

By: J. Johnson of Dallas

H.B. No. 2890

A BILL TO BE ENTITLED

AN ACT

relating to the terminology used to refer to an individualized education program team.

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

SECTION 1. Section 5.001, Education Code, is amended by amending Subdivision (5-a) and adding Subdivision (5-b) to read as follows:

(5-a) "Individualized education program team" has the meaning assigned by 20 U.S.C. Section 1414(d)(1)(B).

(5-b) "Mental health condition" means an illness, disease, or disorder, other than epilepsy, dementia, substance abuse, or intellectual disability, that:

(A) substantially impairs a person's thought, perception of reality, emotional process, or judgment; or

(B) grossly impairs behavior as demonstrated by recent disturbed behavior.

SECTION 2. Subchapter A, Chapter 7, Education Code, is amended by adding Section 7.011 to read as follows:

Sec. 7.011. USE OF TERMINOLOGY CONSISTENT WITH INDIVIDUALS WITH DISABILITIES EDUCATION ACT. (a) The legislature and the Texas Legislative Council are directed, with respect to drafting or amending any new or existing statute or resolution, and the commissioner, the agency, and all other state agencies are directed, with respect to the proposing, adopting, or amending of

1 new or existing rules and the producing of state agency reference
2 materials or publications, including electronic media, to avoid
3 using the phrases "admission, review, and dismissal committee" or
4 "ARD committee."

5 (b) In enacting, revising, proposing, adopting, amending,
6 or producing new or existing statutes, resolutions, rules, or state
7 agency materials, the legislature, the Texas Legislative Council,
8 the commissioner, the agency, and all other state agencies are
9 directed to replace, as appropriate, the phrases described in
10 Subsection (a) with the preferred phrases "individualized
11 education program team" or "IEP team."

12 (c) A statute, resolution, or rule is not invalid solely
13 because it does not employ this section's preferred phrases.

14 SECTION 3. Section 25.007(b), Education Code, is amended to
15 read as follows:

16 (b) In recognition of the challenges faced by students who
17 are homeless or in substitute care, the agency shall assist the
18 transition of students who are homeless or in substitute care from
19 one school to another by:

20 (1) ensuring that school records for a student who is
21 homeless or in substitute care are transferred to the student's new
22 school not later than the 10th working day after the date the
23 student begins enrollment at the school;

24 (2) developing systems to ease transition of a student
25 who is homeless or in substitute care during the first two weeks of
26 enrollment at a new school;

27 (3) developing procedures for awarding credit,

1 including partial credit if appropriate, for course work, including
2 electives, completed by a student who is homeless or in substitute
3 care while enrolled at another school;

4 (4) developing procedures to ensure that a new school
5 relies on decisions made by the previous school regarding placement
6 in courses or educational programs of a student who is homeless or
7 in substitute care and places the student in comparable courses or
8 educational programs at the new school, if those courses or
9 programs are available;

10 (5) promoting practices that facilitate access by a
11 student who is homeless or in substitute care to extracurricular
12 programs, summer programs, credit transfer services, electronic
13 courses provided under Chapter 30A, and after-school tutoring
14 programs at nominal or no cost;

15 (6) establishing procedures to lessen the adverse
16 impact of the movement of a student who is homeless or in substitute
17 care to a new school;

18 (7) entering into a memorandum of understanding with
19 the Department of Family and Protective Services regarding the
20 exchange of information as appropriate to facilitate the transition
21 of students in substitute care from one school to another;

22 (8) encouraging school districts and open-enrollment
23 charter schools to provide services for a student who is homeless or
24 in substitute care in transition when applying for admission to
25 postsecondary study and when seeking sources of funding for
26 postsecondary study;

27 (9) requiring school districts, campuses, and

1 open-enrollment charter schools to accept a referral for special
2 education services made for a student who is homeless or in
3 substitute care by a school previously attended by the student, and
4 to provide comparable services to the student during the referral
5 process or until the new school develops an individualized
6 education program for the student;

7 (10) requiring school districts, campuses, and
8 open-enrollment charter schools to provide notice to the child's
9 educational decision-maker and caseworker regarding events that
10 may significantly impact the education of a child, including:

11 (A) requests or referrals for an evaluation under
12 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
13 special education under Section 29.003;

14 (B) individualized education program team
15 ~~[admission, review, and dismissal committee]~~ meetings;

16 (C) manifestation determination reviews required
17 by Section 37.004(b);

18 (D) any disciplinary actions under Chapter 37 for
19 which parental notice is required;

20 (E) citations issued for Class C misdemeanor
21 offenses on school property or at school-sponsored activities;

22 (F) reports of restraint and seclusion required
23 by Section 37.0021; and

24 (G) use of corporal punishment as provided by
25 Section 37.0011;

26 (11) developing procedures for allowing a student who
27 is homeless or in substitute care who was previously enrolled in a

1 course required for graduation the opportunity, to the extent
2 practicable, to complete the course, at no cost to the student,
3 before the beginning of the next school year;

