

BILL ANALYSIS

C.S.S.B. 124
By: Shapiro
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently Section 89.1055(e), Texas Administrative Code, requires that special considerations be made for students with autism or other pervasive developmental disorders. The rule listing special considerations to be made for students with autism or other pervasive developmental disorders has been in place since 1984 and does not provide for the large body of research performed over the past twenty years regarding autism and how to educate autistic students. The population of autistic students in Texas has increased by almost 600 percent over the past twenty years. Consequently, not all students with autism are being provided with the educational service that best meet their individual needs.

C.S.S.B. 124 will assemble a group of stakeholders, including parents of students with autism, teachers, school officials, and other interested parties, to review the current rule and recommend any changes that should be made no later than July 1, 2006 so that the rule can be amended.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education in SECTION 1 of this bill.

ANALYSIS

CSSB 124 amends the Education code by stating that the commissioner by rule may require a school district to include in the individualized education program of a student with autism or other pervasive developmental disorder any information or requirement authorized under the Individuals with Disabilities Education Act. This bill requires the agency to establish a committee composed of parents of students with autism or other pervasive developmental disorders, teachers, school administrators, and other interested persons to study the rule concerning the content of an individualized education program for a student with autism or another pervasive developmental disorder. This bill prohibits school district employees or educational consultants or contractors who receive or are employed by entities that receive compensation from a school district from constituting more than 50 percent of the committee. This bill requires the committee to consider whether any other considerations, such as applied behavior analysis, communication training, or other use of inclusive settings, should be included in the rule. Not later than July 1, 2006, the committee is required to recommend to the commissioner of education any necessary changes to the rule.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds rulemaking authority to the commissioner of education and provides that the commissioner may require a school district to include in the individualized education program of a student with autism or another pervasive developmental disorder any information or requirement authorized under the Individuals with Disabilities Education Act.