

By: Watson

S.B. No. 1625

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

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

(2) facilitate interagency coordination when other

1 state agencies are involved in the delivery of instructional or  
2 related services to students with disabilities;

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

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

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

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

26 (7) ensure that an individualized education program  
27 for each student with a disability is properly developed,

1 implemented, and maintained in the least restrictive environment  
2 that is appropriate to meet the student's educational needs;

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

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

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

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

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

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

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

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

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

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

27 (11) if a student with a disability is placed in a

1 regular classroom and the student's individualized education  
2 program requires a modification in the curriculum, instruction, or  
3 services to be provided by the teacher in the regular classroom,  
4 ensure that the teacher:

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

6 (i) before the student is placed in the  
7 regular classroom, training modeled on research-based practices on  
8 meeting the academic and behavioral needs of the student as  
9 identified in the student's individualized education program; or

10 (ii) if training before the student is  
11 placed in the regular classroom is not practicable, training or  
12 assistance from appropriately trained personnel as soon as  
13 practicable after the student is placed in the regular classroom;

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

18 (C) before the student is placed in the regular  
19 classroom, receives a copy of the relevant sections of the  
20 student's individualized education program;

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

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

26 (ii) if the teacher submits a clearly  
27 articulated reason for the meeting, a meeting of the student's

1 admission, review, and dismissal committee; and

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

5 (12) ensure that school health services for a student  
6 with a disability are performed by:

7 (A) a qualified school nurse; or

8 (B) other qualified and trained personnel; and

9 (13) ensure that, on request of the teacher, the  
10 teacher receives assistance from appropriately trained personnel  
11 in performing necessary tasks related to the student's hygiene and  
12 care, including diapering needs.

13 (b) Subsection (a)(13) may not result in a change of  
14 classroom placement for a student with a disability unless the  
15 change in classroom placement is made in accordance with applicable  
16 federal and state laws.

17 SECTION 2. Subchapter J, Chapter 21, Education Code, is  
18 amended by adding Section 21.459 to read as follows:

19 Sec. 21.459. 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 teach  
23 students with special health needs. The agency shall include on the  
24 website information about the treatment and management of chronic  
25 illnesses and how such illnesses impact a student's well-being or  
26 ability to succeed in school.

27 SECTION 3. This Act applies beginning with the 2007-2008

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, 2007.