4 (12) ensuring that a student who is homeless or in
5 substitute care who is not likely to receive a high school diploma
6 before the fifth school year following the student's enrollment in
7 grade nine, as determined by the district, has the student's course
8 credit accrual and personal graduation plan reviewed;

9 (13) ensuring that a student in substitute care who is
10 in grade 11 or 12 be provided information regarding tuition and fee
11 exemptions under Section 54.366 for dual-credit or other courses
12 provided by a public institution of higher education for which a
13 high school student may earn joint high school and college credit;

14 (14) designating at least one agency employee to act
15 as a liaison officer regarding educational issues related to
16 students in the conservatorship of the Department of Family and
17 Protective Services; and

18 (15) providing other assistance as identified by the
19 agency.

20 SECTION 4. Section 25.043(h), Education Code, is amended to
21 read as follows:

22 (h) This section does not affect:

23 (1) a right or obligation under Subchapter A, Chapter
24 29, or under the Individuals with Disabilities Education Act (20
25 U.S.C. Section 1400 et seq.) regarding the individual placement
26 decisions of an individualized education program team [~~the school~~
27 ~~district admission, review, and dismissal committee~~]; or

(2) the right of a school district or teacher to remove a student from a classroom under Chapter 37.

SECTION 5. Sections 26.0081(a) and (b), Education Code, are amended to read as follows:

(a) The agency shall produce and provide to school districts sufficient copies of a comprehensive, easily understood document that explains the process by which an individualized education program is developed for a student in a special education program and the rights and responsibilities of a parent concerning the process. The document must include information a parent needs to effectively participate in an individualized education program team ~~[admission, review, and dismissal committee]~~ meeting for the parent's child.

(b) The agency will ensure that each school district provides the document required under this section to the parent as provided by 20 U.S.C. Section 1415(b):

(1) as soon as practicable after a child is referred to determine the child's eligibility for admission into the district's special education program, but at least five school days before the date of the initial meeting of the individualized education program team ~~[admission, review, and dismissal committee]~~; and

(2) at any other time on reasonable request of the child's parent.

SECTION 6. Section 28.006(g), Education Code, is amended to read as follows:

(g) A school district shall notify the parent or guardian of each student in kindergarten or first or second grade who is

1 determined, on the basis of reading instrument results, to be at
2 risk for dyslexia or other reading difficulties. The district
3 shall implement an accelerated reading instruction program that
4 provides reading instruction that addresses reading deficiencies
5 to those students and shall determine the form, content, and timing
6 of that program. The individualized education program team
7 ~~[admission, review, and dismissal committee]~~ of a student who
8 participates in a district's special education program under
9 Subchapter B, Chapter 29, and who does not perform satisfactorily
10 on a reading instrument under this section shall determine the
11 manner in which the student will participate in an accelerated
12 reading instruction program under this subsection.

13 SECTION 7. Sections 28.0211(i), (i-1), and (i-2), Education
14 Code, are amended to read as follows:

15 (i) The individualized education program team ~~[admission,~~
16 ~~review, and dismissal committee]~~ of a student who participates in a
17 district's special education program under Subchapter A, Chapter
18 29, and who does not perform satisfactorily on an assessment
19 instrument specified under Subsection (a) and administered under
20 Section 39.023(a) or (b) must meet before the student is
21 administered the assessment instrument for the second time. The
22 team ~~[committee]~~ shall determine:

23 (1) the manner in which the student will participate
24 in an accelerated instruction program under this section; and

25 (2) whether the student will be promoted in accordance
26 with Subsection (i-1) or retained under this section.

27 (i-1) At a meeting of the individualized education program

team ~~[admission, review, and dismissal committee]~~ of a student under Subsection (i), the team ~~[committee]~~ may promote the student to the next grade level if the team ~~[committee]~~ concludes that the student has made sufficient progress in the measurable academic goals contained in the student's individualized education program developed under Section 29.005. A school district that promotes a student under this subsection is not required to provide an additional opportunity for the student to perform satisfactorily on the assessment instrument.

(i-2) Not later than September 1 of each school year, a school district must notify the parent or person standing in parental relation to a student enrolled in the district's special education program under Subchapter A, Chapter 29, of the options of the individualized education program team ~~[admission, review, and dismissal committee]~~ under Subsections (i) and (i-1) if the student does not perform satisfactorily on an assessment instrument.

SECTION 8. Section 28.0213(e), Education Code, is amended to read as follows:

(e) For a student in a special education program under Subchapter A, Chapter 29, who does not perform satisfactorily on an assessment instrument administered under Section 39.023(a), (b), or (c), the student's individualized education program team ~~[admission, review, and dismissal committee]~~ shall design the program to:

(1) enable the student to attain a standard of annual growth on the basis of the student's individualized education program; and

(2) if applicable, carry out the purposes of Section 28.0211.

