

BILL ANALYSIS

C.S.H.B. 142
By: Moody
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that educational opportunities have been denied to certain students due to a cap imposed on enrollment in special education programs by the Texas Education Agency (TEA) Performance-Based Monitoring Analysis System and a reduction in funding to special education programs. It has been suggested that, even though TEA removed the cap from its internal policy and requested more funding, additional steps must be taken to remediate the damage done to the educational opportunities denied to certain children and their families. C.S.H.B. 142 seeks to address these concerns by providing parents with additional information regarding the rights of parents and children to request an assessment to qualify for special education services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 142 amends the Education Code to require the Texas Education Agency (TEA) to develop a notice for distribution and posting on the TEA website that indicates the change made from 2016 to 2017 in reporting requirements for public school districts and open-enrollment charter schools regarding the special education representation indicator adopted in the Performance-Based Monitoring Analysis System Manual and that indicates, in plain language, the rights of a child under both federal and state law and the general process available to initiate a referral of a child for a full individual and initial evaluation to determine the child's eligibility for special education services. The bill requires a school district or a charter school:

- to include in the notice information indicating where the local processes and procedures for initiating such a referral may be found;
- to provide the notice by a date established by the commissioner of education to the parent of each child who attends school in the district or at the school at any time during the 2019-2020 school year;
- to make the notice available on request to any person;
- to make the notice available in English and Spanish; and
- to make a good faith effort to provide the notice in the parent's native language if the parent's native language is a language other than English or Spanish.

C.S.H.B. 142 establishes that the notice is in addition to certain documents TEA is required to produce and provide to districts under statutory provisions relating to parental rights to

information concerning special education and education of students with learning difficulties. The bill authorizes the commissioner to adopt rules necessary to implement the bill's provisions. The bill's provisions expire on September 1, 2023.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 142 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision requiring TEA, beginning with the 2019-2020 school year, to establish a reimbursement fund to reimburse districts or schools with a significant increase from the preceding school year in the number of full individual and initial evaluations conducted and does not include a provision establishing that a decision by the commissioner to provide reimbursement from the fund is final and may not be appealed.