

By: Rodríguez

S.B. No. 139

A BILL TO BE ENTITLED

AN ACT

relating to a notice of educational rights and recovery by school districts and open-enrollment charter schools of costs for certain student evaluations.

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

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.023 to read as follows:

Sec. 29.023. NOTICE OF RIGHTS; COST RECOVERY PROGRAM. (a)
The agency shall develop a notice for distribution as provided by Subsection (c) and posting on the agency's Internet website that indicates:

(1) the change made from 2016 to 2017 in reporting requirements for school districts and open-enrollment charter schools regarding the special education representation indicator adopted in the Performance-Based Monitoring Analysis System Manual; and

(2) in plain language, the rights of a child under both federal and state law and the general process available to initiate a referral of a child for a full individual and initial evaluation under Section 29.004 to determine the child's eligibility for special education services.

(b) A school district or open-enrollment charter school shall include in the notice developed by the agency under Subsection (a) information indicating where the local processes and

procedures for initiating a referral for special education services eligibility evaluation may be found.

(c) By a date established by the commissioner, each school district or open-enrollment charter school shall provide the notice to the parent of each child who attends school in the district or at the school at any time during the 2019-2020 school year. A school district or open-enrollment charter school shall also make the notice available on request to any person. The notice must be available in English and Spanish, and a school district or open-enrollment charter school shall make a good faith effort to provide the notice in the parent's native language if the parent's native language is a language other than English or Spanish.

(d) The notice is in addition to requirements imposed by Section [26.0081](#).

(e) Beginning with the 2019-2020 school year, from federal funds available for this purpose, the agency shall establish a reimbursement fund from which school districts and open-enrollment charter schools may apply and receive cost reimbursement if the district or school experiences a significant increase from the preceding school year in the number of full individual and initial evaluations conducted under Section [29.004](#). A decision by the commissioner to provide reimbursement from the fund is final and may not be appealed.

(f) The commissioner may adopt rules necessary to implement this section.

(g) This section expires September 1, 2023.

SECTION 2. This Act takes effect immediately if it receives

S.B. No. 139

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2019.