

By: Rodríguez

S.B. No. 1259

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the development of an individualized education program  
3 for a child in public school.

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

5 SECTION 1. Section 29.001, Education Code, is amended to  
6 read as follows:

7 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and  
8 modify as necessary, a statewide design, consistent with federal  
9 law, for the delivery of services to children with disabilities in  
10 this state that includes rules for the administration and funding  
11 of the special education program so that a free appropriate public  
12 education is available to all of those children between the ages of  
13 three and 21. The statewide design shall include the provision of  
14 services primarily through school districts and shared services  
15 arrangements, supplemented by regional education service centers.  
16 The agency shall also develop and implement a statewide plan with  
17 programmatic content that includes procedures designed to:

18 (1) ensure state compliance with requirements for  
19 supplemental federal funding for all state-administered programs  
20 involving the delivery of instructional or related services to  
21 students with disabilities;

22 (2) facilitate interagency coordination when other  
23 state agencies are involved in the delivery of instructional or  
24 related services to students with disabilities;

1           (3) periodically assess statewide personnel needs in  
2 all areas of specialization related to special education and pursue  
3 strategies to meet those needs through a consortium of  
4 representatives from regional education service centers, local  
5 education agencies, and institutions of higher education and  
6 through other available alternatives;

7           (4) ensure that regional education service centers  
8 throughout the state maintain a regional support function, which  
9 may include direct service delivery and a component designed to  
10 facilitate the placement of students with disabilities who cannot  
11 be appropriately served in their resident districts;

12           (5) allow the agency to effectively monitor and  
13 periodically conduct site visits of all school districts to ensure  
14 that rules adopted under this section are applied in a consistent  
15 and uniform manner, to ensure that districts are complying with  
16 those rules, and to ensure that annual statistical reports filed by  
17 the districts and not otherwise available through the Public  
18 Education Information Management System under Section 42.006[7]  
19 are accurate and complete;

20           (6) ensure that appropriately trained personnel are  
21 involved in the diagnostic and evaluative procedures operating in  
22 all districts and that those personnel routinely serve on district  
23 admissions, review, and dismissal committees;

24           (7) ensure that an individualized education program  
25 for each student with a disability is properly developed,  
26 implemented, and maintained in the least restrictive environment  
27 that is appropriate to meet the student's educational needs;

1           (8) ensure that, when appropriate, each student with a  
2 disability is provided an opportunity to participate in career and  
3 technology and physical education classes, in addition to  
4 participating in regular or special classes;

5           (9) ensure that each student with a disability is  
6 provided necessary related services;

7           (10) ensure that an individual assigned to act as a  
8 surrogate parent for a child with a disability, as provided by 20  
9 U.S.C. Section 1415(b), is required to:

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

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

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

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

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

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

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

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

27                   (A) to request a review of the student's

1 individualized education program;

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

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

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

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

11 (a) Before a child is enrolled in a special education  
12 program of a school district, the district shall establish a  
13 committee composed of the persons required under 20 U.S.C. Section  
14 1414(d) [~~1401(11)~~] to develop the child's individualized education  
15 program. If a committee is required to include a regular education  
16 teacher, the regular education teacher included must, to the extent  
17 practicable, be a teacher who is responsible for implementing a  
18 portion of the child's individualized education program.

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

23 (1) the date of the meeting;

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

26 (3) an indication of whether the child's parents, the  
27 adult student, if applicable, and the administrator agreed or

1 disagreed with the decisions of the committee.

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

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

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