

By: Menéndez, et al.

S.B. No. 1153

A BILL TO BE ENTITLED

AN ACT

relating to parental rights and information regarding certain  
intervention strategies used with public school students.

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

SECTION 1. Section 12.104(b), Education Code, is amended to  
read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal  
offense; and

(2) a prohibition, restriction, or requirement, as  
applicable, imposed by this title or a rule adopted under this  
title, relating to:

(A) the Public Education Information Management  
System (PEIMS) to the extent necessary to monitor compliance with  
this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C,  
Chapter 22;

(C) reading instruments and accelerated reading  
instruction programs under Section 28.006;

(D) accelerated instruction under Section  
28.0211;

(E) high school graduation requirements under  
Section 28.025;

(F) special education programs under Subchapter

1 A, Chapter 29;

2 (G) bilingual education under Subchapter B,  
3 Chapter 29;

4 (H) prekindergarten programs under Subchapter E  
5 or E-1, Chapter 29;

6 (I) extracurricular activities under Section  
7 33.081;

8 (J) discipline management practices or behavior  
9 management techniques under Section 37.0021;

10 (K) health and safety under Chapter 38;

11 (L) public school accountability under  
12 Subchapters B, C, D, E, F, G, and J, Chapter 39;

13 (M) the requirement under Section 21.006 to  
14 report an educator's misconduct;

15 (N) intensive programs of instruction under  
16 Section 28.0213; ~~and~~

17 (O) the right of a school employee to report a  
18 crime, as provided by Section 37.148; and

19 (P) a parent's right to information regarding the  
20 provision of assistance for learning difficulties to the parent's  
21 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d).

22 SECTION 2. Section 26.004, Education Code, is amended to  
23 read as follows:

24 Sec. 26.004. ACCESS TO STUDENT RECORDS. (a) In this  
25 section, "intervention strategy" means a strategy in a multi-tiered  
26 system of supports that is above the level of intervention  
27 generally used in that system with all children. The term includes

1 response to intervention and other early intervening strategies.

2       **(b)** A parent is entitled to access to all written records of  
3 a school district concerning the parent's child, including:

- 4           (1) attendance records;
- 5           (2) test scores;
- 6           (3) grades;
- 7           (4) disciplinary records;
- 8           (5) counseling records;
- 9           (6) psychological records;
- 10          (7) applications for admission;
- 11          (8) health and immunization information;
- 12          (9) teacher and school counselor evaluations; ~~and~~
- 13          (10) reports of behavioral patterns; and
- 14          (11) records relating to assistance provided for  
15 learning difficulties, including information collected regarding  
16 any intervention strategies used with the child.

17       SECTION 3. Section 26.0081, Education Code, is amended by  
18 amending Subsection (c) and adding Subsections (d) and (e) to read  
19 as follows:

20       (c) The agency shall produce and provide to school districts  
21 a written explanation of the options and requirements for providing  
22 assistance to students who have learning difficulties or who need  
23 or may need special education. The explanation must state that a  
24 parent is entitled at any time to request an evaluation of the  
25 parent's child for special education services under Section 29.004  
26 or for aids, accommodations, or services under Section 504,  
27 Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school

1 year, each district shall provide the written explanation to a  
2 parent of each district student by including the explanation in the  
3 student handbook or by another means.

4 (d) Each school year, each school district shall notify a  
5 parent of each child, other than a child enrolled in a special  
6 education program under Subchapter A, Chapter 29, who receives  
7 assistance from the district for learning difficulties, including  
8 through the use of intervention strategies, as that term is defined  
9 by Section 26.004, that the district provides that assistance to  
10 the child. The notice must:

11 (1) be written in English or, to the extent  
12 practicable, the parent's native language; and

13 (2) include:

14 (A) a reasonable description of the assistance  
15 that may be provided to the child, including any intervention  
16 strategies that may be used;

17 (B) information collected regarding any  
18 intervention in the base tier of a multi-tiered system of supports  
19 that has previously been used with the child;

20 (C) an estimate of the duration for which the  
21 assistance, including through the use of intervention strategies,  
22 will be provided;

23 (D) the estimated time frames within which a  
24 report on the child's progress with the assistance, including any  
25 intervention strategies used, will be provided to the parent; and

26 (E) a copy of the explanation provided under  
27 Subsection (c).

1       (e) The notice required under Subsection (d) may be provided  
2 to a child's parent at a meeting of the team established for the  
3 child under Section 504, Rehabilitation Act of 1973 (29 U.S.C.  
4 Section 794), if applicable.

5       SECTION 4. Section 42.006, Education Code, is amended by  
6 adding Subsections (a-3) and (a-4) to read as follows:

7       (a-3) The commissioner by rule shall require each school  
8 district and open-enrollment charter school to annually report  
9 through the Public Education Information Management System  
10 information regarding the total number of students, other than  
11 students described by Subsection (a-4), enrolled in the district or  
12 school with whom the district or school, as applicable, used  
13 intervention strategies, as that term is defined by Section 26.004,  
14 at any time during the year for which the report is made. The agency  
15 shall maintain the information provided in accordance with this  
16 subsection.

17       (a-4) The commissioner by rule shall require each school  
18 district and open-enrollment charter school to annually report  
19 through the Public Education Information Management System  
20 information regarding the total number of students enrolled in the  
21 district or school to whom the district or school provided aids,  
22 accommodations, or services under Section 504, Rehabilitation Act  
23 of 1973 (29 U.S.C. Section 794), at any time during the year for  
24 which the report is made. The agency shall maintain the information  
25 provided in accordance with this subsection.

26       SECTION 5. This Act applies beginning with the 2017-2018  
27 school year.

1           SECTION 6. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2017.