

By: Johnson of Dallas

H.B. No. 272

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the terminology used to refer to an individualized
3 education program team.

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

5 SECTION 1. Section 5.001, Education Code, is amended by
6 amending Subdivision (5-a) and adding Subdivision (5-b) to read as
7 follows:

8 (5-a) "Individualized education program team" has the
9 meaning assigned by 20 U.S.C. Section 1414(d)(1)(B).

10 (5-b) "Mental health condition" means a persistent or
11 recurrent pattern of thoughts, feelings, or behaviors that:

12 (A) constitutes a mental illness, disease, or
13 disorder, other than or in addition to epilepsy, substance abuse,
14 or an intellectual disability; or

15 (B) impairs a person's social, emotional, or
16 educational functioning and increases the risk of developing a
17 condition described by Paragraph (A).

18 SECTION 2. Subchapter A, Chapter 7, Education Code, is
19 amended by adding Section 7.011 to read as follows:

20 Sec. 7.011. USE OF TERMINOLOGY CONSISTENT WITH INDIVIDUALS
21 WITH DISABILITIES EDUCATION ACT. (a) The legislature and the Texas
22 Legislative Council are directed, with respect to drafting or
23 amending any new or existing statute or resolution, and the
24 commissioner, the agency, and all other state agencies are

1 directed, with respect to the proposing, adopting, or amending of
2 new or existing rules and the producing of state agency reference
3 materials or publications, including electronic media, to avoid
4 using the phrases "admission, review, and dismissal committee" or
5 "ARD committee."

6 (b) In enacting, revising, proposing, adopting, amending,
7 or producing new or existing statutes, resolutions, rules, or state
8 agency materials, the legislature, the Texas Legislative Council,
9 the commissioner, the agency, and all other state agencies are
10 directed to replace, as appropriate, the phrases described in
11 Subsection (a) with the preferred phrases "individualized
12 education program team" or "IEP team."

13 (c) A statute, resolution, or rule is not invalid solely
14 because it does not employ this section's preferred phrases.

15 SECTION 3. Section 19.0051(b), Education Code, is amended
16 to read as follows:

17 (b) In developing a person's educational program under
18 Subsection (a), the Windham School District shall consider:

19 (1) the duration of the person's confinement or
20 imprisonment;

21 (2) the person's current level of education;

22 (3) the person's educational goals and preference; and

23 (4) if applicable, recommendations of the person's
24 individualized education program team [~~admission, review, and~~
25 ~~dismissal committee~~].

26 SECTION 4. Section 25.007(b), Education Code, is amended to
27 read as follows:

1 (b) In recognition of the challenges faced by students who
2 are homeless or in substitute care, the agency shall assist the
3 transition of students who are homeless or in substitute care from
4 one school to another by:

5 (1) ensuring that school records for a student who is
6 homeless or in substitute care are transferred to the student's new
7 school not later than the 10th working day after the date the
8 student begins enrollment at the school;

9 (2) developing systems to ease transition of a student
10 who is homeless or in substitute care during the first two weeks of
11 enrollment at a new school;

12 (3) developing procedures for awarding credit,
13 including partial credit if appropriate, for course work, including
14 electives, completed by a student who is homeless or in substitute
15 care while enrolled at another school;

16 (4) developing procedures to ensure that a new school
17 relies on decisions made by the previous school regarding placement
18 in courses or educational programs of a student who is homeless or
19 in substitute care and places the student in comparable courses or
20 educational programs at the new school, if those courses or
21 programs are available;

22 (5) promoting practices that facilitate access by a
23 student who is homeless or in substitute care to extracurricular
24 programs, summer programs, credit transfer services, electronic
25 courses provided under Chapter 30A, and after-school tutoring
26 programs at nominal or no cost;

27 (6) establishing procedures to lessen the adverse

1 impact of the movement of a student who is homeless or in substitute
2 care to a new school;

3 (7) entering into a memorandum of understanding with
4 the Department of Family and Protective Services regarding the
5 exchange of information as appropriate to facilitate the transition
6 of students in substitute care from one school to another;

7 (8) encouraging school districts and open-enrollment
8 charter schools to provide services for a student who is homeless or
9 in substitute care in transition when applying for admission to
10 postsecondary study and when seeking sources of funding for
11 postsecondary study;

12 (9) requiring school districts, campuses, and
13 open-enrollment charter schools to accept a referral for special
14 education services made for a student who is homeless or in
15 substitute care by a school previously attended by the student, and
16 to provide comparable services to the student during the referral
17 process or until the new school develops an individualized
18 education program for the student;

19 (10) requiring school districts, campuses, and
20 open-enrollment charter schools to provide notice to the child's
21 educational decision-maker and caseworker regarding events that
22 may significantly impact the education of a child, including:

23 (A) requests or referrals for an evaluation under
24 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
25 special education under Section 29.003;

26 (B) individualized education program team
27 [~~admission, review, and dismissal committee~~] meetings;

1 (C) manifestation determination reviews required
2 by Section 37.004(b);

3 (D) any disciplinary actions under Chapter 37 for
4 which parental notice is required;

5 (E) citations issued for Class C misdemeanor
6 offenses on school property or at school-sponsored activities;

7 (F) reports of restraint and seclusion required
8 by Section 37.0021;

9 (G) use of corporal punishment as provided by
10 Section 37.0011; and

11 (H) appointment of a surrogate parent for the
12 child under Section 29.0151;

13 (11) developing procedures for allowing a student who
14 is homeless or in substitute care who was previously enrolled in a
15 course required for graduation the opportunity, to the extent
16 practicable, to complete the course, at no cost to the student,
17 before the beginning of the next school year;

18 (12) ensuring that a student who is homeless or in
19 substitute care who is not likely to receive a high school diploma
20 before the fifth school year following the student's enrollment in
21 grade nine, as determined by the district, has the student's course
22 credit accrual and personal graduation plan reviewed;

23 (13) ensuring that a student in substitute care who is
24 in grade 11 or 12 be provided information regarding tuition and fee
25 exemptions under Section 54.366 for dual-credit or other courses
26 provided by a public institution of higher education for which a
27 high school student may earn joint high school and college credit;

1 (14) designating at least one agency employee to act
2 as a liaison officer regarding educational issues related to
3 students in the conservatorship of the Department of Family and
4 Protective Services; and

5 (15) providing other assistance as identified by the
6 agency.