SECTION 9. Sections 28.025(b-11) and (b-14), Education Code, are amended to read as follows:

(b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section 28.002(g-1), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:

(1) if the student receives special education services under Subchapter A, Chapter 29, the student's individualized education program team ~~[admission, review, and dismissal committee]~~;

(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or

(3) if a team or a committee ~~[each of the committees]~~ described by Subdivision ~~[Subdivisions]~~ (1) or ~~[and]~~ (2) is

1 inapplicable, a committee established by the school district of
2 persons with appropriate knowledge regarding the student.

3 (b-14) In adopting rules under Subsection (b-1), the State
4 Board of Education shall allow a student who, due to disability, is
5 unable to complete two courses in the same language in a language
6 other than English, as provided under Subsection (b-1)(5), to
7 substitute for those credits two credits in English language arts,
8 mathematics, science, or social studies or two credits in career
9 and technology education, technology applications, or other
10 academic electives. A credit allowed to be substituted under this
11 subsection may not also be used by the student to satisfy a
12 graduation credit requirement other than credit for completion of a
13 language other than English. The rules must provide that the
14 determination regarding a student's ability to participate in
15 language-other-than-English courses will be made by:

16 (1) if the student receives special education services
17 under Subchapter A, Chapter 29, the student's individualized
18 education program team ~~[admission, review, and dismissal~~
19 ~~committee]~~; or

20 (2) if the student does not receive special education
21 services under Subchapter A, Chapter 29, but is covered by Section
22 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
23 committee established for the student under that Act.

24 SECTION 10. Section 29.001, Education Code, is amended to
25 read as follows:

26 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and
27 modify as necessary, a statewide design, consistent with federal

1 law, for the delivery of services to children with disabilities in
2 this state that includes rules for the administration and funding
3 of the special education program so that a free appropriate public
4 education is available to all of those children between the ages of
5 three and 21. The statewide design shall include the provision of
6 services primarily through school districts and shared services
7 arrangements, supplemented by regional education service
8 centers. The agency shall also develop and implement a statewide
9 plan with programmatic content that includes procedures designed
10 to:

11 (1) ensure state compliance with requirements for
12 supplemental federal funding for all state-administered programs
13 involving the delivery of instructional or related services to
14 students with disabilities;

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

18 (3) periodically assess statewide personnel needs in
19 all areas of specialization related to special education and pursue
20 strategies to meet those needs through a consortium of
21 representatives from regional education service centers, local
22 education agencies, and institutions of higher education and
23 through other available alternatives;

24 (4) ensure that regional education service centers
25 throughout the state maintain a regional support function, which
26 may include direct service delivery and a component designed to
27 facilitate the placement of students with disabilities who cannot

1 be appropriately served in their resident districts;

2 (5) allow the agency to effectively monitor and
3 periodically conduct site visits of all school districts to ensure
4 that rules adopted under this section are applied in a consistent
5 and uniform manner, to ensure that districts are complying with
6 those rules, and to ensure that annual statistical reports filed by
7 the districts and not otherwise available through the Public
8 Education Information Management System under Section 42.006 are
9 accurate and complete;

10 (6) ensure that appropriately trained personnel are
11 involved in the diagnostic and evaluative procedures operating in
12 all districts and that those personnel routinely serve on district
13 individualized education program teams ~~[admissions, review, and~~
14 ~~dismissal committees]~~;

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

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

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

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

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

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

4 (C) consult with persons involved in the child's
5 education, including teachers, caseworkers, court-appointed
6 volunteers, guardians ad litem, attorneys ad litem, foster parents,
7 and caretakers;

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

9 (E) attend meetings of the child's
10 individualized education program team [~~admission, review, and~~
11 ~~dismissal committee~~];

12 (F) exercise independent judgment in pursuing
13 the child's interests; and

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

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

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

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

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

25 (D) that provides for notification to the
26 student's parent or legal guardian of that response.

27 SECTION 11. Section 29.004(a-1), Education Code, is amended

1 to read as follows:

2 (a-1) If a school district receives written consent signed
3 by a student's parent or legal guardian for a full individual and
4 initial evaluation of a student at least 35 but less than 45 school
5 days before the last instructional day of the school year, the
6 evaluation must be completed and the written report of the
7 evaluation must be provided to the parent or legal guardian not
8 later than June 30 of that year. The student's individualized
9 education program team [~~admission, review, and dismissal~~
10 ~~committee~~] shall meet not later than the 15th school day of the
11 following school year to consider the evaluation. If a district
12 receives written consent signed by a student's parent or legal
13 guardian less than 35 school days before the last instructional day
14 of the school year or if the district receives the written consent
15 at least 35 but less than 45 school days before the last
16 instructional day of the school year but the student is absent from
17 school during that period on three or more days, Subsection (a)(1)
18 applies to the date the written report of the full individual and
19 initial evaluation is required.

