

By: Allen

H.B. No. 3991

A BILL TO BE ENTITLED

AN ACT

relating to the committee developing a student's individualized education plan, the written report of the committee, and a regular education teacher's opportunity for input into a student's individualized education plan.

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

SECTION 1. Subchapter A, Section 29.001, Education Code, is amended by amending Subsection (11) to read as follows:

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

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

(B) to provide input into the student's IEP;

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

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

SECTION 2. Subchapter A, Section 29.005, Education Code, is amended by amending Subsection (a), adding a new Subsection (c), amending Subsection (c) and renumbering the following subsections accordingly to read as follows:

Sec. 29.005. INDIVIDUALIZED EDUCATION PROGRAM.

(a) Before a child is enrolled in a special education program of a

1 school district, the district shall establish a committee composed
2 of the persons required under 20 U.S.C. Section 1401(11) to develop
3 the child's individualized education program. The regular
4 education teacher who serves as a member of the committee should be
5 a regular education teacher who is responsible for implementing a
6 portion of the student's individualized education program.

7 (b) The committee shall develop the individualized
8 education program by agreement of the committee members or, if
9 those persons cannot agree, by an alternate method provided by the
10 agency. Majority vote may not be used to determine the
11 individualized education program.

12 (c) The committee shall develop a written report of the ARD
13 committee which shall document the decisions of the committee with
14 respect to issues discussed at the meeting. The report shall
15 include the date, names, positions, and signatures of the members
16 participating in each meeting in accordance with 34 CFR, §§300.321,
17 300.322, 300.324, and 300.325. The report shall also indicate each
18 member's agreement or disagreement with the committee's decisions.

19 ~~(c)~~(d) If the individualized education program is not
20 developed by agreement, the written statement of the program
21 required under 20 U.S.C. Section 1401(11) must include the basis of
22 the disagreement. The members who disagree shall be offered the
23 opportunity to write their own statements of disagreement.

24 ~~(d)~~(e) If the child's parent is unable to speak English, the
25 district shall:

26 (1) provide the parent with a written or audiotaped copy of
27 the child's individualized education program translated into

1 Spanish if Spanish is the parent's native language; or

2 (2) if the parent's native language is a language other than
3 Spanish, make a good faith effort to provide the parent with a
4 written or audiotaped copy of the child's individualized education
5 program translated into the parent's native language.

6 ~~(e)~~(f) The commissioner by rule may require a school
7 district to include in the individualized education program of a
8 student with autism or another pervasive developmental disorder any
9 information or requirement determined necessary to ensure the
10 student receives a free appropriate public education as required
11 under the Individuals with Disabilities Education Act (20 U.S.C.
12 Section 1400 et seq.).

13 ~~(f)~~(g) The written statement of a student's individualized
14 education program may be required to include only information
15 included in the model form developed under Section 29.0051(a).

16 ~~(g)~~(h) The committee may determine that a behavior
17 improvement plan or a behavioral intervention plan is appropriate
18 for a student for whom the committee has developed an
19 individualized education program. If the committee makes that
20 determination, the behavior improvement plan or the behavioral
21 intervention plan shall be included as part of the student's
22 individualized education program and provided to each teacher with
23 responsibility for educating the student.

24 SECTION 3. This Act applies beginning with the 2015-2016
25 school year.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.