

BILL ANALYSIS

Senate Research Center

S.B. 882
By: Lucio
Health & Human Services
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Texas Council on Autism and Pervasive Disorders (council) definitions and duties need to be updated and changed based on recent name changes. S.B. 882 reflects state agency name changes that were made during the 78th Legislature, Regular Session, 2003. Additionally, S.B. 882 includes several provisions designed to increase stakeholder involvement in council decisions.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 12 (Section 29.005, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 114, Human Resources Code, to read as follows:

CHAPTER 114. TEXAS COUNCIL ON AUTISM AND PERVASIVE DEVELOPMENTAL
DISORDERS

SECTION 2. Amends Section 114.001, Human Resources Code, to make a conforming change.

SECTION 3. Amends Section 114.002, Human Resources Code, to redefine "autism" and "council."

SECTION 4. Amends the heading to Section 114.003, Human Resources Code, to read as follows:

Sec. 114.003. COUNCIL.

SECTION 5. Amends Sections 114.003(a), (b), and (d), Human Resources Code, to make a conforming change and to provides that the Texas Council on Autism and Pervasive Developmental Disorders (council) includes one representative from the Department of Aging and Disability Services, rather than the Texas Department of Mental Health and Mental Retardation (TDMHMR); the Department of State Health Services, rather than the Texas Department of Health; the Health and Human Services Commission (HHSC), rather than the Texas Department of Human Services; the Department of Assistive and Rehabilitative Services, rather than the Texas Rehabilitation Commission; and the Department of Family and Protective Services, rather than the Interagency Council on Early Childhood Intervention. Provides that the public members serve staggered two-year terms with the terms of three or four members expiring on February 1 of each year, rather than each odd-numbered year.

SECTION 6. Amends Section 114.004, Human Resources Code, to authorize the council to require the employment of staff to carry out the responsibilities of the council, rather than to perform clerical duties. Requires the executive commissioner of HHSC (executive commissioner), rather than the commissioner of the Texas Department of Human Services, to determine which agency must employ staff for the council and what funding resources shall be used for the council.

SECTION 7. Amends Section 114.005, Human Resources Code, by amending Subsection (b), and adding Subsection (c), as follows:

(b) Requires the chair of the council, rather than the task force, to appoint the chair of the task force and requires the task force to meet and serve in accordance with council rules. Deletes existing text pertaining to the task force electing its own chairperson.

(c) Authorizes a member of the task force to be appointed or removed without cause by a majority vote of the public members of the council present at a council meeting.

SECTION 8. Amends Sections 114.007(a), (b), and (c), Human Resources Code, as follows:

(a) Requires the council to provide recommendations to HHSC and other appropriate state agencies, rather than TDMHMR, responsible for implementing this chapter, including recommendations relating to the use of funds appropriated to HHSC or another health and human services agency, rather than TDMHMR, to provide services to persons with autism or other pervasive developmental disorders.

(b) Includes that the council, with the advice of the advisory task force and input from people with autism and other pervasive developmental disorders, their families, and related advocacy agencies, is required to address contemporary issues affecting certain services available to persons with autism or other pervasive developmental disorders in this state.

(c) Makes a conforming change.

SECTION 9. Amends Section 114.008, Human Resources Code, to require, not later than November 1 of each year, the council to prepare and deliver to the executive commissioner, the governor, the lieutenant governor, and the speaker of the house a report summarizing the recommendations. Requires the council to develop a strategy for establishing new programs to meet the requirements identified through the council's review and assessment and from input from the task force, people with autism and other pervasive developmental disorders, their families, and related advocacy agencies, rather than by agencies and the public members.

SECTION 10. Amends Section 114.010, Human Resources Code, by adding Subsection (d), to authorize funds to be appropriated from available resources to allow the council to provide recommendations to HHSC and other appropriate state agencies responsible for implementing this chapter, including recommendations relating to the use of funds appropriated to HHSC or another health and human services agency to provide services to persons with autism or other pervasive developmental disorders.

SECTION 11. Amends Section 114.001(c), Human Resources Code, to require the council to develop with HHSC and any agency designated by HHSC, rather than TDMHMR, procedures for allocating available funds to programs approved under this section.

SECTION 12. Amends Section 29.005, Education Code, by adding Subsection (e), as follows:

(e) Authorizes the commissioner of education, by rule, to require a school district to include any information or requirement determined necessary to ensure the student receives a free appropriate public education as required under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) in the individualized education program of a student with autism or another pervasive developmental disorder.

SECTION 13. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.0051, as follows:

Sec. 29.0051. STUDY OF RULE CONCERNING CONTENT OF INDIVIDUALIZED EDUCATION PROGRAM FOR STUDENT WITH PERVASIVE DEVELOPMENTAL DISORDER. (a) Requires the Texas Education Agency (TEA) to establish a committee composed of certain individuals to study the rule concerning the content of an individualized education program for a student with autism or another pervasive developmental disorder (19 T.A.C. Section 89.1055(e)). 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.

(b) Requires the committee, in studying the rule, to consider whether any other considerations, such as applied behavior analysis, communication training, or the use of inclusive settings, should be included in the rule.

(c) Requires the committee, not later than July 1, 2006, to recommend any necessary changes to the rule to the commissioner.

(d) Provides that this section expires August 1, 2006.

SECTION 14. (a) Authorizes, notwithstanding, Section 114.003(d), Human Resources Code, as amended by this Act, a public member of the council serving a term that is scheduled to expire February 1, 2007, under, Section 114.0039(d), Human Resources Code, as it existed immediately before the effective date of this Act, to continue to serve the remainder of the public member's term until February 1, 2007.

(b) Requires the governor to appoint seven public members to the council for terms beginning February 1, 2007. Requires the governor to appoint three persons to a term expiring February 1, 2008, and four persons to a term expiring February 1, 2009.

SECTION 15. Effective date: September 1, 2005.