20 SECTION 12. Section 29.008(c), Education Code, is amended
21 to read as follows:

22 (c) When a student, including one for whom the state is
23 managing conservator, is placed primarily for care or treatment
24 reasons in a private residential facility that operates its own
25 private education program, none of the costs may be paid from public
26 education funds. If a residential placement primarily for care or
27 treatment reasons involves a private residential facility in which

1 the education program is provided by the school district, the
2 portion of the costs that includes appropriate education services,
3 as determined by the individualized education program team [~~the~~
4 ~~school district's admission, review, and dismissal committee~~],
5 shall be paid from state and federal education funds.

6 SECTION 13. Sections 29.005(a), (b), (b-1), (c), and (g),
7 Education Code, are amended to read as follows:

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

17 (b) The individualized education program team [~~committee~~]
18 shall develop the individualized education program by agreement of
19 the team [~~committee~~] members or, if those persons cannot agree, by
20 an alternate method provided by the agency. Majority vote may not
21 be used to determine the individualized education program.

22 (b-1) The written statement of the individualized education
23 program must document the decisions of the individualized education
24 program team [~~committee~~] with respect to issues discussed at each
25 team [~~committee~~] meeting. The written statement must include:

- 26 (1) the date of the meeting;
- 27 (2) the name, position, and signature of each member

1 participating in the meeting; and

2 (3) an indication of whether the child's parents, the
3 adult student, if applicable, and the administrator agreed or
4 disagreed with the decisions of the team [~~committee~~].

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

13 (g) The individualized education program team [~~committee~~]
14 may determine that a behavior improvement plan or a behavioral
15 intervention plan is appropriate for a student for whom the team
16 [~~committee~~] has developed an individualized education program. If
17 the team [~~committee~~] makes that determination, the behavior
18 improvement plan or the behavioral intervention plan shall be
19 included as part of the student's individualized education program
20 and provided to each teacher with responsibility for educating the
21 student.

22 SECTION 14. Sections 29.011(a) and (a-1), Education Code,
23 are amended to read as follows:

24 (a) The commissioner shall by rule adopt procedures for
25 compliance with federal requirements relating to transition
26 services for students who are enrolled in special education
27 programs under this subchapter. The procedures must specify the

manner in which a student's individualized education program team
~~[admission, review, and dismissal committee]~~ must consider, and if
appropriate, address the following issues in the student's
individualized education program:

(1) appropriate student involvement in the student's
transition to life outside the public school system;

(2) if the student is younger than 18 years of age,
appropriate involvement in the student's transition by the
student's parents and other persons invited to participate by:

(A) the student's parents; or

(B) the school district in which the student is
enrolled;

(3) if the student is at least 18 years of age,
involvement in the student's transition and future by the student's
parents and other persons, if the parent or other person:

(A) is invited to participate by the student or
the school district in which the student is enrolled; or

(B) has the student's consent to participate
pursuant to a supported decision-making agreement under Chapter
[1357](#), Estates Code;

(4) appropriate postsecondary education options,
including preparation for postsecondary-level coursework;

(5) an appropriate functional vocational evaluation;

(6) appropriate employment goals and objectives;

(7) if the student is at least 18 years of age, the
availability of age-appropriate instructional environments,
including community settings or environments that prepare the

1 student for postsecondary education or training, competitive
2 integrated employment, or independent living, in coordination with
3 the student's transition goals and objectives;

4 (8) appropriate independent living goals and
5 objectives;

6 (9) appropriate circumstances for facilitating a
7 referral of a student or the student's parents to a governmental
8 agency for services or public benefits, including a referral to a
9 governmental agency to place the student on a waiting list for
10 public benefits available to the student, such as a waiver program
11 established under Section 1915(c), Social Security Act (42 U.S.C.
12 Section 1396n(c)); and

13 (10) the use and availability of appropriate:

14 (A) supplementary aids, services, curricula, and
15 other opportunities to assist the student in developing
16 decision-making skills; and

17 (B) supports and services to foster the student's
18 independence and self-determination, including a supported
19 decision-making agreement under Chapter 1357, Estates Code.

20 (a-1) A student's individualized education program team
21 ~~[admission, review, and dismissal committee]~~ shall annually review
22 the issues described by Subsection (a) and, if necessary, update
23 the portions of the student's individualized education program that
24 address those issues.

25 SECTION 15. Section 29.0112(e), Education Code, is amended
26 to read as follows:

27 (e) A school district shall:

(1) post the transition and employment guide on the district's website if the district maintains a website;

(2) provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:

(A) the first meeting of the student's individualized education program team [~~admission, review, and dismissal committee~~] at which transition is discussed; and

(B) the first team [~~committee~~] meeting at which transition is discussed that occurs after the date on which the guide is updated; and

(3) on request, provide a printed copy of the guide to a student or parent.

