

By: Moody

H.B. No. 3437

A BILL TO BE ENTITLED

AN ACT

relating to a special education recovery program operated by the Texas Education Agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.023 to read as follows:

Sec. 29.023. SPECIAL EDUCATION RECOVERY PROGRAM. (a) The agency shall develop and operate a special education recovery program for the benefit of students who may have been negatively affected by the agency's use of a performance indicator under the performance-based monitoring analysis system that evaluated the percentage of the total number of enrolled students of a school district who received special education services.

(b) In operating the program, the agency shall:

(1) identify each student who, during the 2004-2005 through 2016-2017 school years, was denied special education services by a school district designated for the program in accordance with Subsection (c);

(2) subject to Subsection (d), provide notice to the parent of each identified student that the student is entitled to reevaluation of eligibility for special education services if requested by the parent; and

(3) make arrangements for:

(A) the reevaluation of each student whose parent

1 requests reevaluation; and

2 (B) the provision of special education services
3 to a student determined to be eligible for services.

4 (c) The agency shall designate for participation in the
5 program each school district in which the participation of students
6 in the district's special education program declined as follows:

7 (1) the number of district students receiving special
8 education services during the 2016-2017 school year was at least
9 200 fewer than the number of district students receiving special
10 education services during the 2004-2005 school year; or

11 (2) the district's enrollment rate of students
12 receiving special education services during the 2016-2017 school
13 year was at least 75 percent less than the district's enrollment
14 rate of students receiving special education services during the
15 2004-2005 school year.

16 (d) The agency is not required to provide notification under
17 Subsection (b)(2) or take further action in accordance with this
18 section if the identified student is 21 years of age or older.

19 (e) The agency shall operate the program using federal funds
20 available to the agency for statewide special education activities.

21 (f) The commissioner may adopt rules necessary to implement
22 this section.

23 (g) This section expires September 1, 2021.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2017.