7 SECTION 5. Section 25.043(h), Education Code, is amended to
8 read as follows:

9 (h) This section does not affect:

10 (1) a right or obligation under Subchapter A, Chapter
11 29, or under the Individuals with Disabilities Education Act (20
12 U.S.C. Section 1400 et seq.) regarding the individual placement
13 decisions of an individualized education program team [~~the school~~
14 ~~district admission, review, and dismissal committee~~]; or

15 (2) the right of a school district or teacher to remove
16 a student from a classroom under Chapter 37.

17 SECTION 6. Sections 26.0081(a) and (b), Education Code, are
18 amended to read as follows:

19 (a) The agency shall produce and provide to school districts
20 sufficient copies of a comprehensive, easily understood document
21 that explains the process by which an individualized education
22 program is developed for a student in a special education program
23 and the rights and responsibilities of a parent concerning the
24 process. The document must include information a parent needs to
25 effectively participate in an individualized education program
26 team [~~admission, review, and dismissal committee~~] meeting for the
27 parent's child.

1 (b) The agency will ensure that each school district
2 provides the document required under this section to the parent as
3 provided by 20 U.S.C. Section 1415(b):

4 (1) as soon as practicable after a child is referred to
5 determine the child's eligibility for admission into the district's
6 special education program, but at least five school days before the
7 date of the initial meeting of the individualized education program
8 team [~~admission, review, and dismissal committee~~]; and

9 (2) at any other time on reasonable request of the
10 child's parent.

11 SECTION 7. Section 28.006(g), Education Code, is amended to
12 read as follows:

13 (g) A school district shall notify the parent or guardian of
14 each student in kindergarten or first or second grade who is
15 determined, on the basis of reading instrument results, to be at
16 risk for dyslexia or other reading difficulties. The district shall
17 implement an accelerated reading instruction program that provides
18 reading instruction that addresses reading deficiencies to those
19 students and shall determine the form, content, and timing of that
20 program. The individualized education program team [~~admission,~~
21 ~~review, and dismissal committee~~] of a student who participates in a
22 district's special education program under Subchapter B, Chapter
23 29, and who does not perform satisfactorily on a reading instrument
24 under this section shall determine the manner in which the student
25 will participate in an accelerated reading instruction program
26 under this subsection.

27 SECTION 8. Section 28.0211(i), Education Code, is amended

1 to read as follows:

2 (i) The individualized education program team [~~admission,~~
3 ~~review, and dismissal committee~~] of a student who participates in a
4 district's special education program under Subchapter A, Chapter
5 29, and who does not perform satisfactorily on an assessment
6 instrument specified under Subsection (a) and administered under
7 Section 39.023(a) or (b) must meet to determine the manner in which
8 the student will participate in an accelerated instruction program
9 under this section.

10 SECTION 9. Section 28.0213(e), Education Code, is amended
11 to read as follows:

12 (e) For a student in a special education program under
13 Subchapter A, Chapter 29, who does not perform satisfactorily on an
14 assessment instrument administered under Section 39.023(a), (b),
15 or (c), the student's individualized education program team
16 [~~admission, review, and dismissal committee~~] shall design the
17 program to:

18 (1) enable the student to attain a standard of annual
19 growth on the basis of the student's individualized education
20 program; and

21 (2) if applicable, carry out the purposes of Section
22 28.0211.

23 SECTION 10. Sections 28.025(b-11), (b-14), (c-7), and
24 (c-8), Education Code, are amended to read as follows:

25 (b-11) In adopting rules under Subsection (b-1), the State
26 Board of Education shall allow a student who is unable to
27 participate in physical activity due to disability or illness to

1 substitute one credit in English language arts, mathematics,
2 science, or social studies, one credit in a course that is offered
3 for credit as provided by Section 28.002(g-1), or one academic
4 elective credit for the physical education credit required under
5 Subsection (b-1)(8). A credit allowed to be substituted under this
6 subsection may not also be used by the student to satisfy a
7 graduation requirement other than completion of the physical
8 education credit. The rules must provide that the determination
9 regarding a student's ability to participate in physical activity
10 will be made by:

11 (1) if the student receives special education services
12 under Subchapter A, Chapter 29, the student's individualized
13 education program team [~~admission, review, and dismissal~~
14 ~~committee~~];

15 (2) if the student does not receive special education
16 services under Subchapter A, Chapter 29, but is covered by Section
17 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
18 committee established for the student under that Act; or

19 (3) if a team or a committee [~~each of the committees~~]
20 described by Subdivision [~~Subdivisions~~] (1) or [~~and~~] (2) is
21 inapplicable, a committee established by the school district of
22 persons with appropriate knowledge regarding the student.

23 (b-14) In adopting rules under Subsection (b-1), the State
24 Board of Education shall allow a student who, due to disability, is
25 unable to complete two courses in the same language in a language
26 other than English, as provided under Subsection (b-1)(5), to
27 substitute for those credits two credits in English language arts,

1 mathematics, science, or social studies or two credits in career
2 and technology education, technology applications, or other
3 academic electives. A credit allowed to be substituted under this
4 subsection may not also be used by the student to satisfy a
5 graduation credit requirement other than credit for completion of a
6 language other than English. The rules must provide that the
7 determination regarding a student's ability to participate in
8 language-other-than-English courses will be made by:

9 (1) if the student receives special education services
10 under Subchapter A, Chapter 29, the student's individualized
11 education program team [~~admission, review, and dismissal~~
12 ~~committee~~]; or

13 (2) if the student does not receive special education
14 services under Subchapter A, Chapter 29, but is covered by Section
15 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
16 committee established for the student under that Act.

17 (c-7) Subject to Subsection (c-8), a student who is enrolled
18 in a special education program under Subchapter A, Chapter 29, may
19 earn an endorsement on the student's transcript by:

20 (1) successfully completing, with or without
21 modification of the curriculum:

22 (A) the curriculum requirements identified by
23 the State Board of Education under Subsection (a); and

24 (B) the additional endorsement curriculum
25 requirements prescribed by the State Board of Education under
26 Subsection (c-2); and

27 (2) successfully completing all curriculum

1 requirements for that endorsement adopted by the State Board of
2 Education:

- 3 (A) without modification of the curriculum; or
4 (B) with modification of the curriculum,
5 provided that the curriculum, as modified, is sufficiently rigorous
6 as determined by the student's individualized education program
7 team [~~admission, review, and dismissal committee~~].

