

1-1 By: Allen, Reynolds (Senate Sponsor - Van de Putte) H.B. No. 1335
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 9, 2011, read first time and referred to Committee on
1-4 Education; May 20, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1335 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain resources available to teachers of a public
1-11 school student with a disability under the statewide plan for
1-12 delivery of services to public school students with disabilities.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 29.001, Education Code, is amended to
1-15 read as follows:

1-16 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and
1-17 modify as necessary, a statewide design, consistent with federal
1-18 law, for the delivery of services to children with disabilities in
1-19 this state that includes rules for the administration and funding
1-20 of the special education program so that a free appropriate public
1-21 education is available to all of those children between the ages of
1-22 three and 21. The statewide design shall include the provision of
1-23 services primarily through school districts and shared services
1-24 arrangements, supplemented by regional education service centers.
1-25 The agency shall also develop and implement a statewide plan with
1-26 programmatic content that includes procedures designed to:

1-27 (1) ensure state compliance with requirements for
1-28 supplemental federal funding for all state-administered programs
1-29 involving the delivery of instructional or related services to
1-30 students with disabilities;

1-31 (2) facilitate interagency coordination when other
1-32 state agencies are involved in the delivery of instructional or
1-33 related services to students with disabilities;

1-34 (3) periodically assess statewide personnel needs in
1-35 all areas of specialization related to special education and pursue
1-36 strategies to meet those needs through a consortium of
1-37 representatives from regional education service centers, local
1-38 education agencies, and institutions of higher education and
1-39 through other available alternatives;

1-40 (4) ensure that regional education service centers
1-41 throughout the state maintain a regional support function, which
1-42 may include direct service delivery and a component designed to
1-43 facilitate the placement of students with disabilities who cannot
1-44 be appropriately served in their resident districts;

1-45 (5) allow the agency to effectively monitor and
1-46 periodically conduct site visits of all school districts to ensure
1-47 that rules adopted under this section are applied in a consistent
1-48 and uniform manner, to ensure that districts are complying with
1-49 those rules, and to ensure that annual statistical reports filed by
1-50 the districts and not otherwise available through the Public
1-51 Education Information Management System under Section 42.006, are
1-52 accurate and complete;

1-53 (6) ensure that appropriately trained personnel are
1-54 involved in the diagnostic and evaluative procedures operating in
1-55 all districts and that those personnel routinely serve on district
1-56 admissions, review, and dismissal committees;

1-57 (7) ensure that an individualized education program
1-58 for each student with a disability is properly developed,
1-59 implemented, and maintained in the least restrictive environment
1-60 that is appropriate to meet the student's educational needs;

1-61 (8) ensure that, when appropriate, each student with a
1-62 disability is provided an opportunity to participate in career and
1-63 technology and physical education classes, in addition to

2-1 participating in regular or special classes;
 2-2 (9) ensure that each student with a disability is
 2-3 provided necessary related services; ~~and~~
 2-4 (10) ensure that an individual assigned to act as a
 2-5 surrogate parent for a child with a disability, as provided by 20
 2-6 U.S.C. Section 1415(b) ~~[and its subsequent amendments]~~, is required
 2-7 to:
 2-8 (A) complete a training program that complies
 2-9 with minimum standards established by agency rule;
 2-10 (B) visit the child and the child's school;
 2-11 (C) consult with persons involved in the child's
 2-12 education, including teachers, caseworkers, court-appointed
 2-13 volunteers, guardians ad litem, attorneys ad litem, foster parents,
 2-14 and caretakers;
 2-15 (D) review the child's educational records;
 2-16 (E) attend meetings of the child's admission,
 2-17 review, and dismissal committee;
 2-18 (F) exercise independent judgment in pursuing
 2-19 the child's interests; and
 2-20 (G) exercise the child's due process rights under
 2-21 applicable state and federal law; and
 2-22 (11) ensure that each district develops a process to
 2-23 be used by a teacher who instructs a student with a disability in a
 2-24 regular classroom setting:
 2-25 (A) to request a review of the student's
 2-26 individualized education program;
 2-27 (B) that provides for a timely district response
 2-28 to the teacher's request; and
 2-29 (C) that provides for notification to the
 2-30 student's parent or legal guardian of that response.
 2-31 SECTION 2. This Act applies beginning with the 2011-2012
 2-32 school year.
 2-33 SECTION 3. This Act takes effect immediately if it receives
 2-34 a vote of two-thirds of all the members elected to each house, as
 2-35 provided by Section 39, Article III, Texas Constitution. If this
 2-36 Act does not receive the vote necessary for immediate effect, this
 2-37 Act takes effect September 1, 2011.

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