

By: Huffman

S.B. No. 1814

A BILL TO BE ENTITLED

AN ACT

relating to providing temporary support services for certain public school students.

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

SECTION 1. Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.092 to read as follows:

Sec. 29.092. TEMPORARY SUPPORT SERVICES PENDING DISABILITY DETERMINATION FOR CERTAIN STUDENTS. (a) In this section:

(1) "Disability determination" means the results of a full individual and initial evaluation of a student for purposes of special education services under Section 29.004.

(2) "Parent" has the meaning assigned by Section 26.002.

(b) The agency shall establish procedures and criteria for the provision of temporary support services, including any service or accommodation available to a student receiving special education services under Subchapter A, to eligible students pending a disability determination.

(c) A student is eligible for temporary support services if a parent, classroom teacher, or other educator of the student:

(1) submits a written request to the campus administrator for temporary support services pending a disability determination; and

(2) submits with the request supporting

1 documentation, including:

2 (A) a private evaluation, an independent  
3 educational evaluation, or a speech and language assessment  
4 performed by a qualified professional;

5 (B) a medical prescription or order, provided by  
6 a qualified health care professional; or

7 (C) existing school documents explaining the  
8 potential need for temporary support services provided by an  
9 educator requesting temporary services.

10 (d) A written request and supporting documentation  
11 submitted under this section is confidential and not subject to  
12 disclosure under Chapter 552, Government Code.

13 (e) After receiving a request and appropriate supporting  
14 documentation under this section, the campus administrator shall:

15 (1) initiate a review of existing evaluation data with  
16 parents and any qualified professionals who have provided  
17 supporting documentation or are currently providing services or  
18 support to the student;

19 (2) provide information to the student's parent about  
20 the process for requesting a full individual and initial evaluation  
21 for purposes of special education services under Section 29.004;

22 (3) not later than one week after receiving the  
23 request and supporting documentation, schedule temporary support  
24 services reflecting the recommendations, prescriptions, and orders  
25 in the supporting documents and provide the schedule to the  
26 student's parent, the student's classroom teachers, and appropriate  
27 district administrators and employees; and

1           (4) not later than two weeks after receiving the  
2 request and supporting documentation, review the student's  
3 behavior, the request, and the supporting documentation, and, if  
4 appropriate, develop a temporary plan that provides interventions  
5 for educators to address problematic behavior and provide the plan  
6 to the student, the student's parent, and the student's classroom  
7 teachers.

8           (f) The schedule of temporary services must continue  
9 without interruption until the requirements of Subsection (e) are  
10 completed, a full individual and initial evaluation under Section  
11 29.004 has been conducted, and an admission, review, and dismissal  
12 committee has met and developed an individualized education plan  
13 for the student under Section 29.005. If, after a period of time  
14 determined by the agency, the student's parent has not requested a  
15 full individual and initial evaluation, or the student is found to  
16 not have a disability or to not qualify for special education  
17 services, the temporary services may be discontinued.

18           (g) The provision of temporary services under this section  
19 does not affect the responsibility of other agencies to provide  
20 noneducational community-based support services as necessary to  
21 enable students with disabilities to receive a free appropriate  
22 public education in the least restrictive environment.

23           (h) The commissioner shall adopt rules to ensure that this  
24 section is administered in a manner that complies with federal law  
25 regarding confidentiality of student medical or educational  
26 information, including the Family Educational Rights and Privacy  
27 Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to

1 the privacy of student information.

2           SECTION 2. As soon as practicable after the effective date  
3 of this Act, the Texas Education Agency shall adopt procedures and  
4 criteria required by Section 29.092, Education Code, as added by  
5 this Act.

6           SECTION 3. This Act applies beginning with the 2019-2020  
7 school year.

8           SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2019.