

By: Hochberg

H.B. No. 2996

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the statewide plan for delivery of services to public
3 school students with disabilities and resources for teachers of
4 students with special health needs.

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

6 SECTION 1. Section 29.001, Education Code, is amended to
7 read as follows:

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

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

23 (2) facilitate interagency coordination when other
24 state agencies are involved in the delivery of instructional or

1 related services to students with disabilities;

2 (3) periodically assess statewide personnel needs in
3 all areas of specialization related to special education and pursue
4 strategies to meet those needs through a consortium of
5 representatives from regional education service centers, local
6 education agencies, and institutions of higher education and
7 through other available alternatives;

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

13 (5) allow the agency to effectively monitor and
14 periodically conduct site visits of all school districts to ensure
15 that rules adopted under this section are applied in a consistent
16 and uniform manner, to ensure that districts are complying with
17 those rules, and to ensure that annual statistical reports filed by
18 the districts and not otherwise available through the Public
19 Education Information Management System under Section 42.006, are
20 accurate and complete;

21 (6) ensure that appropriately trained personnel are
22 involved in the diagnostic and evaluative procedures operating in
23 all districts and that those personnel routinely serve on district
24 admissions, review, and dismissal committees;

25 (7) ensure that an individualized education program
26 for each student with a disability is properly developed,
27 implemented, and maintained in the least restrictive environment

1 that is appropriate to meet the student's educational needs;

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

6 (9) ensure that each student with a disability is
7 provided necessary related services; ~~and~~

8 (10) ensure that an individual assigned to act as a
9 surrogate parent for a child with a disability, as provided by 20
10 U.S.C. Section 1415(b) ~~[and its subsequent amendments]~~, is required
11 to:

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

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

15 (C) consult with persons involved in the child's
16 education, including teachers, caseworkers, court-appointed
17 volunteers, guardians ad litem, attorneys ad litem, foster parents,
18 and caretakers;

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

20 (E) attend meetings of the child's admission,
21 review, and dismissal committee;

22 (F) exercise independent judgment in pursuing
23 the child's interests; and

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

26 (11) if a student with a disability is placed in a
27 regular classroom and the student's individualized education

1 program requires a modification in the curriculum, instruction, or
2 services to be provided by the teacher in the regular classroom,
3 ensure that the teacher:

4 (A) on request of the teacher, receives:

5 (i) before placement of the student in the
6 regular classroom, training on meeting the needs of the student as
7 identified in the student's individualized education program; or

8 (ii) if training before placement in the
9 classroom is not practicable, training or assistance from
10 appropriately trained personnel as soon as practicable after the
11 placement of the student in the classroom;

12 (B) as necessary to comply with the student's
13 individualized education program, receives timely assistance from
14 appropriately trained personnel to ensure that the student's needs
15 are met in the regular classroom;

16 (C) prior to the student's placement in the
17 regular classroom, receives a copy of the relevant sections of the
18 student's individualized education program and meets with the
19 student's admission, review, and dismissal committee;

20 (D) is authorized to call the following meetings
21 to be held not later than the 21st day after the date the meeting is
22 called;

23 (i) as necessary, a staffing or
24 intervention team meeting; and

25 (ii) if the teacher submits a clearly
26 articulated reason for the meeting, a meeting of the student's
27 admission, review and dismissal committee; and

1 (E) is permitted to participate in the admission,
2 review, and dismissal committee of the student, including meetings
3 of the committee under Paragraph (D)(ii); and

4 (12) if a student with a disability who has special
5 health needs is assigned to a teacher's classroom, ensure that the
6 teacher receives;

7 (A) assistance from appropriately trained
8 personnel in performing necessary medical tasks for the student,
9 including tasks related to catheters, feeding tubes, and
10 suctioning;

11 (B) training in performing, without assistance,
12 the tasks described by Paragraph (A), in case of an emergency; and

13 (C) on request of the teacher, assistance from
14 appropriately trained personnel in performing necessary tasks
15 related to the student's hygiene and care, including diapering
16 needs.

17 SECTION 2. Subchapter J, Chapter 21, Education Code, is
18 amended by adding Section 21.457 to read as follows:

19 Sec. 21.457. RESOURCES FOR TEACHERS OF STUDENTS WITH
20 SPECIAL HEALTH NEEDS. The agency, in coordination with the Health
21 and Human Services Commission, shall establish and maintain an
22 Internet website to provide resources for teachers who have
23 students with special health needs. The agency shall include
24 information about the treatment and management of chronic illnesses
25 and how such illnesses impact the student's well-being or ability
26 to succeed in school.

27 SECTION 3. This Act applies beginning with the 2005-2006

1 school year.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2005.