

AN ACT

relating to certain resources available to teachers of a public school student with a disability under the statewide plan for delivery of services to public school students with disabilities.

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. 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 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; and

26 (11) ensure that each district develops a process to  
27 be used by a teacher who instructs a student with a disability in a

1 regular classroom setting:

2 (A) to request a review of the student's  
3 individualized education program;

4 (B) that provides for a timely district response  
5 to the teacher's request; and

6 (C) that provides for notification to the  
7 student's parent or legal guardian of that response.

8 SECTION 2. This Act applies beginning with the 2011-2012  
9 school year.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1335 was passed by the House on May 5, 2011, by the following vote: Yeas 143, Nays 3, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1335 on May 25, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1335 on May 29, 2011, by the following vote: Yeas 137, Nays 6, 1 present, not voting.

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Chief Clerk of the House

H.B. No. 1335

I certify that H.B. No. 1335 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1335 on May 28, 2011, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor