

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1153
By: Menéndez
Education
4/12/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1153 increases parental rights by including the right to receive records relating to intervention strategies for learning difficulties. It also requires that each school district notify a parent of each child receiving advanced assistance from the district for learning difficulties including response to intervention strategies. The notification would include a reasonable description of the interventions used, the general duration for which assistance will be provided, the estimated time frame within which a report on the child's progress will be provided to the parents as well as a notification of the right for a parent to request an evaluation. The bill also instructs for a Public Education Information Management System (PEIMS) code to be made to record the amount of students receiving intervention strategies in the district as well as the amount of students receiving accommodations under Section 504 of the Rehabilitation Act of 1973.

According to the *Houston Chronicle*, one method that the Texas Education Agency has used to curtail special education in some districts has been to require teachers to try Response to Intervention (RtI) models before referring a student to be evaluated for special education. The RtI process is a great intervention tool to help students who are struggling with learning but can be abused by using it as a delay tactic in identifying students that need and deserve special education services in order to be successful.

The shortfall of the RtI process is that parents are not made aware of the specific strategies that are utilized nor how long they have been used. Some parents have reported that even though their child was receiving Tier 2 or 3 RtI services, they were unable to acquire information and data on their child's progress. Further, state and local education agencies falsely assume that children must progress through each RtI tier before teachers and parents may refer students to special education. These factors allow school districts to perpetually delay special education evaluations, despite insufficient improvements in a student's learning rate. (Original Author's / Sponsor's Statement of Intent)

As proposed, S.B. 1153 amends current law relating to parental rights and information regarding certain intervention strategies used with public school students.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 4 (Section 42.006, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.104(b), Education Code, as follows:

(b) Includes a prohibition, restriction, or requirement imposed by this title or a rule adopted under this title, relating to a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d) among the provisions to which an open-enrollment charter school is subject.

SECTION 2. Amends Section 26.004, Education Code, as follows:

Sec. 26.004. ACCESS TO STUDENT RECORDS. (a) Defines "intervention strategy."

(b) Creates this subsection from existing text. Includes records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child, among the written records of a child that a parent of the child is entitled to access.

SECTION 3. Amends Section 26.0081, Education Code, by amending Subsection (c) and adding Subsections (d) and (e), as follows:

(c) Requires that the explanation required by this section state certain information, including that a parent is entitled to request an evaluation of the parent's child for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(d) Requires each school district to notify a parent of each child, each school year, other than a child enrolled in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), receiving assistance from the district for learning difficulties, including through the use of intervention strategies, as defined by Section 26.004, that the district provides that assistance to the child. Requires that the notice meet certain language requirements and include certain information relating to the assistance provided to the child.

(e) Authorizes the notice required by Subsection (d) to be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

SECTION 4. Amends Section 42.006, Education Code, by adding Subsections (a-3) and (a-4), as follows:

(a-3) Requires the commissioner of education by rule to require each school district and open-enrollment charter school to annually report through the Public Education Information Management System (PEIMS) information regarding the total number of students, other than students described by Subsection (a-4), enrolled in the district or school with whom the district or school, as applicable, used intervention strategies, as defined by Section 26.004, at any time during the year for which the report is made. Requires the Texas Education Agency (TEA) to maintain the information provided in accordance with this subsection.

(a-4) Requires the commissioner by rule to require each school district and open-enrollment charter school to annually report through PEIMS information regarding the total number of students enrolled in the district or school to whom the district or school provided aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), at any time during the year for which the report is made. Requires TEA to maintain the information provided in accordance with this subsection.

SECTION 5. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 6. Effective date: upon passage or September 1, 2017.