SECTION 16. Section 29.015(b), Education Code, is amended to read as follows:

(b) A foster parent who will act as a parent of a child with a disability as provided by Subsection (a) must complete a training program before the next scheduled individualized education program team [~~admission, review, and dismissal committee~~] meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

SECTION 17. Section 29.0151(d), Education Code, is amended to read as follows:

(d) A surrogate parent appointed by a district must:

(1) be willing to serve in that capacity;

(2) exercise independent judgment in pursuing the

1 child's interests;

2 (3) ensure that the child's due process rights under
3 applicable state and federal laws are not violated;

4 (4) complete a training program that complies with
5 minimum standards established by agency rule within the time
6 specified in Section 29.015(b);

7 (5) visit the child and the school where the child is
8 enrolled;

9 (6) review the child's educational records;

10 (7) consult with any person involved in the child's
11 education, including the child's:

12 (A) teachers;

13 (B) caseworkers;

14 (C) court-appointed volunteers;

15 (D) guardian ad litem;

16 (E) attorney ad litem;

17 (F) foster parent; and

18 (G) caregiver; and

19 (8) attend meetings of the child's individualized
20 education program team ~~[admission, review, and dismissal~~
21 ~~committee]~~.

22 SECTION 18. Section 29.019(e), Education Code, is amended
23 to read as follows:

24 (e) Nothing in this section prohibits a school district from
25 using individualized education program facilitation as the
26 district's preferred method of conducting initial and annual
27 individualized education program team ~~[admission, review, and~~

1 ~~dismissal committee]~~ meetings.

2 SECTION 19. Section 29.020(a), Education Code, is amended
3 to read as follows:

4 (a) The agency shall develop rules in accordance with this
5 section applicable to the administration of a state individualized
6 education program facilitation project. The program shall include
7 the provision of an independent individualized education program
8 facilitator to facilitate an individualized education program team
9 ~~[admission, review, and dismissal committee]~~ meeting with parties
10 who are in a dispute about decisions relating to the provision of a
11 free appropriate public education to a student with a disability.
12 Facilitation implemented under the project must comply with rules
13 developed under this subsection.

14 SECTION 20. Section 29.022(1), Education Code, is amended
15 to read as follows:

16 (1) A school district or open-enrollment charter school
17 policy relating to the placement, operation, or maintenance of
18 video cameras under this section must:

19 (1) include information on how a person may appeal an
20 action by the district or school that the person believes to be in
21 violation of this section or a policy adopted in accordance with
22 this section, including the appeals process under Section 7.057;

23 (2) require that the district or school provide a
24 response to a request made under this section not later than the
25 seventh school business day after receipt of the request by the
26 person to whom it must be submitted under Subsection (a-3) that
27 authorizes the request or states the reason for denying the

1 request;

2 (3) except as provided by Subdivision (5), require
3 that a school or a campus begin operation of a video camera in
4 compliance with this section not later than the 45th school
5 business day, or the first school day after the 45th school business
6 day if that day is not a school day, after the request is authorized
7 unless the agency grants an extension of time;

8 (4) permit the parent of a student whose
9 individualized education program team [~~admission, review, and~~
10 ~~dismissal committee~~] has determined that the student's placement
11 for the following school year will be in a classroom or other
12 special education setting in which a video camera may be placed
13 under this section to make a request for the video camera by the
14 later of:

15 (A) the date on which the current school year
16 ends; or

17 (B) the 10th school business day after the date
18 of the placement determination by the individualized education
19 program team [~~admission, review, and dismissal committee~~]; and

20 (5) if a request is made by a parent in compliance with
21 Subdivision (4), unless the agency grants an extension of time,
22 require that a school or campus begin operation of a video camera in
23 compliance with this section not later than the later of:

24 (A) the 10th school day of the fall semester; or

25 (B) the 45th school business day, or the first
26 school day after the 45th school business day if that day is not a
27 school day, after the date the request is made.

SECTION 21. Section 29.026(d), Education Code, is amended to read as follows:

(d) A school district or open-enrollment charter school may not:

(1) charge a fee for the program, other than those authorized by law for students in public schools;

(2) require a parent to enroll a child in the program;

(3) allow an individualized education program team ~~[admission, review, and dismissal committee]~~ to place a student in the program without the written consent of the student's parent or guardian; or

(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.

SECTION 22. Section 29.027(d), Education Code, is amended to read as follows:

(d) A school district or open-enrollment charter school may not:

(1) charge a fee for the program, other than those authorized by law for students in public schools;

(2) require a parent to enroll a child in the program;

(3) allow an individualized education program team ~~[admission, review, and dismissal committee]~~ to place a student in the program without the written consent of the student's parent or guardian; or

(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing,

1 to the student's placement in the program.

2 SECTION 23. Section 29.305, Education Code, is amended to
3 read as follows:

4 Sec. 29.305. LANGUAGE MODE PEERS. If practicable and not in
5 conflict with any individualized education program team
6 ~~[admission, review, and dismissal committee]~~ recommendations, a
7 student who is deaf or hard of hearing must have an education in the
8 company of a sufficient number of peers using the same language mode
9 and with whom the student can communicate directly. If
10 practicable, the peers must be of the same or approximately the same
11 age and ability.

