

By: Menéndez, et al.
(Huberty)

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.