8 (c-8) For purposes of Subsection (c-7), the individualized
9 education program team [~~admission, review, and dismissal~~
10 ~~committee~~] of a student in a special education program under
11 Subchapter A, Chapter 29, shall determine whether the student is
12 required to achieve satisfactory performance on an end-of-course
13 assessment instrument to earn an endorsement on the student's
14 transcript.

15 SECTION 11. Section 29.001, Education Code, is amended to
16 read as follows:

17 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and
18 modify as necessary, a statewide design, consistent with federal
19 law, for the delivery of services to children with disabilities in
20 this state that includes rules for the administration and funding
21 of the special education program so that a free appropriate public
22 education is available to all of those children between the ages of
23 three and 21. The statewide design shall include the provision of
24 services primarily through school districts and shared services
25 arrangements, supplemented by regional education service centers.
26 The agency shall also develop and implement a statewide plan with
27 programmatic content that includes procedures designed to:

1 (1) ensure state compliance with requirements for
2 supplemental federal funding for all state-administered programs
3 involving the delivery of instructional or related services to
4 students with disabilities;

5 (2) facilitate interagency coordination when other
6 state agencies are involved in the delivery of instructional or
7 related services to students with disabilities;

8 (3) periodically assess statewide personnel needs in
9 all areas of specialization related to special education and pursue
10 strategies to meet those needs through a consortium of
11 representatives from regional education service centers, local
12 education agencies, and institutions of higher education and
13 through other available alternatives;

14 (4) ensure that regional education service centers
15 throughout the state maintain a regional support function, which
16 may include direct service delivery and a component designed to
17 facilitate the placement of students with disabilities who cannot
18 be appropriately served in their resident districts;

19 (5) allow the agency to effectively monitor and
20 periodically conduct site visits of all school districts to ensure
21 that rules adopted under this section are applied in a consistent
22 and uniform manner, to ensure that districts are complying with
23 those rules, and to ensure that annual statistical reports filed by
24 the districts and not otherwise available through the Public
25 Education Information Management System under Sections [48.008](#) and
26 [48.009](#) are accurate and complete;

27 (6) ensure that appropriately trained personnel are

1 involved in the diagnostic and evaluative procedures operating in
2 all districts and that those personnel routinely serve on district
3 individualized education program teams [~~admissions, review, and~~
4 ~~dismissal committees~~];

5 (7) ensure that an individualized education program
6 for each student with a disability is properly developed,
7 implemented, and maintained in the least restrictive environment
8 that is appropriate to meet the student's educational needs;

9 (8) ensure that, when appropriate, each student with a
10 disability is provided an opportunity to participate in career and
11 technology and physical education classes, in addition to
12 participating in regular or special classes;

13 (9) ensure that each student with a disability is
14 provided necessary related services;

15 (10) ensure that an individual assigned to act as a
16 surrogate parent for a child with a disability, as provided by 20
17 U.S.C. Section 1415(b), is required to:

18 (A) complete a training program that complies
19 with minimum standards established by agency rule;

20 (B) visit the child and the child's school;

21 (C) consult with persons involved in the child's
22 education, including teachers, caseworkers, court-appointed
23 volunteers, guardians ad litem, attorneys ad litem, foster parents,
24 and caretakers;

25 (D) review the child's educational records;

26 (E) attend meetings of the child's
27 individualized education program team [~~admission, review, and~~

1 ~~dismissal committee~~];

2 (F) exercise independent judgment in pursuing
3 the child's interests; and

4 (G) exercise the child's due process rights under
5 applicable state and federal law; and

6 (11) ensure that each district develops a process to
7 be used by a teacher who instructs a student with a disability in a
8 regular classroom setting:

9 (A) to request a review of the student's
10 individualized education program;

11 (B) to provide input in the development of the
12 student's individualized education program;

13 (C) that provides for a timely district response
14 to the teacher's request; and

15 (D) that provides for notification to the
16 student's parent or legal guardian of that response.

17 SECTION 12. Section 29.004(a-1), Education Code, is amended
18 to read as follows:

19 (a-1) If a school district receives written consent signed
20 by a student's parent or legal guardian for a full individual and
21 initial evaluation of a student at least 35 but less than 45 school
22 days before the last instructional day of the school year, the
23 evaluation must be completed and the written report of the
24 evaluation must be provided to the parent or legal guardian not
25 later than June 30 of that year. The student's individualized
26 education program team [~~admission, review, and dismissal~~
27 ~~committee~~] shall meet not later than the 15th school day of the

1 following school year to consider the evaluation. If a district
2 receives written consent signed by a student's parent or legal
3 guardian less than 35 school days before the last instructional day
4 of the school year or if the district receives the written consent
5 at least 35 but less than 45 school days before the last
6 instructional day of the school year but the student is absent from
7 school during that period on three or more days, Subsection (a)(1)
8 applies to the date the written report of the full individual and
9 initial evaluation is required.

10 SECTION 13. Sections 29.005(a), (b), (b-1), (c), (g), and
11 (h), Education Code, are amended to read as follows:

12 (a) Before a child is enrolled in a special education
13 program of a school district, the district shall establish an
14 individualized education program team [~~a committee~~] composed of the
15 persons required under 20 U.S.C. Section 1414(d) to develop the
16 child's individualized education program. If a team [~~committee~~] is
17 required to include a regular education teacher, the regular
18 education teacher included must, to the extent practicable, be a
19 teacher who is responsible for implementing a portion of the
20 child's individualized education program.

21 (b) The individualized education program team [~~committee~~]
22 shall develop the individualized education program by agreement of
23 the team [~~committee~~] members or, if those persons cannot agree, by
24 an alternate method provided by the agency. Majority vote may not be
25 used to determine the individualized education program.

26 (b-1) The written statement of the individualized education
27 program must document the decisions of the individualized education

1 program team [~~committee~~] with respect to issues discussed at each
2 team [~~committee~~] meeting. The written statement must include:

- 3 (1) the date of the meeting;
- 4 (2) the name, position, and signature of each member
5 participating in the meeting; and
- 6 (3) an indication of whether the child's parents, the
7 adult student, if applicable, and the administrator agreed or
8 disagreed with the decisions of the team [~~committee~~].

