

By: Menéndez

S.B. No. 1795

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to additional requirements for individualized education  
3 programs developed for children with autism or other pervasive  
4 developmental disorders.

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

6 SECTION 1. Section 29.005, Education Code, is amended by  
7 adding Subsection (e-1) to read as follows:

8 (e-1) For a child with autism or another pervasive  
9 developmental disorder, the committee must consider for inclusion  
10 in the child's individualized education program each strategy  
11 identified under commissioner rule as appropriate for autism or  
12 another pervasive developmental disorder and that is based on  
13 peer-reviewed, research-based educational programming practices.  
14 The committee shall determine whether each strategy considered is  
15 appropriate and practicable to include in the child's  
16 individualized education program. If the committee determines that  
17 a strategy is not appropriate or practicable to include in the  
18 child's individualized education program, the committee must  
19 include a written statement to that effect and the basis for that  
20 determination in the documentation for the child's individualized  
21 education program.

22 SECTION 2. Subchapter A, Chapter 29, Education Code, is  
23 amended by adding Section 29.0053 to read as follows:

24 Sec. 29.0053. ADDITIONAL PROGRAM REQUIREMENTS FOR STUDENTS

1 WITH AUTISM OR ANOTHER PERVASIVE DEVELOPMENTAL DISORDER. (a) Not  
2 later than seven days before each meeting of an admission, review,  
3 and dismissal committee for a child with autism or another  
4 pervasive developmental disorder, a school district shall provide  
5 to the parent of the child written information regarding each  
6 strategy identified under commissioner rule as appropriate for  
7 autism or another pervasive developmental disorder and that is  
8 based on peer-reviewed, research-based educational programming  
9 practices.

10 (b) At each meeting of an admission, review, and dismissal  
11 committee for a child with autism or another pervasive  
12 developmental disorder, the committee must consider each  
13 educational strategy adopted by the commissioner under Section  
14 29.005(e-1) and determine whether the strategy is appropriate and  
15 practicable to include in the child's individualized education  
16 program. If the committee determines to not include a strategy in  
17 the child's program, the committee shall include instead a  
18 statement to that effect and the basis on which the determination  
19 was made.

20 (c) If the child's parent is unable to speak English, a  
21 school district shall:

22 (1) provide the parent with a written or audiotaped  
23 copy of the written information required under Subsection (a)  
24 translated into Spanish if Spanish is the parent's native language;  
25 or

26 (2) if the parent's native language is a language other  
27 than Spanish, make a good faith effort to provide the parent with

1 the written information required under Subsection (a) translated  
2 into the parent's native language.

3 SECTION 3. This Act applies beginning with the 2023-2024  
4 school year.

5 SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2023.