12 SECTION 24. Section 29.312, Education Code, is amended to
13 read as follows:

14 Sec. 29.312. PSYCHOLOGICAL COUNSELING SERVICES.
15 Appropriate psychological counseling services for a student who is
16 deaf or hard of hearing shall be made available at the student's
17 school site in the student's primary mode of communication. In the
18 case of a student who is hard of hearing, appropriate auditory
19 systems to enhance oral communication shall be used if required by
20 the student's individualized education program team ~~[admission,~~
21 ~~review, and dismissal committee]~~.

22 SECTION 25. Section 29.314, Education Code, is amended to
23 read as follows:

24 Sec. 29.314. TRANSITION INTO REGULAR CLASS. In addition to
25 satisfying requirements of the individualized education program
26 team ~~[admission, review, and dismissal committee]~~ and to satisfying
27 requirements under state and federal law for vocational training,

1 each school district shall develop and implement a transition plan
2 for the transition of a student who is deaf or hard of hearing into a
3 regular class program if the student is to be transferred from a
4 special class or center or nonpublic, nonsectarian school into a
5 regular class in a public school for any part of the school day. The
6 transition plan must provide for activities:

7 (1) to integrate the student into the regular
8 education program and specify the nature of each activity and the
9 time spent on the activity each day; and

10 (2) to support the transition of the student from the
11 special education program into the regular education program.

12 SECTION 26. Section 29.453(b), Education Code, is amended
13 to read as follows:

14 (b) The educational placement of an alleged offender
15 resident and the educational services to be provided by a school
16 district to the resident shall be determined by the resident's
17 individualized education program team ~~[admission, review, and~~
18 ~~dismissal committee]~~ consistent with federal law and regulations
19 regarding the placement of students with disabilities in the least
20 restrictive environment. The resident's individualized education
21 program team ~~[admission, review, and dismissal committee]~~ shall:

22 (1) inform the resident's interdisciplinary team of a
23 determination the team ~~[committee]~~ makes in accordance with this
24 subsection; and

25 (2) consult, to the extent practicable, with the
26 resident's interdisciplinary team concerning such a determination.

27 SECTION 27. Section 29.454(d), Education Code, is amended

1 to read as follows:

2 (d) Each behavior support specialist shall:

3 (1) ensure that each alleged offender resident
4 enrolled in the school district is provided behavior management
5 services under a school behavioral intervention plan based on the
6 resident's functional behavioral assessment, as described by
7 Subsection (c);

8 (2) communicate and coordinate with the resident's
9 interdisciplinary team to ensure that behavioral intervention
10 actions of the district and of the forensic state supported living
11 center do not conflict;

12 (3) in the case of a resident who regresses:

13 (A) ensure that necessary corrective action is
14 taken in the resident's individualized education program or school
15 behavioral intervention plan, as appropriate; and

16 (B) communicate with the resident's
17 interdisciplinary team concerning the regression and encourage the
18 team to aggressively address the regression;

19 (4) participate in the resident's individualized
20 education program team ~~[admission, review, and dismissal~~
21 ~~committee]~~ meetings in conjunction with:

22 (A) developing and implementing the resident's
23 school behavioral intervention plan; and

24 (B) determining the appropriate educational
25 placement for each resident, considering all available academic and
26 behavioral information;

27 (5) coordinate each resident's school behavioral

1 intervention plan with the resident's program of active treatment
2 provided by the forensic state supported living center to ensure
3 consistency of approach and response to the resident's identified
4 behaviors;

5 (6) provide training for school district staff and, as
6 appropriate, state supported living center staff in implementing
7 behavioral intervention plans for each resident; and

8 (7) remain involved with the resident during the
9 school day.

10 SECTION 28. Section 29.455(a), Education Code, is amended
11 to read as follows:

12 (a) A school district in which alleged offender residents
13 are enrolled in school and the forensic state supported living
14 center shall enter into a memorandum of understanding to:

15 (1) establish the duties and responsibilities of the
16 behavior support specialist to ensure the safety of all students
17 and teachers while educational services are provided to a resident
18 at a school in the district; and

19 (2) ensure the provision of appropriate facilities for
20 providing educational services and of necessary technological
21 equipment if a resident's individualized education program team
22 ~~[admission, review, and dismissal committee]~~ determines that the
23 resident must receive educational services at the forensic state
24 supported living center.

