

BILL ANALYSIS

S.B. 816
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Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires the initial evaluation of a student to determine eligibility for special education services to be completed within 60 calendar days following the date a school district receives written consent. Interested parties contend that this results in numerous problems due to the complexity of the evaluations and because the actual number of days during which an evaluation can be conducted is far less than 60 calendar days.

S.B. 816 seeks to improve the initial evaluation process and significantly reduce costs incurred by school districts that must perform initial eligibility evaluations by providing for certain alternatives to the date by which a school district must complete a report.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

S.B. 816 amends the Education Code to change the deadline by which a written report of a full individual and initial evaluation of a student for purposes of special education services is to be completed from the 60th calendar day to the 45th school day following the date on which the school district, in accordance with federal law, receives written consent for the evaluation, signed by the student's parent or legal guardian. The bill requires the period to be extended by a number of school days equal to the number of school days during that period on which the student has been absent, if a student has been absent from school during that period on three or more days. The bill requires the written report to be completed, for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation, signed by a student's parent or legal guardian.

S.B. 816 requires the evaluation to be completed and the written report of the evaluation to be provided to the parent or legal guardian not later than June 30 of the same year if a school district receives written consent signed by a student's parent or legal guardian for a full individual and initial evaluation of a student at least 35 but less than 45 school days before the last instructional day of the school year. The bill requires the student's admission, review, and dismissal committee to meet not later than the 15th school day of the following school year to consider the evaluation. The bill specifies that, if a district receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the deadline extension applies to the date the written report of the full individual and initial evaluation is required.

S.B. 816 establishes that, for purposes of provisions relating to a full individual and initial evaluation of a student for purposes of special education services, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term and authorizes the commissioner of education by rule to determine days during which year-round schools are recessed that, consistent with this provision, are not considered to be school days. The bill's provisions expressly do not impair any rights of an infant or toddler with a disability who is receiving early intervention services in accordance with federal law. The bill requires the district, if a parent or legal guardian makes a written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, not later than the 15th school day after the date the district receives the request, to provide an opportunity for the parent or legal guardian to give written consent for the evaluation or to refuse to provide the evaluation and provide the parent or legal guardian with notice of procedural safeguards under federal law. The bill's provisions apply to completion of a report of a full individual and initial evaluation of a public school student for purposes of special education services only as to an initial evaluation performed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2013.