

AN ACT

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

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

SECTION 1. Section 29.004, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (c) to read as follows:

(a) A written report of a full individual and initial evaluation of a student for purposes of special education services shall be completed as follows, except as otherwise provided by this section:

(1) not later than the 45th school [60th calendar] day following the date on which the school district, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the student's parent or legal guardian, except that if a student has been absent from school during that period on three or more days, that period must 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; or

(2) 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

1 district receives written consent for the evaluation, signed by a
2 student's parent or legal guardian.

3 (a-1) If a school district receives written consent signed
4 by a student's parent or legal guardian for a full individual and
5 initial evaluation of a student at least 35 but less than 45 school
6 days before the last instructional day of the school year, the
7 evaluation must be completed and the written report of the
8 evaluation must be provided to the parent or legal guardian not
9 later than June 30 of that year. The student's admission, review,
10 and dismissal committee shall meet not later than the 15th school
11 day of the following school year to consider the evaluation. If a
12 district receives written consent signed by a student's parent or
13 legal guardian less than 35 school days before the last
14 instructional day of the school year or if the district receives the
15 written consent at least 35 but less than 45 school days before the
16 last instructional day of the school year but the student is absent
17 from school during that period on three or more days, Subsection
18 (a)(1) applies to the date the written report of the full individual
19 and initial evaluation is required.

20 (a-2) For purposes of this section, "school day" does not
21 include a day that falls after the last instructional day of the
22 spring school term and before the first instructional day of the
23 subsequent fall school term. The commissioner by rule may
24 determine days during which year-round schools are recessed that,
25 consistent with this subsection, are not considered to be school
26 days for purposes of this section.

27 (a-3) Subsection (a) does not impair any rights of an infant

1 or toddler with a disability who is receiving early intervention
2 services in accordance with 20 U.S.C. Section 1431.

3 (c) If a parent or legal guardian makes a written request to
4 a school district's director of special education services or to a
5 district administrative employee for a full individual and initial
6 evaluation of a student, the district shall, not later than the 15th
7 school day after the date the district receives the request:

8 (1) provide an opportunity for the parent or legal
9 guardian to give written consent for the evaluation; or

10 (2) refuse to provide the evaluation and provide the
11 parent or legal guardian with notice of procedural safeguards under
12 20 U.S.C. Section 1415(b).

13 SECTION 2. Section 29.004, Education Code, as amended by
14 this Act, applies to completion of a report of a full individual and
15 initial evaluation of a public school student for purposes of
16 special education services only as to an initial evaluation
17 performed on or after September 1, 2013.

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

S.B. No. 816

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 816 passed the Senate on April 4, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 816 passed the House on May 20, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor