

AN ACT

relating to a prohibition of a monitoring system performance indicator based solely on the number or percentage of students receiving special education services.

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

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0011 to read as follows:

Sec. 29.0011. PROHIBITED PERFORMANCE INDICATOR.

(a) Notwithstanding Section 29.001(5), Section 29.010, or any other provision of this code, the commissioner or agency may not adopt or implement a performance indicator in any agency monitoring system, including the performance-based monitoring analysis system, that solely measures a school district's or open-enrollment charter school's aggregated number or percentage of enrolled students who receive special education services.

(b) Subsection (a) does not prohibit or limit the commissioner or agency from meeting requirements under:

(1) 20 U.S.C. Section 1418(d) and its implementing regulations to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the state and in the school districts and open-enrollment charter schools in the state with respect to the:

(A) identification of children as children with disabilities, including the identification of children as children

1 with particular impairments;

2 (B) placement of children with disabilities in
3 particular educational settings; and

4 (C) incidence, duration, and type of
5 disciplinary actions taken against children with disabilities,
6 including suspensions and expulsions; or

7 (2) 20 U.S.C. Section 1416(a)(3)(C) and its
8 implementing regulations to address in the statewide plan the
9 percentage of school districts and open-enrollment charter schools
10 with disproportionate representation of racial and ethnic groups in
11 special education and related services and in specific disability
12 categories that results from inappropriate identification.

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 160 passed the Senate on April 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 160 passed the House on May 9, 2017, by the following vote: Yeas 145, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor