

By: Rodriguez

S.B. No. 1259

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the committee developing a student's individualized  
3 education plan, the written report of the committee, and a regular  
4 education teacher's opportunity for input into a student's  
5 individualized education plan.

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

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

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

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

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

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

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

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

23 Sec. 29.005. INDIVIDUALIZED EDUCATION PROGRAM.

24 (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.