9 (c) If the individualized education program is not
10 developed by agreement, the written statement of the program
11 required under 20 U.S.C. Section 1414(d) must include the basis of
12 the disagreement. Each member of the individualized education
13 program team [~~committee~~] who disagrees with the individualized
14 education program developed by the team [~~committee~~] is entitled to
15 include a statement of disagreement in the written statement of the
16 program.

17 (g) The individualized education program team [~~committee~~]
18 may determine that a behavior improvement plan or a behavioral
19 intervention plan is appropriate for a student for whom the team
20 [~~committee~~] has developed an individualized education program. If
21 the team [~~committee~~] makes that determination, the behavior
22 improvement plan or the behavioral intervention plan shall be
23 included as part of the student's individualized education program
24 and provided to each teacher with responsibility for educating the
25 student.

26 (h) If a behavior improvement plan or a behavioral
27 intervention plan is included as part of a student's individualized

1 education program under Subsection (g), the individualized
2 education program team [~~committee~~] shall review the plan at least
3 annually and more frequently if appropriate to address:

4 (1) changes in a student's circumstances that may
5 impact the student's behavior, such as:

6 (A) the placement of the student in a different
7 educational setting;

8 (B) an increase or persistence in disciplinary
9 actions taken regarding the student for similar types of behavioral
10 incidents;

11 (C) a pattern of unexcused absences; or

12 (D) an unauthorized unsupervised departure from
13 an educational setting; or

14 (2) the safety of the student or others.

15 SECTION 14. Section 29.008(c), Education Code, is amended
16 to read as follows:

17 (c) When a student, including one for whom the state is
18 managing conservator, is placed primarily for care or treatment
19 reasons in a private residential facility that operates its own
20 private education program, none of the costs may be paid from public
21 education funds. If a residential placement primarily for care or
22 treatment reasons involves a private residential facility in which
23 the education program is provided by the school district, the
24 portion of the costs that includes appropriate education services,
25 as determined by the individualized education program team [~~the~~
26 ~~school district's admission, review, and dismissal committee~~],
27 shall be paid from state and federal education funds.

1 SECTION 15. Sections 29.011(a) and (a-1), Education Code,
2 are amended to read as follows:

3 (a) The commissioner shall by rule adopt procedures for
4 compliance with federal requirements relating to transition
5 services for students who are enrolled in special education
6 programs under this subchapter. The procedures must specify the
7 manner in which a student's individualized education program team
8 [~~admission, review, and dismissal committee~~] must consider, and if
9 appropriate, address the following issues in the student's
10 individualized education program:

11 (1) appropriate student involvement in the student's
12 transition to life outside the public school system;

13 (2) if the student is younger than 18 years of age,
14 appropriate involvement in the student's transition by the
15 student's parents and other persons invited to participate by:

16 (A) the student's parents; or

17 (B) the school district in which the student is
18 enrolled;

19 (3) if the student is at least 18 years of age,
20 involvement in the student's transition and future by the student's
21 parents and other persons, if the parent or other person:

22 (A) is invited to participate by the student or
23 the school district in which the student is enrolled; or

24 (B) has the student's consent to participate
25 pursuant to a supported decision-making agreement under Chapter
26 1357, Estates Code;

27 (4) appropriate postsecondary education options,

1 including preparation for postsecondary-level coursework;

2 (5) an appropriate functional vocational evaluation;

3 (6) appropriate employment goals and objectives;

4 (7) if the student is at least 18 years of age, the
5 availability of age-appropriate instructional environments,
6 including community settings or environments that prepare the
7 student for postsecondary education or training, competitive
8 integrated employment, or independent living, in coordination with
9 the student's transition goals and objectives;

10 (8) appropriate independent living goals and
11 objectives;

12 (9) appropriate circumstances for facilitating a
13 referral of a student or the student's parents to a governmental
14 agency for services or public benefits, including a referral to a
15 governmental agency to place the student on a waiting list for
16 public benefits available to the student, such as a waiver program
17 established under Section 1915(c), Social Security Act (42 U.S.C.
18 Section 1396n(c)); and

19 (10) the use and availability of appropriate:

20 (A) supplementary aids, services, curricula, and
21 other opportunities to assist the student in developing
22 decision-making skills; and

23 (B) supports and services to foster the student's
24 independence and self-determination, including a supported
25 decision-making agreement under Chapter 1357, Estates Code.

26 (a-1) A student's individualized education program team
27 [~~admission, review, and dismissal committee~~] shall annually review

1 the issues described by Subsection (a) and, if necessary, update
2 the portions of the student's individualized education program that
3 address those issues.

4 SECTION 16. Section 29.0112(e), Education Code, is amended
5 to read as follows:

6 (e) A school district shall:

7 (1) post the transition and employment guide on the
8 district's website if the district maintains a website;

9 (2) provide written information and, if necessary,
10 assistance to a student or parent regarding how to access the
11 electronic version of the guide at:

12 (A) the first meeting of the student's
13 individualized education program team [~~admission, review, and~~
14 ~~dismissal committee~~] at which transition is discussed; and

15 (B) the first team [~~committee~~] meeting at which
16 transition is discussed that occurs after the date on which the
17 guide is updated; and

18 (3) on request, provide a printed copy of the guide to
19 a student or parent.

20 SECTION 17. Section 29.015(b), Education Code, is amended
21 to read as follows:

22 (b) A foster parent who will act as a parent of a child with
23 a disability as provided by Subsection (a) must complete a training
24 program before the next scheduled individualized education program
25 team [~~admission, review, and dismissal committee~~] meeting for the
26 child but not later than the 90th day after the date the foster
27 parent begins acting as the parent for the purpose of making special

1 education decisions.

2 SECTION 18. Section 29.0151(d), Education Code, is amended
3 to read as follows:

4 (d) A surrogate parent appointed by a district must:

5 (1) be willing to serve in that capacity;

6 (2) exercise independent judgment in pursuing the
7 child's interests;

8 (3) ensure that the child's due process rights under
9 applicable state and federal laws are not violated;

10 (4) complete a training program that complies with
11 minimum standards established by agency rule within the time
12 specified in Section 29.015(b);

13 (5) visit the child and the school where the child is
14 enrolled;

15 (6) review the child's educational records;

16 (7) consult with any person involved in the child's
17 education, including the child's:

18 (A) teachers;

19 (B) caseworkers;

20 (C) court-appointed volunteers;

21 (D) guardian ad litem;

22 (E) attorney ad litem;

23 (F) foster parent; and

24 (G) caregiver; and

25 (8) attend meetings of the child's individualized
26 education program team [~~admission, review, and dismissal~~
27 ~~committee~~].

1 SECTION 19. Section 29.019(e), Education Code, is amended
2 to read as follows:

3 (e) Nothing in this section prohibits a school district from
4 using individualized education program facilitation as the
5 district's preferred method of conducting initial and annual
6 individualized education program team [~~admission, review, and~~
7 ~~dismissal committee~~] meetings.

8 SECTION 20. Section 29.020(a), Education Code, is amended
9 to read as follows:

10 (a) The agency shall develop rules in accordance with this
11 section applicable to the administration of a state individualized
12 education program facilitation project. The program shall include
13 the provision of an independent individualized education program
14 facilitator to facilitate an individualized education program team
15 [~~admission, review, and dismissal committee~~] meeting with parties
16 who are in a dispute about decisions relating to the provision of a
17 free appropriate public education to a student with a disability.
18 Facilitation implemented under the project must comply with rules
19 developed under this subsection.

20 SECTION 21. Section 29.022(1), Education Code, is amended
21 to read as follows:

22 (1) A school district or open-enrollment charter school
23 policy relating to the placement, operation, or maintenance of
24 video cameras under this section must:

25 (1) include information on how a person may appeal an
26 action by the district or school that the person believes to be in
27 violation of this section or a policy adopted in accordance with

1 this section, including the appeals process under Section 7.057;

2 (2) require that the district or school provide a
3 response to a request made under this section not later than the
4 seventh school business day after receipt of the request by the
5 person to whom it must be submitted under Subsection (a-3) that
6 authorizes the request or states the reason for denying the
7 request;

8 (3) except as provided by Subdivision (5), require
9 that a school or a campus begin operation of a video camera in
10 compliance with this section not later than the 45th school
11 business day, or the first school day after the 45th school business
12 day if that day is not a school day, after the request is authorized
13 unless the agency grants an extension of time;

14 (4) permit the parent of a student whose
15 individualized education program team [~~admission, review, and~~
16 ~~dismissal committee~~] has determined that the student's placement
17 for the following school year will be in a classroom or other
18 special education setting in which a video camera may be placed
19 under this section to make a request for the video camera by the
20 later of:

21 (A) the date on which the current school year
22 ends; or

23 (B) the 10th school business day after the date
24 of the placement determination by the individualized education
25 program team [~~admission, review, and dismissal committee~~]; and

26 (5) if a request is made by a parent in compliance with
27 Subdivision (4), unless the agency grants an extension of time,

1 require that a school or campus begin operation of a video camera in
2 compliance with this section not later than the later of:

- 3 (A) the 10th school day of the fall semester; or
4 (B) the 45th school business day, or the first
5 school day after the 45th school business day if that day is not a
6 school day, after the date the request is made.

7 SECTION 22. Section 29.026(d), Education Code, is amended
8 to read as follows:

9 (d) A school district or open-enrollment charter school may
10 not:

11 (1) charge a fee for the program, other than those
12 authorized by law for students in public schools;

13 (2) require a parent to enroll a child in the program;

14 (3) allow an individualized education program team
15 [~~admission, review, and dismissal committee~~] to place a student in
16 the program without the written consent of the student's parent or
17 guardian; or

18 (4) continue the placement of a student in the program
19 after the student's parent or guardian revokes consent, in writing,
20 to the student's placement in the program.

21 SECTION 23. Section 29.048, Education Code, is amended to
22 read as follows:

23 Sec. 29.048. INDIVIDUALIZED EDUCATION PROGRAM TEAM
24 [~~ADMISSION, REVIEW, AND DISMISSAL COMMITTEE~~] DUTIES. (a) A
25 student's individualized education program team [~~admission,~~
26 ~~review, and dismissal committee~~] shall develop a student's
27 individualized education program under Section 29.005, in

1 compliance with the Individuals with Disabilities Education Act (20
2 U.S.C. Section 1400 et seq.), without consideration of any
3 supplemental special education services that may be provided under
4 the program under this subchapter.

5 (b) The individualized education program team [~~admission,~~
6 ~~review, and dismissal committee~~] of a student approved for
7 participation in the program shall provide to the student's parent
8 at an individualized education program team [~~admission, review, and~~
9 ~~dismissal committee~~] meeting for the student:

10 (1) information regarding the types of supplemental
11 special education services available under the program and provided
12 by agency-approved providers for which an account maintained under
13 Section 29.042(b) for the student may be used; and

14 (2) instructions regarding accessing an account
15 described by Subdivision (1).

16 SECTION 24. Section 29.305, Education Code, is amended to
17 read as follows:

18 Sec. 29.305. LANGUAGE MODE PEERS. If practicable and not in
19 conflict with any individualized education program team
20 [~~admission, review, and dismissal committee~~] recommendations, a
21 student who is deaf or hard of hearing must have an education in the
22 company of a sufficient number of peers using the same language mode
23 and with whom the student can communicate directly. If practicable,
24 the peers must be of the same or approximately the same age and
25 ability.

26 SECTION 25. Section 29.312, Education Code, is amended to
27 read as follows:

1 Sec. 29.312. PSYCHOLOGICAL COUNSELING SERVICES.
2 Appropriate psychological counseling services for a student who is
3 deaf or hard of hearing shall be made available at the student's
4 school site in the student's primary mode of communication. In the
5 case of a student who is hard of hearing, appropriate auditory
6 systems to enhance oral communication shall be used if required by
7 the student's individualized education program team [~~admission,~~
8 ~~review, and dismissal committee~~].

9 SECTION 26. Section 29.314, Education Code, is amended to
10 read as follows:

11 Sec. 29.314. TRANSITION INTO REGULAR CLASS. In addition to
12 satisfying requirements of the individualized education program
13 team [~~admission, review, and dismissal committee~~] and to satisfying
14 requirements under state and federal law for vocational training,
15 each school district shall develop and implement a transition plan
16 for the transition of a student who is deaf or hard of hearing into a
17 regular class program if the student is to be transferred from a
18 special class or center or nonpublic, nonsectarian school into a
19 regular class in a public school for any part of the school day. The
20 transition plan must provide for activities:

21 (1) to integrate the student into the regular
22 education program and specify the nature of each activity and the
23 time spent on the activity each day; and

24 (2) to support the transition of the student from the
25 special education program into the regular education program.

26 SECTION 27. Section 29.453(b), Education Code, is amended
27 to read as follows:

1 (b) The educational placement of an alleged offender
2 resident and the educational services to be provided by a school
3 district to the resident shall be determined by the resident's
4 individualized education program team [~~admission, review, and~~
5 ~~dismissal committee~~] consistent with federal law and regulations
6 regarding the placement of students with disabilities in the least
7 restrictive environment. The resident's individualized education
8 program team [~~admission, review, and dismissal committee~~] shall:

9 (1) inform the resident's interdisciplinary team of a
10 determination the resident's individualized education program team
11 [~~committee~~] makes in accordance with this subsection; and

12 (2) consult, to the extent practicable, with the
13 resident's interdisciplinary team concerning such a determination.

14 SECTION 28. Section 29.454(d), Education Code, is amended
15 to read as follows:

16 (d) Each behavior support specialist shall:

17 (1) ensure that each alleged offender resident
18 enrolled in the school district is provided behavior management
19 services under a school behavioral intervention plan based on the
20 resident's functional behavioral assessment, as described by
21 Subsection (c);

22 (2) communicate and coordinate with the resident's
23 interdisciplinary team to ensure that behavioral intervention
24 actions of the district and of the forensic state supported living
25 center do not conflict;

26 (3) in the case of a resident who regresses:

27 (A) ensure that necessary corrective action is

1 taken in the resident's individualized education program or school
2 behavioral intervention plan, as appropriate; and

3 (B) communicate with the resident's
4 interdisciplinary team concerning the regression and encourage the
5 team to aggressively address the regression;

6 (4) participate in the resident's individualized
7 education program team [~~admission, review, and dismissal~~
8 ~~committee~~] meetings in conjunction with:

9 (A) developing and implementing the resident's
10 school behavioral intervention plan; and

11 (B) determining the appropriate educational
12 placement for each resident, considering all available academic and
13 behavioral information;

14 (5) coordinate each resident's school behavioral
15 intervention plan with the resident's program of active treatment
16 provided by the forensic state supported living center to ensure
17 consistency of approach and response to the resident's identified
18 behaviors;

19 (6) provide training for school district staff and, as
20 appropriate, state supported living center staff in implementing
21 behavioral intervention plans for each resident; and

22 (7) remain involved with the resident during the
23 school day.

24 SECTION 29. Section 29.455(a), Education Code, is amended
25 to read as follows:

26 (a) A school district in which alleged offender residents
27 are enrolled in school and the forensic state supported living

1 center shall enter into a memorandum of understanding to:

2 (1) establish the duties and responsibilities of the
3 behavior support specialist to ensure the safety of all students
4 and teachers while educational services are provided to a resident
5 at a school in the district; and

6 (2) ensure the provision of appropriate facilities for
7 providing educational services and of necessary technological
8 equipment if a resident's individualized education program team
9 [~~admission, review, and dismissal committee~~] determines that the
10 resident must receive educational services at the forensic state
11 supported living center.

12 SECTION 30. Sections 30.002(c) and (f), Education Code, are
13 amended to read as follows:

14 (c) The comprehensive statewide plan for the education of
15 children with visual impairments must:

16 (1) adequately provide for comprehensive diagnosis
17 and evaluation of each school-age child with a serious visual
18 impairment;

19 (2) include the procedures, format, and content of the
20 individualized education program for each child with a visual
21 impairment;

22 (3) emphasize providing educational services to
23 children with visual impairments in their home communities whenever
24 possible;

25 (4) include methods to ensure that children with
26 visual impairments receiving special education services in school
27 districts receive, before being placed in a classroom setting or

1 within a reasonable time after placement:

2 (A) evaluation of the impairment; and

3 (B) instruction in an expanded core curriculum,
4 which is required for students with visual impairments to succeed
5 in classroom settings and to derive lasting, practical benefits
6 from the education provided by school districts, including
7 instruction in:

8 (i) compensatory skills, such as braille
9 and concept development, and other skills needed to access the rest
10 of the curriculum;

11 (ii) orientation and mobility;

12 (iii) social interaction skills;

13 (iv) career planning;

14 (v) assistive technology, including
15 optical devices;

16 (vi) independent living skills;

17 (vii) recreation and leisure enjoyment;

18 (viii) self-determination; and

19 (ix) sensory efficiency;

20 (5) provide for flexibility on the part of school
21 districts to meet the special needs of children with visual
22 impairments through:

23 (A) specialty staff and resources provided by the
24 district;

25 (B) contractual arrangements with other
26 qualified public or private agencies;

27 (C) supportive assistance from regional

1 education service centers or adjacent school districts;

2 (D) short-term or long-term services through the
3 Texas School for the Blind and Visually Impaired or related
4 facilities or programs; or

5 (E) other instructional and service arrangements
6 approved by the agency;

7 (6) include a statewide individualized education
8 program [~~admission, review, and dismissal~~] process;

9 (7) provide for effective interaction between the
10 visually impaired child's classroom setting and the child's home
11 environment, including providing for parental training and
12 counseling either by school district staff or by representatives of
13 other organizations directly involved in the development and
14 implementation of the individualized education program for the
15 child;

16 (8) require the continuing education and professional
17 development of school district staff providing special education
18 services to children with visual impairments;

19 (9) provide for adequate monitoring and precise
20 evaluation of special education services provided to children with
21 visual impairments through school districts; and

22 (10) require that school districts providing special
23 education services to children with visual impairments develop
24 procedures for assuring that staff assigned to work with the
25 children have prompt and effective access directly to resources
26 available through:

27 (A) cooperating agencies in the area;

1 (B) the Texas School for the Blind and Visually
2 Impaired;

3 (C) the Central Media Depository for specialized
4 instructional materials and aids made specifically for use by
5 students with visual impairments;

6 (D) sheltered workshops participating in the
7 state program of purchases of blind-made goods and services; and

8 (E) related sources.

