

Amend CSHB 1335 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Chapter 29, Education Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. INTRA-DISTRICT SPECIAL SERVICES TRANSFER PROGRAM

Sec. 29.501. DEFINITIONS. In this subchapter:

(1) "Parent" includes a guardian, custodian, or other person with authority to act on behalf of a student.

(2) "Pervasive developmental disorder" includes, as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders:

(A) autism;

(B) Asperger's syndrome;

(C) Rett's syndrome;

(D) childhood disintegrative disorder; and

(E) a pervasive developmental disorder, not otherwise specified.

(3) "Program" means the special services transfer program for eligible students created by this subchapter.

Sec. 29.502. SPECIAL SERVICES TRANSFER PROGRAM. (a) An eligible student under Section 29.503 may, at the option of the student's parent, attend any public school in the district in which the student resides that provides a program appropriate to the student's needs.

(b) Each school year, a school district shall provide written notice of the opportunity to transfer under this subchapter to the parent of a student who is eligible to participate in the program under Section 29.503.

Sec. 29.503. ELIGIBLE STUDENT. (a) A student is eligible to participate in the program if the student:

(1) is receiving public school services;

(2) is eligible to participate in a school district's special education program under Section 29.003; and

(3) has been diagnosed by a medical doctor with:

(A) a pervasive developmental disorder; or

(B) an intellectual disability.

(b) Each school year, the school district and the student's parent shall review:

(1) the continued applicability of the student's original diagnosis; and

(2) the student's continued eligibility for participation in the program.

(c) If a parent disagrees with a school district's decision that a student does not initially meet or does not continue to meet the requirements for eligibility under Subsection (a), the parent may seek a second diagnosis by a second medical doctor. The parent is responsible for obtaining and paying the costs of a second diagnosis. Not later than the 30th day following the date of the second diagnosis as provided by this subsection, the school district and the parent shall meet to discuss the results of the second diagnosis. The second diagnosis determines whether the student meets the eligibility requirements under Subsection (a).

Sec. 29.504. ADMISSIONS. (a) A campus that has more applications for attendance under this subchapter than available positions must fill the available positions in the order the campus receives the applications.

(b) In determining the number of available positions, a campus may consider staff needs and facility space.

Sec. 29.505. PROGRAM COMPLIANCE. The agency may withhold funding from any district that violates this subchapter or a rule adopted under this subchapter. Agency decisions are final and may not be appealed.

Sec. 29.506. RULES. The commissioner may adopt rules to implement this subchapter.

SECTION \_\_\_\_\_. (a) The Texas Education Agency shall make the intra-district special services transfer program under Subchapter M, Chapter 29, Education Code, as added by this Act, available for participation beginning with the 2012-2013 academic school year.

(b) As soon as practicable, the commissioner of education shall adopt and implement rules necessary for the administration of the program.