

AN ACT

relating to autism and pervasive developmental disorders and the Texas Council on Autism and Pervasive Developmental Disorders.

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

SECTION 1. The heading to Chapter 114, Human Resources Code, is amended to read as follows:

CHAPTER 114. TEXAS [~~INTERAGENCY~~] COUNCIL ON AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS

SECTION 2. Section 114.001, Human Resources Code, is amended to read as follows:

Sec. 114.001. SHORT TITLE. This chapter may be cited as the Texas [~~Interagency~~] Council on Autism and Pervasive Developmental Disorders Act of 1987.

SECTION 3. Section 114.002, Human Resources Code, is amended to read as follows:

Sec. 114.002. DEFINITIONS. In this chapter:

(1) "Autism and other pervasive developmental disorders" means a subclass of mental disorders characterized by distortions in the development of multiple basic psychological functions that are involved in the development of social skills and language, as defined by the Diagnostic and Statistical Manual, 4th [~~3rd~~] Edition.

(2) "Council" means the Texas [~~Interagency~~] Council on Autism and Pervasive Developmental Disorders.

1 SECTION 4. The heading to Section 114.003, Human Resources  
2 Code, is amended to read as follows:

3 Sec. 114.003. [~~INTERAGENCY~~] COUNCIL.

4 SECTION 5. Subsections (a), (b), and (d), Section 114.003,  
5 Human Resources Code, are amended to read as follows:

6 (a) The Texas [~~Interagency~~] Council on Autism and Pervasive  
7 Developmental Disorders is established.

8 (b) The council is composed of:

9 (1) seven public members, the majority of whom are  
10 family members of a person with autism or a pervasive developmental  
11 disorder, appointed by the governor with the advice and consent of  
12 the senate; and

13 (2) one representative from each of the following  
14 state agencies, to serve as ex officio members:

15 (A) [~~Texas~~] Department of Aging and Disability  
16 Services [~~Mental Health and Mental Retardation~~];

17 (B) [~~Texas~~] Department of State Health Services;

18 (C) Health and [~~Texas Department of~~] Human  
19 Services Commission;

20 (D) Texas Education Agency;

21 (E) Department of Assistive and Rehabilitative  
22 Services [~~Texas Rehabilitation Commission~~]; and

23 (F) Department of Family and Protective Services  
24 [~~Interagency Council on Early Childhood Intervention~~].

25 (d) The public members appointed by the governor serve  
26 staggered two-year terms with the terms of three or four members  
27 expiring [~~that expire~~] on February 1 of each [~~odd-numbered~~] year.

1 The public members may be reappointed. A representative of a state  
2 agency serves at the pleasure of the commissioner or executive head  
3 of that agency. A public member is entitled to reimbursement of the  
4 travel expenses incurred by the public member while conducting the  
5 business of the council, as provided in the General Appropriations  
6 Act.

7 SECTION 6. Section 114.004, Human Resources Code, is  
8 amended to read as follows:

9 Sec. 114.004. STAFF SUPPORT. The agencies represented on  
10 the council shall provide staff support to the council from among  
11 the agency staff who are responsible for coordinating services to  
12 persons with autism or other pervasive developmental disorders or  
13 to those persons' families. The council may require the employment  
14 of staff to carry out the responsibilities of the council [~~perform~~  
15 ~~clerical duties~~]. The executive commissioner of the Health and  
16 [~~Texas Department of~~] Human Services Commission shall determine  
17 which agency must employ [~~clerical~~] staff for the council and what  
18 funding resources shall be used for the council.

19 SECTION 7. Section 114.005, Human Resources Code, is  
20 amended by amending Subsection (b) and adding Subsection (c) to  
21 read as follows:

22 (b) The chair of the council [~~task force~~] shall appoint the  
23 chair of the task force, [~~elect its own chairperson~~] and the task  
24 force shall meet and serve in accordance with council rules. The  
25 council may divide the task force into regional committees to  
26 assist the council in community level program planning and  
27 implementation.

1        (c) A member of the task force may be appointed or removed  
2 without cause by a majority vote of the public members of the  
3 council present at a council meeting.

4        SECTION 8. Subsections (a), (b), and (c), Section 114.007,  
5 Human Resources Code, are amended to read as follows:

6        (a) The council shall provide recommendations to the Health  
7 and Human Services Commission and other appropriate state agencies  
8 [~~Texas Department of Mental Health and Mental Retardation as the~~  
9 ~~state agency primarily~~] responsible for implementing this chapter,  
10 including recommendations relating to the use of funds appropriated  
11 to the commission or another health and human services agency  
12 [~~department~~] to provide services to persons with autism or other  
13 pervasive developmental disorders.

14        (b) The council with the advice of the advisory task force  
15 and input from people with autism and other pervasive developmental  
16 disorders, their families, and related advocacy organizations  
17 shall address contemporary issues affecting services available to  
18 persons with autism or other pervasive developmental disorders in  
19 this state, including:

- 20            (1) successful intervention and treatment strategies,  
21 including transitioning;
- 22            (2) personnel preparation and continuing education;
- 23            (3) referral, screening, and evaluation services;
- 24            (4) day care, respite care, or residential care  
25 services;
- 26            (5) vocational and adult training programs;
- 27            (6) public awareness strategies;

- 1 (7) contemporary research;
- 2 (8) early identification strategies;
- 3 (9) family counseling and case management; and
- 4 (10) recommendations for monitoring autism service
- 5 programs.

