation of data as reported in the snapshot would, because of the survey sample size, create a violation under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), to increase the grouping sample size used for snapshot purposes by adding age ranges or historical results to the extent necessary to comply with that law.

(c) Requires TEA, in a case in which disaggregation of data as reported in the snapshot would, because of the survey sample size, create among peers relative performance statistics that are not statistically sound, to increase the grouping sample size used for snapshot purposes by adding age ranges or historical results to create statistically valid relative performance statistics. Requires that the discrete survey results be disaggregated to the fullest extent possible.

Sec. 29.025. SPECIAL EDUCATION SUCCESS GRANTS FOR PUBLIC SCHOOLS.

(a) Requires TEA, to the extent funds are available, to award grants to school districts, campuses, and open-enrollment charter schools with high relative performance statistics for students with a specific disability, as indicated by the snapshot information system under Section 29.023(d).

(b) Requires the commissioner of education (commissioner) by rule to adopt criteria on which to base a grant award under this section, for grouping districts, campuses, and open-enrollment charter schools based on the number of students enrolled in the program and other factors, and for distinguishing among districts, campuses, and schools and among types of disabilities. Requires that the rule require a district, campus, or school, before receiving an award, to provide a detailed, written description on a form adopted by the commissioner under Subsection (d) of the award-winning special education program, especially the aspects of the program that have led to student success. Requires TEA to post each description on TEA's Internet website and provide copies to school districts, open-enrollment charter schools, and regional education service centers and, on request, to members of the public.

(c) Prohibits the total amount of grant awards under this section from exceeding \$2 million per year.

(d) Requires the commissioner by rule to adopt a written description form for purposes of Subsection (b). Requires that the form, to enable another school district, campus, or open-enrollment charter school to understand and implement a special education program similar to the program for which a grant has been awarded under this section, require a program description that describes, among other aspects of the program as determined by the commissioner, certain information.

Sec. 29.026. SPECIAL EDUCATION SURVEYS: ANALYSIS. (a) Requires TEA to periodically perform a statistical analysis to isolate particular results of surveys conducted under Sections 29.022 and 29.023 that predict student success.

(b) Requires TEA to post the results of the analysis under Subsection (a), with any personally identifiable student information removed, on TEA's Internet website and to provide copies of the results to school districts, open-enrollment charter schools, and regional education service centers and, on request, to members of the public. Requires TEA, in addition, on request, to make the data on which the analysis is based available, with any personally identifiable student information removed, to persons providing research, members of special education advocacy groups, and other interested persons. Authorizes TEA to require a person to whom that data is made available to execute a nondisclosure agreement as TEA determines necessary to ensure that the person releases to the public only summary results of the person's research and does not release to the public information or a form of information that reveals personally identifiable student information.

Sec. 29.027. PARENT AND TEACHER CONTACT INFORMATION. Requires TEA to provide a method during the survey by which parents and teachers of students who have participated in a special education program and completed a survey under Section 29.023 are authorized, through TEA, to provide contact information to persons who provide training, advocacy, or other targeted assistance in creating academic success for students in special education programs.

Sec. 29.028. SPECIAL EDUCATION SURVEYS: CONFIDENTIALITY OF INFORMATION. (a) Provides that the results of a special education survey under this subchapter, notwithstanding any other provision of this subchapter, are not considered public information under Chapter 552 (Public Information), Government Code.

(b) Requires TEA to take measures to ensure confidentiality of individual survey results so that parents of or persons standing in parental relation to students of school districts or open-enrollment charter schools and employees of the districts or schools are not subject to consequences as a result of their answers to survey questions.

Sec. 29.029. RULES. Requires the commissioner to adopt rules as necessary to administer Sections 29.022-29.028.

Sec. 29.030. SPECIAL EDUCATION SURVEYS: IMPLEMENTATION PLAN. (a) Requires TEA, not later than March 1, 2010, to submit to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of the standing committee of each house of the legislature with primary jurisdiction over public education a plan for implementing the requirements of Sections 29.022-29.028.

(b) Requires that the implementation plan include the confidentiality measures required by Section 29.028(b).

(c) Requires school districts and open-enrollment charter schools, not later than September 1, 2010, to begin conducting surveys under Sections 29.022 and 29.023. Provides that this section expires September 30, 2010.

SECTION 2. Effective date: upon passage or September 1, 2009.