

By: Huberty

H.B. No. 1802

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the date by which a school district must complete a
3 report of an initial evaluation of a student for special education
4 services.

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

6 SECTION 1. Section 29.004, Education Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) A written report of a full individual and initial
10 evaluation of a student for purposes of special education services
11 shall be completed not later than:

12 (1) the 60th school [~~calendar~~] day of the student's
13 actual school attendance following the date on which the school
14 district, in accordance with 20 U.S.C. Section 1414(a), as amended,
15 receives written consent for the evaluation, signed by the
16 student's parent or legal guardian; or

17 (2) for a prekindergarten student, the 60th school day
18 following the date on which the school district receives written
19 consent for the evaluation, signed by the student's parent or legal
20 guardian.

21 (a-1) For purposes of Subsection (a), "school day" does not
22 include a day that falls after the last instructional day of the
23 spring school term and before the first instructional day of the
24 subsequent fall school term. The commissioner by rule may

1 determine days during which year-round schools are recessed that,
2 consistent with this subsection, are not considered to be school
3 days for purposes of this subsection.

4 SECTION 2. Section 29.004(a), Education Code, as amended by
5 this Act, applies to completion of a report of a full individual and
6 initial evaluation of a public school student for purposes of
7 special education services only as to an initial evaluation
8 performed on or after September 1, 2013.

9 SECTION 3. This Act takes effect September 1, 2013.