9 (f) In the development of the individualized education
10 program for a student with a visual impairment, proficiency in
11 reading and writing is a significant indicator of the student's
12 satisfactory educational progress. The individualized education
13 program for a student with a visual impairment must include
14 instruction in braille and the use of braille unless the student's
15 individualized education program team [~~admission, review, and~~
16 ~~dismissal committee~~] determines and documents that braille is not
17 an appropriate literacy medium for the student. The team's
18 [~~committee's~~] determination must be based on an evaluation of the
19 student's appropriate literacy media and literacy skills and the
20 student's current and future instructional needs. Braille
21 instruction:

22 (1) may be used in combination with other special
23 education services appropriate to the student's educational needs;
24 and

25 (2) shall be provided by a teacher certified to teach
26 students with visual impairments.

27 SECTION 31. Section 30.021(b), Education Code, is amended

1 to read as follows:

2 (b) The school district in which a student resides is
3 responsible for assuring that a free appropriate public education
4 is provided to each district student placed in the regular school
5 year program of the school and that all legally required meetings
6 for the purpose of developing and reviewing the student's
7 individualized educational program are conducted. If the school
8 disagrees with a district's individualized education program team
9 [~~committee~~] recommendation that a student be evaluated for
10 placement, initially placed, or continued to be placed at the
11 school, the district or the school may seek resolution according to
12 a procedure established by the commissioner or through any due
13 process hearing to which the district or school is entitled under
14 the Individuals with Disabilities Education Act (20 U.S.C. Section
15 1400 et seq.).

16 SECTION 32. Section 30.057(a), Education Code, is amended
17 to read as follows:

18 (a) The Texas School for the Deaf shall provide services in
19 accordance with Section 30.051 to any eligible student with a
20 disability for whom the school is an appropriate placement if the
21 student has been referred for admission:

22 (1) by the school district in which the student
23 resides under the student's individualized education program;

24 (2) by the student's parent or legal guardian, or a
25 person with legal authority to act in place of the parent or legal
26 guardian, or the student, if the student is age 18 or older, at any
27 time during the school year, if the referring person chooses the

1 school as the appropriate placement for the student rather than the
2 placement in the student's local or regional program recommended
3 under the student's individualized education program; or

4 (3) by the student's parent or legal guardian through
5 the student's individualized education program team [~~admission,~~
6 ~~review, and dismissal~~] or individualized family service plan
7 committee, as an initial referral to special education for students
8 who are three years of age or younger.

9 SECTION 33. Section 30A.007(b), Education Code, is amended
10 to read as follows:

11 (b) For purposes of a policy adopted under Subsection (a),
12 the determination of whether or not an electronic course will meet
13 the needs of a student with a disability shall be made by the
14 student's individualized education program team [~~admission,~~
15 ~~review, and dismissal committee~~] in a manner consistent with state
16 and federal law, including the Individuals with Disabilities
17 Education Act (20 U.S.C. Section 1400 et seq.) and Section 504,
18 Rehabilitation Act of 1973 (29 U.S.C. Section 794).

19 SECTION 34. Section 33.081(e), Education Code, is amended
20 to read as follows:

21 (e) Suspension of a student with a disability that
22 significantly interferes with the student's ability to meet regular
23 academic standards must be based on the student's failure to meet
24 the requirements of the student's individualized education
25 program. The determination of whether a disability significantly
26 interferes with a student's ability to meet regular academic
27 standards must be made by the student's individualized education

1 program team [~~admission, review, and dismissal committee~~]. For
2 purposes of this subsection, "student with a disability" means a
3 student who is eligible for a district's special education program
4 under Section 29.003(b).

5 SECTION 35. Section 37.001(b-1), Education Code, is amended
6 to read as follows:

7 (b-1) The methods adopted under Subsection (a)(8) must
8 provide that a student who is enrolled in a special education
9 program under Subchapter A, Chapter 29, may not be disciplined for
10 conduct prohibited in accordance with Subsection (a)(7) until an
11 individualized education program team [~~admission, review, and~~
12 ~~dismissal committee~~] meeting has been held to review the conduct.

13 SECTION 36. Section 37.0021(d), Education Code, is amended
14 to read as follows:

15 (d) The commissioner by rule shall adopt procedures for the
16 use of restraint and time-out by a school district employee or
17 volunteer or an independent contractor of a district in the case of
18 a student with a disability receiving special education services
19 under Subchapter A, Chapter 29. A procedure adopted under this
20 subsection must:

21 (1) be consistent with:

22 (A) professionally accepted practices and
23 standards of student discipline and techniques for behavior
24 management; and

25 (B) relevant health and safety standards;

26 (2) identify any discipline management practice or
27 behavior management technique that requires a district employee or

1 volunteer or an independent contractor of a district to be trained
2 before using that practice or technique; and

3 (3) require a school district to:

4 (A) provide written notification to the
5 student's parent or person standing in parental relation to the
6 student for each use of restraint that includes:

7 (i) the name of the student;

8 (ii) the name of the district employee or
9 volunteer or independent contractor of the district who
10 administered the restraint;

11 (iii) the date of the restraint;

12 (iv) the time that the restraint started
13 and ended;

14 (v) the location of the restraint;

15 (vi) the nature of the restraint;

16 (vii) a description of the activity in
17 which the student was engaged immediately preceding the use of the
18 restraint;

19 (viii) the behavior of the student that
20 prompted the restraint;

21 (ix) any efforts made to de-escalate the
22 situation and any alternatives to restraint that were attempted;

23 (x) if the student has a behavior
24 improvement plan or a behavioral intervention plan, whether the
25 plan may need to be revised as a result of the behavior that led to
26 the restraint; and

27 (xi) if the student does not have a behavior

1 improvement plan or a behavioral intervention plan, information on
2 the procedure for the student's parent or person standing in
3 parental relation to the student to request an individualized
4 education program team [~~admission, review, and dismissal~~
5 ~~committee~~] meeting to discuss the possibility of conducting a
6 functional behavioral assessment of the student and developing a
7 plan for the student;

8 (B) include in a student's special education
9 eligibility school records:

10 (i) a copy of the written notification
11 provided to the student's parent or person standing in parental
12 relation to the student under Paragraph (A);

13 (ii) information on the method by which the
14 written notification was sent to the parent or person; and

15 (iii) the contact information for the
16 parent or person to whom the district sent the notification; and

17 (C) if the student has a behavior improvement
18 plan or behavioral intervention plan, document each use of time-out
19 prompted by a behavior of the student specified in the student's
20 plan, including a description of the behavior that prompted the
21 time-out.

