

By: Allen

H.B. No. 3991

Substitute the following for H.B. No. 3991:

By: Aycock

C.S.H.B. No. 3991

A BILL TO BE ENTITLED

AN ACT

relating to the development of an individualized education program
for a child in public school.

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[7]
20 are 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;

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), is required to:

11 (A) complete a training program that complies
12 with minimum standards established by agency rule;

13 (B) visit the child and the child's school;

14 (C) consult with persons involved in the child's
15 education, including teachers, caseworkers, court-appointed
16 volunteers, guardians ad litem, attorneys ad litem, foster parents,
17 and caretakers;

18 (D) review the child's educational records;

19 (E) attend meetings of the child's admission,
20 review, and dismissal committee;

21 (F) exercise independent judgment in pursuing
22 the child's interests; and

23 (G) exercise the child's due process rights under
24 applicable state and federal law; and

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

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

(B) to provide input in the development of the student's individualized education program;

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

(D) ~~[(C)]~~ that provides for notification to the student's parent or legal guardian of that response.

SECTION 2. Section 29.005, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (b-1) to read as follows:

(a) Before a child is enrolled in a special education program of a school district, the district shall establish a committee composed of the persons required under 20 U.S.C. Section 1414(d) ~~[1401(11)]~~ to develop the child's individualized education program. If a committee is required to include a regular education teacher, the regular education teacher included must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's individualized education program.

(b-1) The written statement of the individualized education program must document the decisions of the committee with respect to issues discussed at each committee meeting. The written statement must include:

(1) the date of the meeting;
(2) the name, position, and signature of each member participating in the meeting; and

(3) an indication of whether the child's parents, the

1 adult student, if applicable, and the administrator agreed or
2 disagreed with the decision of the committee.

3 (c) If the individualized education program is not
4 developed by agreement, the written statement of the program
5 required under 20 U.S.C. Section 1414(d) [~~1401(11)~~] must include
6 the basis of the disagreement. Each member of the committee who
7 disagrees with the individualized education program developed by
8 the committee is entitled to include a statement of disagreement in
9 the written statement of the program.

10 SECTION 3. This Act applies beginning with the 2015-2016
11 school year.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2015.