

TESTIMONY IN SUPPORT OF HB 1130
Texas Council of Administrators of Special Education
May 5, 2011

Good morning, my name is Cynthia Gann. I am here representing the Texas Council of Administrators of Special Education and Hondo Independent School District in support of HB 1130. I want to thank Senator Seliger and Representative Huberty for bringing this issue forward.

HB 1130 calls for the elimination of Section 42.151(j) Texas Education Code which is a duplication of data collection and reporting.

Starting with the 1994-95 school year the Texas Education Agency was to determine those school districts that had a ratio of students with disabilities in segregated settings versus less restrictive settings that are 25% higher than the statewide average ratio. Districts exceeding the 25% ratio were allowed to respond and explain the reasons for their respective setting. The law further stated that the commissioner could reduce the district's funding to a level that would be generated if the district's ratio was not more than the 25% higher than the statewide average ratio.

During the 78th Session of the Texas legislature this law was amended by HB 1441 to remove the funding reduction provision and maintained the requirement for the agency to compile a listing of districts that exceed the 25% above the statewide average ratio for two successive years and disseminate the compiled list to all school districts.

In 2004 the Individuals with Disabilities Education Act (IDEA) was reauthorized by the Congress and required the state agency to adopt measures to gather and report information regarding the educational placement of students with disabilities. The current data gathering system used by the Texas Education Agency collects information regarding student placement to ensure that students with disabilities are placed in the least restrictive setting and, to the extent possible, with non-disabled peers. In complying with the federal requirement the Texas Education Agency collects and reports data on student placement for various groupings of students eligible for and served in special education programs in order to ensure placement of eligible students in the least restrictive instructional setting appropriate.

Because 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 that the data is required to be reported to the U.S.D.E. in the annual reporting process to comply with current law and regulations, the 125% state law is a duplication of effort and is no longer relevant. For these reasons the provision contained in TEC 42.151(j) regarding the 25% ratio should be eliminated.

Cynthia Gann
TCASE
512.474.4492