25 SECTION 29. Section 30.002(c), Education Code, is amended
26 to read as follows:

27 (c) The comprehensive statewide plan for the education of

1 children with visual impairments must:

2 (1) adequately provide for comprehensive diagnosis
3 and evaluation of each school-age child with a serious visual
4 impairment;

5 (2) include the procedures, format, and content of the
6 individualized education program for each child with a visual
7 impairment;

8 (3) emphasize providing educational services to
9 children with visual impairments in their home communities whenever
10 possible;

11 (4) include methods to ensure that children with
12 visual impairments receiving special education services in school
13 districts receive, before being placed in a classroom setting or
14 within a reasonable time after placement:

15 (A) evaluation of the impairment; and

16 (B) instruction in an expanded core curriculum,
17 which is required for students with visual impairments to succeed
18 in classroom settings and to derive lasting, practical benefits
19 from the education provided by school districts, including
20 instruction in:

21 (i) compensatory skills, such as braille
22 and concept development, and other skills needed to access the rest
23 of the curriculum;

24 (ii) orientation and mobility;

25 (iii) social interaction skills;

26 (iv) career planning;

27 (v) assistive technology, including

1 optical devices;

2 (vi) independent living skills;

3 (vii) recreation and leisure enjoyment;

4 (viii) self-determination; and

5 (ix) sensory efficiency;

6 (5) provide for flexibility on the part of school
7 districts to meet the special needs of children with visual
8 impairments through:

9 (A) specialty staff and resources provided by the
10 district;

11 (B) contractual arrangements with other
12 qualified public or private agencies;

13 (C) supportive assistance from regional
14 education service centers or adjacent school districts;

15 (D) short-term or long-term services through the
16 Texas School for the Blind and Visually Impaired or related
17 facilities or programs; or

18 (E) other instructional and service arrangements
19 approved by the agency;

20 (6) include a statewide individualized education
21 program ~~[admission, review, and dismissal]~~ process;

22 (7) provide for effective interaction between the
23 visually impaired child's classroom setting and the child's home
24 environment, including providing for parental training and
25 counseling either by school district staff or by representatives of
26 other organizations directly involved in the development and
27 implementation of the individualized education program for the

1 child;

2 (8) require the continuing education and professional
3 development of school district staff providing special education
4 services to children with visual impairments;

5 (9) provide for adequate monitoring and precise
6 evaluation of special education services provided to children with
7 visual impairments through school districts; and

8 (10) require that school districts providing special
9 education services to children with visual impairments develop
10 procedures for assuring that staff assigned to work with the
11 children have prompt and effective access directly to resources
12 available through:

13 (A) cooperating agencies in the area;

14 (B) the Texas School for the Blind and Visually
15 Impaired;

16 (C) the Central Media Depository for specialized
17 instructional materials and aids made specifically for use by
18 students with visual impairments;

19 (D) sheltered workshops participating in the
20 state program of purchases of blind-made goods and services; and

21 (E) related sources.

22 SECTION 30. Section 30.021(b), Education Code, is amended
23 to read as follows:

24 (b) The school district in which a student resides is
25 responsible for assuring that a free appropriate public education
26 is provided to each district student placed in the regular school
27 year program of the school and that all legally required meetings

1 for the purpose of developing and reviewing the student's
 2 individualized educational program are conducted. If the school
 3 disagrees with a district's individualized education program team
 4 [~~committee~~] recommendation that a student be evaluated for
 5 placement, initially placed, or continued to be placed at the
 6 school, the district or the school may seek resolution according to
 7 a procedure established by the commissioner or through any due
 8 process hearing to which the district or school is entitled under
 9 the Individuals with Disabilities Education Act (20 U.S.C. Section
 10 1400 et seq.).

11 SECTION 31. Section 30.057(a), Education Code, is amended
 12 to read as follows:

13 (a) The Texas School for the Deaf shall provide services in
 14 accordance with Section 30.051 to any eligible student with a
 15 disability for whom the school is an appropriate placement if the
 16 student has been referred for admission:

17 (1) by the school district in which the student
 18 resides under the student's individualized education program;

19 (2) by the student's parent or legal guardian, or a
 20 person with legal authority to act in place of the parent or legal
 21 guardian, or the student, if the student is age 18 or older, at any
 22 time during the school year, if the referring person chooses the
 23 school as the appropriate placement for the student rather than the
 24 placement in the student's local or regional program recommended
 25 under the student's individualized education program; or

26 (3) by the student's parent or legal guardian through
 27 the student's individualized education program team [~~admission,~~

1 ~~review, and dismissal]~~ or individualized family service plan
2 committee, as an initial referral to special education for students
3 who are three years of age or younger.

4 SECTION 32. Section 30A.007(b), Education Code, is amended
5 to read as follows:

6 (b) For purposes of a policy adopted under Subsection (a),
7 the determination of whether or not an electronic course will meet
8 the needs of a student with a disability shall be made by the
9 student's individualized education program team ~~[admission,~~
10 ~~review, and dismissal committee]~~ in a manner consistent with state
11 and federal law, including the Individuals with Disabilities
12 Education Act (20 U.S.C. Section 1400 et seq.) and Section 504,
13 Rehabilitation Act of 1973 (29 U.S.C. Section 794).

14 SECTION 33. Section 33.081(e), Education Code, is amended
15 to read as follows:

16 (e) Suspension of a student with a disability that
17 significantly interferes with the student's ability to meet regular
18 academic standards must be based on the student's failure to meet
19 the requirements of the student's individualized education
20 program. The determination of whether a disability significantly
21 interferes with a student's ability to meet regular academic
22 standards must be made by the student's individualized education
23 program team ~~[admission, review, and dismissal committee]~~. For
24 purposes of this subsection, "student with a disability" means a
25 student who is eligible for a district's special education program
26 under Section 29.003(b).

