

By: Eissler

H.B. No. 1339

Substitute the following for H.B. No. 1339:

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C.S.H.B. No. 1339

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain information that a school district must provide
3 to the parent of or person standing in parental relation to a
4 district student and to evaluation of a student for special
5 education services.

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

7 SECTION 1. The heading to Section 26.0081, Education Code,
8 is amended to read as follows:

9 Sec. 26.0081. RIGHT TO INFORMATION CONCERNING SPECIAL
10 EDUCATION AND EDUCATION OF STUDENTS WITH LEARNING DIFFICULTIES.

11 SECTION 2. Section 26.0081, Education Code, is amended by
12 adding Subsection (c) to read as follows:

13 (c) The agency shall produce and provide to school districts
14 a written explanation of the options and requirements for providing
15 assistance to students who have learning difficulties or who need
16 or may need special education. The explanation must state that a
17 parent is entitled at any time to request an evaluation of the
18 parent's child for special education services under Section 29.004.
19 Each school year, each district shall provide the written
20 explanation to a parent of each district student by including the
21 explanation in the student handbook or by another means.

22 SECTION 3. Section 29.004, Education Code, is amended to
23 read as follows:

24 Sec. 29.004. FULL INDIVIDUAL AND INITIAL EVALUATION. (a) A

1 written report of a full individual and initial evaluation of a
2 student for purposes of special education services shall be
3 completed not later than the 60th calendar day following the date on
4 which the school district, in accordance with 20 U.S.C. Section
5 1414(a), as amended, receives written consent [~~referral~~] for the
6 evaluation, signed by [~~was initiated by school personnel,~~] the
7 student's parent or legal guardian[~~, or another appropriate~~
8 ~~person~~].

9 **(b)** The evaluation shall be conducted using procedures that
10 are appropriate for the student's most proficient method of
11 communication.

12 SECTION 4. (a) Each school district shall provide the
13 explanation required under Section 26.0081(c), Education Code, as
14 added by this Act, beginning with the 2004-2005 school year.

15 (b) Section 29.004, Education Code, as amended by this Act,
16 applies to the date on which a report of an evaluation of a student
17 for special education services must be completed only in the case of
18 an evaluation performed on or after the effective date of this Act.

19 SECTION 5. This Act takes effect September 1, 2003.