

BILL ANALYSIS

Senate Research Center
82R5627 KKA-D

H.B. 1130
By: Huberty (Seliger)
Education
5/3/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The United States Congress passed the Education of All Handicapped Children Act (now known as the Individual with Disabilities Education Act) in 1975, which addressed services in public schools for students identified as having disabilities. After final regulations were adopted, a belief emerged among some advocacy groups that school districts were placing students with disabilities in more restrictive educational settings in an effort to generate more federal funding for these students. This prompted the Texas Legislature, among other state legislatures, to enact funding formulas that generated less or the same amount of funding for separate and more restrictive placements than that for less restrictive settings, which eliminated any fiscal benefit of placing students with disabilities in more restrictive settings. The legislature later amended this funding formula by removing the funding reduction provision but leaving a requirement for the compilation of a list of districts that exceed the statewide average ratio of students placed in more restrictive environments to those placed in less restrictive environments by 25 percent for two successive years. The Individuals with Disabilities Education Act has since been reauthorized by Congress and now requires state agencies to adopt measures to gather and report certain information regarding educational placement of students with disabilities.

Data regarding student placement, with specific emphasis on placement in the least restrictive environment, is now part of the ongoing collection and reporting system used by the state, and the Texas Education Agency is required to report this information to the United States Department of Education. This federal reporting requirement now makes redundant the required list of districts exceeding the statewide ratio of students in more restrictive environments to those in less restrictive environments. H.B. 1130 repeals this requirement.

H.B. 1130 amends current law relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 42.151(j) (requiring the Texas Education Agency, each year, to make and disseminate to each school district a list of those districts that maintain for two successive years a ratio of full-time equivalent students placed in partially or totally self-contained classrooms to the number of full-time equivalent students placed in resource room or mainstream instructional arrangements that is 25 percent higher than the statewide average ratio), Education Code.

SECTION 2. Effective date: September 1, 2011.