27 SECTION 34. Section 37.001(b-1), Education Code, is amended

1 to read as follows:

2 (b-1) The methods adopted under Subsection (a)(8) must
3 provide that a student who is enrolled in a special education
4 program under Subchapter A, Chapter 29, may not be disciplined for
5 conduct prohibited in accordance with Subsection (a)(7) until an
6 individualized education program team ~~[admission, review, and~~
7 ~~dismissal committee]~~ meeting has been held to review the conduct.

8 SECTION 35. Sections 37.004(a) and (b), Education Code, are
9 amended to read as follows:

10 (a) The placement of a student with a disability who
11 receives special education services may be made only by a duly
12 constituted individualized education program team ~~[admission,~~
13 ~~review, and dismissal committee]~~.

14 (b) Any disciplinary action regarding a student with a
15 disability who receives special education services that would
16 constitute a change in placement under federal law may be taken only
17 after the student's individualized education program team
18 ~~[admission, review, and dismissal committee]~~ conducts a
19 manifestation determination review under 20 U.S.C. Section
20 1415(k)(4) and its subsequent amendments. Any disciplinary action
21 regarding the student shall be determined in accordance with
22 federal law and regulations, including laws or regulations
23 requiring the provision of:

24 (1) functional behavioral assessments;

25 (2) positive behavioral interventions, strategies,
26 and supports;

27 (3) behavioral intervention plans; and

(4) the manifestation determination review.

SECTION 36. Section 37.105(e), Education Code, is amended to read as follows:

(e) If a parent or guardian of a child enrolled in a school district is refused entry to the district's property under this section, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's individualized education program team ~~[admission, review, and dismissal committee]~~ or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

SECTION 37. Section 37.307(b), Education Code, is amended to read as follows:

(b) The review under Section 37.306 of the placement of a student with a disability who receives special education services may be made only by a duly constituted individualized education program team ~~[admission, review, and dismissal committee]~~. The individualized education program team ~~[admission, review, and dismissal committee]~~ may request that the board of trustees convene a committee described by Section 37.306(a) to assist the individualized education program team ~~[admission, review, and dismissal committee]~~ in conducting the review.

SECTION 38. Sections 39.023(b), (c), and (d), Education Code, are amended to read as follows:

(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under

1 Subchapter A, Chapter 29, for whom an assessment instrument adopted
2 under Subsection (a), even with allowable accommodations, would not
3 provide an appropriate measure of student achievement, as
4 determined by the student's individualized education program team
5 ~~[admission, review, and dismissal committee]~~, including assessment
6 instruments approved by the commissioner that measure growth. The
7 assessment instruments developed or adopted under this subsection,
8 including the assessment instruments approved by the commissioner,
9 must, to the extent allowed under federal law, provide a district
10 with options for the assessment of students under this subsection.
11 The agency may not adopt a performance standard that indicates that
12 a student's performance on the alternate assessment does not meet
13 standards if the lowest level of the assessment accurately
14 represents the student's developmental level as determined by the
15 student's individualized education program team ~~[admission,~~
16 ~~review, and dismissal committee]~~.

17 (c) The agency shall also adopt end-of-course assessment
18 instruments for secondary-level courses in Algebra I, biology,
19 English I, English II, and United States history. The Algebra I
20 end-of-course assessment instrument must be administered with the
21 aid of technology. The English I and English II end-of-course
22 assessment instruments must each assess essential knowledge and
23 skills in both reading and writing in the same assessment
24 instrument and must provide a single score. A school district
25 shall comply with State Board of Education rules regarding
26 administration of the assessment instruments listed in this
27 subsection. If a student is in a special education program under

Subchapter A, Chapter 29, the student's individualized education program team ~~[admission, review, and dismissal committee]~~ shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(d) The commissioner may participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. The commissioner by rule may require a school district to administer an end-of-course assessment instrument developed through the multistate efforts. The individualized education program team ~~[admission, review, and dismissal committee]~~ of a student in a special education program under Subchapter A, Chapter 29, shall determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument.

SECTION 39. Section 39.025(a-4), Education Code, is amended to read as follows:

(a-4) The individualized education program team ~~[admission, review, and dismissal committee]~~ of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.

SECTION 40. Section 661.906, Government Code, is amended to read as follows:

Sec. 661.906. FOSTER PARENTS. A state employee who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services is entitled to a leave of absence without a deduction in salary for the purpose of attending:

(1) meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee; or

(2) an individualized education program team ~~[admission, review, and dismissal]~~ meeting held by a school district regarding the child under the foster care of the employee.

SECTION 41. Section 29.301(1), Education Code, is repealed.

SECTION 42. This Act takes effect September 1, 2019.