22 SECTION 37. Sections 37.004(a) and (b), Education Code, are
23 amended to read as follows:

24 (a) The placement of a student with a disability who
25 receives special education services may be made only by a duly
26 constituted individualized education program team [~~admission,~~
27 ~~review, and dismissal committee~~].

1 (b) Any disciplinary action regarding a student with a
2 disability who receives special education services that would
3 constitute a change in placement under federal law may be taken only
4 after the student's individualized education program team
5 [~~admission, review, and dismissal committee~~] conducts a
6 manifestation determination review under 20 U.S.C. Section
7 1415(k)(4) and its subsequent amendments. Any disciplinary action
8 regarding the student shall be determined in accordance with
9 federal law and regulations, including laws or regulations
10 requiring the provision of:

- 11 (1) functional behavioral assessments;
- 12 (2) positive behavioral interventions, strategies,
13 and supports;
- 14 (3) behavioral intervention plans; and
- 15 (4) the manifestation determination review.

16 SECTION 38. Section 37.105(e), Education Code, is amended
17 to read as follows:

18 (e) If a parent or guardian of a child enrolled in a school
19 district is refused entry to the district's property under this
20 section, the district shall accommodate the parent or guardian to
21 ensure that the parent or guardian may participate in the child's
22 individualized education program team [~~admission, review, and~~
23 ~~dismissal committee~~] or in the child's team established under
24 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in
25 accordance with federal law.

26 SECTION 39. Section 37.307(b), Education Code, is amended
27 to read as follows:

1 (b) The review under Section 37.306 of the placement of a
2 student with a disability who receives special education services
3 may be made only by a duly constituted individualized education
4 program team [~~admission, review, and dismissal committee~~]. The
5 individualized education program team [~~admission, review, and~~
6 ~~dismissal committee~~] may request that the board of trustees convene
7 a committee described by Section 37.306(a) to assist the
8 individualized education program team [~~admission, review, and~~
9 ~~dismissal committee~~] in conducting the review.

10 SECTION 40. Sections 39.023(b), (c), and (d), Education
11 Code, are amended to read as follows:

12 (b) The agency shall develop or adopt appropriate
13 criterion-referenced alternative assessment instruments to be
14 administered to each student in a special education program under
15 Subchapter A, Chapter 29, for whom an assessment instrument adopted
16 under Subsection (a), even with allowable accommodations, would not
17 provide an appropriate measure of student achievement, as
18 determined by the student's individualized education program team
19 [~~admission, review, and dismissal committee~~], including assessment
20 instruments approved by the commissioner that measure growth. The
21 assessment instruments developed or adopted under this subsection,
22 including the assessment instruments approved by the commissioner,
23 must, to the extent allowed under federal law, provide a district
24 with options for the assessment of students under this subsection.
25 The agency may not adopt a performance standard that indicates that
26 a student's performance on the alternate assessment does not meet
27 standards if the lowest level of the assessment accurately

1 represents the student's developmental level as determined by the
2 student's individualized education program team [~~admission,~~
3 ~~review, and dismissal committee~~].

4 (c) The agency shall also adopt end-of-course assessment
5 instruments for secondary-level courses in Algebra I, biology,
6 English I, English II, and United States history. The Algebra I
7 end-of-course assessment instrument must be administered with the
8 aid of technology, but may include one or more parts that prohibit
9 the use of technology. The English I and English II end-of-course
10 assessment instruments must each assess essential knowledge and
11 skills in both reading and writing and must provide a single score.
12 A school district shall comply with State Board of Education rules
13 regarding administration of the assessment instruments listed in
14 this subsection. If a student is in a special education program
15 under Subchapter A, Chapter 29, the student's individualized
16 education program team [~~admission, review, and dismissal~~
17 ~~committee~~] shall determine whether any allowable modification is
18 necessary in administering to the student an assessment instrument
19 required under this subsection. The State Board of Education shall
20 administer the assessment instruments. An end-of-course assessment
21 instrument may be administered in multiple parts over more than one
22 day. The State Board of Education shall adopt a schedule for the
23 administration of end-of-course assessment instruments that
24 complies with the requirements of Subsection (c-3).

25 (d) The commissioner may participate in multistate efforts
26 to develop voluntary standardized end-of-course assessment
27 instruments. The commissioner by rule may require a school district

1 to administer an end-of-course assessment instrument developed
2 through the multistate efforts. The individualized education
3 program team [~~admission, review, and dismissal committee~~] of a
4 student in a special education program under Subchapter A, Chapter
5 29, shall determine whether any allowable modification is necessary
6 in administering to the student an end-of-course assessment
7 instrument.

8 SECTION 41. Section 39.025(a-4), Education Code, is amended
9 to read as follows:

10 (a-4) The individualized education program team [~~admission,~~
11 ~~review, and dismissal committee~~] of a student in a special
12 education program under Subchapter A, Chapter 29, shall determine
13 whether, to receive a high school diploma, the student is required
14 to achieve satisfactory performance on end-of-course assessment
15 instruments.

16 SECTION 42. Section 661.906, Government Code, is amended to
17 read as follows:

18 Sec. 661.906. FOSTER PARENTS. A state employee who is a
19 foster parent to a child under the conservatorship of the
20 Department of Protective and Regulatory Services is entitled to a
21 leave of absence without a deduction in salary for the purpose of
22 attending:

23 (1) meetings held by the Department of Protective and
24 Regulatory Services regarding the child under the foster care of
25 the employee; or

26 (2) an individualized education program team
27 [~~admission, review, and dismissal~~] meeting held by a school

1 district regarding the child under the foster care of the employee.

2 SECTION 43. Section [29.301\(1\)](#), Education Code, is repealed.

3 SECTION 44. This Act takes effect September 1, 2023.