6 (c) The council with the advice of the advisory task force  
7 and input from people with autism and other pervasive developmental  
8 disorders, their families, and related advocacy organizations  
9 shall advise the legislature on legislation that is needed to  
10 develop further and to maintain a statewide system of quality  
11 intervention and treatment services for all persons with autism or  
12 other pervasive developmental disorders. The council may develop  
13 and recommend legislation to the legislature or comment on pending  
14 legislation that affects those persons.

15 SECTION 9. Section 114.008, Human Resources Code, is  
16 amended to read as follows:

17 Sec. 114.008. REPORT. (a) The agencies represented on the  
18 council and the public members shall report to the council any  
19 requirements identified by the agency or person to provide  
20 additional or improved services to persons with autism or other  
21 pervasive developmental disorders. Not later than November 1 of  
22 each year, the council shall prepare and deliver to the executive  
23 commissioner of the Health and Human Services Commission, the  
24 governor, the lieutenant governor, and the speaker of the house of  
25 representatives a report summarizing the recommendations.

26 (b) The council shall develop a strategy for establishing  
27 new programs to meet the requirements identified through the

1 council's review and assessment and from input from the task force,  
2 people with autism and related pervasive developmental disorders,  
3 their families, and related advocacy organizations [~~by the agencies~~  
4 ~~and the public members~~].

5 SECTION 10. Section 114.010, Human Resources Code, is  
6 amended by adding Subsection (d) to read as follows:

7 (d) Funds may be appropriated from available resources to  
8 allow the council to provide recommendations to the Health and  
9 Human Services Commission and other appropriate state agencies  
10 responsible for implementing this chapter, including  
11 recommendations relating to the use of funds appropriated to the  
12 commission or another health and human services agency to provide  
13 services to persons with autism or other pervasive developmental  
14 disorders.

15 SECTION 11. Subsection (c), Section 114.011, Human  
16 Resources Code, is amended to read as follows:

17 (c) The council shall develop with the Health and Human  
18 Services Commission and any agency designated by the commission  
19 [~~Texas Department of Mental Health and Mental Retardation~~]  
20 procedures for allocating available funds to programs approved  
21 under this section.

22 SECTION 12. Section 29.005, Education Code, is amended by  
23 adding Subsection (e) to read as follows:

24 (e) The commissioner by rule may require a school district  
25 to include in the individualized education program of a student  
26 with autism or another pervasive developmental disorder any  
27 information or requirement determined necessary to ensure the

1 student receives a free appropriate public education as required  
2 under the Individuals with Disabilities Education Act (20 U.S.C.  
3 Section 1400 et seq.).

4 SECTION 13. Subchapter A, Chapter 29, Education Code, is  
5 amended by adding Section 29.0051 to read as follows:

6 Sec. 29.0051. STUDY OF RULE CONCERNING CONTENT OF  
7 INDIVIDUALIZED EDUCATION PROGRAM FOR STUDENT WITH PERVASIVE  
8 DEVELOPMENTAL DISORDER. (a) The agency shall establish a  
9 committee composed of parents of students with autism or other  
10 pervasive developmental disorders, teachers, school  
11 administrators, and other interested persons to study the rule  
12 concerning the content of an individualized education program for a  
13 student with autism or another pervasive developmental disorder (19  
14 T.A.C. Section 89.1055(e)). School district employees or  
15 educational consultants or contractors who receive or are employed  
16 by entities that receive compensation from a school district may  
17 not constitute more than 50 percent of the committee.

18 (b) In studying the rule, the committee shall consider  
19 whether any other considerations, such as applied behavior  
20 analysis, communication training, or the use of inclusive settings,  
21 should be included in the rule.

22 (c) Not later than July 1, 2006, the committee shall  
23 recommend to the commissioner any necessary changes to the rule.

24 (d) This section expires August 1, 2006.

25 SECTION 14. (a) Notwithstanding Subsection (d), Section  
26 114.003, Human Resources Code, as amended by this Act, a public  
27 member of the Texas Council on Autism and Pervasive Developmental

1 Disorders serving a term that is scheduled to expire February 1,  
2 2007, under Subsection (d), Section 114.003, Human Resources Code,  
3 as it existed immediately before the effective date of this Act, may  
4 continue to serve the remainder of the public member's term until  
5 February 1, 2007.

6 (b) The governor shall appoint seven public members to the  
7 Texas Council on Autism and Pervasive Developmental Disorders for  
8 terms beginning February 1, 2007. The governor shall appoint three  
9 persons to a term expiring February 1, 2008, and four persons to a  
10 term expiring February 1, 2009.

11 SECTION 15. This Act takes effect September 1, 2005.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 882 passed the Senate on April 13, 2005, by the following vote: Yeas 30, Nays 0; May 27, 2005, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 28, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 882 passed the House, with amendment, on May 25, 2005, by a non-record vote; May 28, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor