

1-1 By: Menéndez, Huffines, Rodríguez S.B. No. 1153
 1-2 (In the Senate - Filed February 28, 2017; March 9, 2017,
 1-3 read first time and referred to Committee on Education;
 1-4 April 18, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 18, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Hall			X	
1-13 Huffines	X			
1-14 Hughes	X			
1-15 Seliger	X			
1-16 Taylor of Collin	X			
1-17 Uresti	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1153 By: Lucio

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to parental rights and information regarding certain
 1-24 intervention strategies used with public school students.
 1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-26 SECTION 1. Section 12.104(b), Education Code, is amended to
 1-27 read as follows:
 1-28 (b) An open-enrollment charter school is subject to:
 1-29 (1) a provision of this title establishing a criminal
 1-30 offense; and
 1-31 (2) a prohibition, restriction, or requirement, as
 1-32 applicable, imposed by this title or a rule adopted under this
 1-33 title, relating to:
 1-34 (A) the Public Education Information Management
 1-35 System (PEIMS) to the extent necessary to monitor compliance with
 1-36 this subchapter as determined by the commissioner;
 1-37 (B) criminal history records under Subchapter C,
 1-38 Chapter 22;
 1-39 (C) reading instruments and accelerated reading
 1-40 instruction programs under Section 28.006;
 1-41 (D) accelerated instruction under Section
 1-42 28.0211;
 1-43 (E) high school graduation requirements under
 1-44 Section 28.025;
 1-45 (F) special education programs under Subchapter
 1-46 A, Chapter 29;
 1-47 (G) bilingual education under Subchapter B,
 1-48 Chapter 29;
 1-49 (H) prekindergarten programs under Subchapter E
 1-50 or E-1, Chapter 29;
 1-51 (I) extracurricular activities under Section
 1-52 33.081;
 1-53 (J) discipline management practices or behavior
 1-54 management techniques under Section 37.0021;
 1-55 (K) health and safety under Chapter 38;
 1-56 (L) public school accountability under
 1-57 Subchapters B, C, D, E, F, G, and J, Chapter 39;
 1-58 (M) the requirement under Section 21.006 to
 1-59 report an educator's misconduct;
 1-60 (N) intensive programs of instruction under

2-1 Section 28.0213; [~~and~~]
2-2 (O) the right of a school employee to report a
2-3 crime, as provided by Section 37.148; and

2-4 (P) a parent's right to information regarding the
2-5 provision of assistance for learning difficulties to the parent's
2-6 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d).

2-7 SECTION 2. Section 26.004, Education Code, is amended to
2-8 read as follows:

2-9 Sec. 26.004. ACCESS TO STUDENT RECORDS. (a) In this
2-10 section, "intervention strategy" means a strategy in a multi-tiered
2-11 system of supports that is above the level of intervention
2-12 generally used in that system with all children. The term includes
2-13 response to intervention and other early intervening strategies.

2-14 (b) A parent is entitled to access to all written records of
2-15 a school district concerning the parent's child, including:

- 2-16 (1) attendance records;
- 2-17 (2) test scores;
- 2-18 (3) grades;
- 2-19 (4) disciplinary records;
- 2-20 (5) counseling records;
- 2-21 (6) psychological records;
- 2-22 (7) applications for admission;
- 2-23 (8) health and immunization information;
- 2-24 (9) teacher and school counselor evaluations; [~~and~~]
- 2-25 (10) reports of behavioral patterns; and
- 2-26 (11) records relating to assistance provided for
2-27 learning difficulties, including information collected regarding
2-28 any intervention strategies used with the child.

2-29 SECTION 3. Section 26.0081, Education Code, is amended by
2-30 amending Subsection (c) and adding Subsections (d) and (e) to read
2-31 as follows:

2-32 (c) The agency shall produce and provide to school districts
2-33 a written explanation of the options and requirements for providing
2-34 assistance to students who have learning difficulties or who need
2-35 or may need special education. The explanation must state that a
2-36 parent is entitled at any time to request an evaluation of the
2-37 parent's child for special education services under Section 29.004
2-38 or for aids, accommodations, or services under Section 504,
2-39 Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school
2-40 year, each district shall provide the written explanation to a
2-41 parent of each district student by including the explanation in the
2-42 student handbook or by another means.

2-43 (d) Each school year, each school district shall notify a
2-44 parent of each child, other than a child enrolled in a special
2-45 education program under Subchapter A, Chapter 29, who receives
2-46 assistance from the district for learning difficulties, including
2-47 through the use of intervention strategies, as that term is defined
2-48 by Section 26.004, that the district provides that assistance to
2-49 the child. The notice must:

2-50 (1) be written in English or, to the extent
2-51 practicable, the parent's native language; and

2-52 (2) include:
2-53 (A) a reasonable description of the assistance
2-54 that may be provided to the child, including any intervention
2-55 strategies that may be used;

2-56 (B) information collected regarding any
2-57 intervention in the base tier of a multi-tiered system of supports
2-58 that has previously been used with the child;

2-59 (C) an estimate of the duration for which the
2-60 assistance, including through the use of intervention strategies,
2-61 will be provided;

2-62 (D) the estimated time frames within which a
2-63 report on the child's progress with the assistance, including any
2-64 intervention strategies used, will be provided to the parent; and

2-65 (E) a copy of the explanation provided under
2-66 Subsection (c).

2-67 (e) The notice required under Subsection (d) may be provided
2-68 to a child's parent at a meeting of the team established for the
2-69 child under Section 504, Rehabilitation Act of 1973 (29 U.S.C.

3-1 Section 794), if applicable.

3-2 SECTION 4. Section 42.006, Education Code, is amended by
3-3 adding Subsections (a-3) and (a-4) to read as follows:

3-4 (a-3) The commissioner by rule shall require each school
3-5 district and open-enrollment charter school to annually report
3-6 through the Public Education Information Management System
3-7 information regarding the total number of students, other than
3-8 students described by Subsection (a-4), enrolled in the district or
3-9 school with whom the district or school, as applicable, used
3-10 intervention strategies, as that term is defined by Section 26.004,
3-11 at any time during the year for which the report is made. The agency
3-12 shall maintain the information provided in accordance with this
3-13 subsection.

3-14 (a-4) The commissioner by rule shall require each school
3-15 district and open-enrollment charter school to annually report
3-16 through the Public Education Information Management System
3-17 information regarding the total number of students enrolled in the
3-18 district or school to whom the district or school provided aids,
3-19 accommodations, or services under Section 504, Rehabilitation Act
3-20 of 1973 (29 U.S.C. Section 794), at any time during the year for
3-21 which the report is made. The agency shall maintain the information
3-22 provided in accordance with this subsection.

3-23 SECTION 5. This Act applies beginning with the 2017-2018
3-24 school year.

3-25 SECTION 6. This Act takes effect immediately if it receives
3-26 a vote of two-thirds of all the members elected to each house, as
3-27 provided by Section 39, Article III, Texas Constitution. If this
3-28 Act does not receive the vote necessary for immediate effect, this
3-29 Act takes effect September 1, 2017.

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