87R6793 MWC-F

By:  Dutton H.B. No. 3880

A BILL TO BE ENTITLED

AN ACT

relating to a student's eligibility for special education services provided by a school district.

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

SECTION 1.  Section 29.002, Education Code, is amended to read as follows:

Sec. 29.002.  DEFINITION. In this subchapter:

(1)  "Specially designed instruction" [~~, "special services"~~] means:

(A) [~~(1)~~]  special education instruction, which may be provided by professional and supported by paraprofessional personnel in the regular classroom or in an instructional arrangement described by Section 48.102; [~~and~~]

(B) [~~(2)~~]  related services, which are developmental, corrective, supportive, or evaluative services, not instructional in nature, that may be required for the student to benefit from special education instruction and for implementation of a student's individualized education program; and

(C)  adaptation of the content, methodology, or delivery of instruction to:

(i)  address the unique needs of the student resulting from the student's disability; and

(ii)  ensure the student's access to the required curriculum as provided by Section 28.002 to allow the student to meet the educational standards set by the agency.

(2)  "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

SECTION 2.  Section 29.003(b), Education Code, is amended to read as follows:

(b)  A student is eligible to participate in a school district's special education program if the student:

(1)  is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in public school without the provision of specially designed instruction [~~special services~~]; or

(2)  is at least three but not more than 21 years of age and has one or more of the following disabilities that prevents the student from being adequately or safely educated in public school without the provision of specially designed instruction [~~special services~~]:

(A)  physical disability;

(B)  intellectual or developmental disability;

(C)  emotional disturbance;

(D)  specific learning disability;

(E)  autism;

(F)  speech disability; or

(G)  traumatic brain injury.

SECTION 3.  Section 30.001(b), Education Code, is amended to read as follows:

(b)  The commissioner, with the approval of the State Board of Education, shall develop and implement a plan for the coordination of services to children with disabilities in each region served by a regional education service center. The plan must include procedures for:

(1)  identifying existing public or private educational and related services for children with disabilities in each region;

(2)  identifying and referring children with disabilities who cannot be appropriately served by the school district in which they reside to other appropriate programs;

(3)  assisting school districts to individually or cooperatively develop programs to identify and provide appropriate services for children with disabilities;

(4)  expanding and coordinating services provided by regional education service centers for children with disabilities; and

(5)  providing for specially designed instruction [~~special services~~], including special seats, books, instructional media, and other supplemental supplies and services required for proper instruction.

SECTION 4.  Section 30.002(g), Education Code, is amended to read as follows:

(g)  To facilitate implementation of this section, the commissioner shall develop a system to distribute from the foundation school fund to school districts or regional education service centers a special supplemental allowance for each student with a visual impairment and for each student with a serious visual disability and another medically diagnosed disability of a significantly limiting nature who is receiving special education services through any approved program. The supplemental allowance may be spent only for specially designed instruction [~~special services~~] uniquely required by the nature of the student's disabilities and may not be used in lieu of educational funds otherwise available under this code or through state or local appropriations.

SECTION 5.  Section 37.146(a), Education Code, is amended to read as follows:

(a)  A complaint alleging the commission of a school offense must, in addition to the requirements imposed by Article 45.019, Code of Criminal Procedure:

(1)  be sworn to by a person who has personal knowledge of the underlying facts giving rise to probable cause to believe that an offense has been committed; and

(2)  be accompanied by a statement from a school employee stating:

(A)  whether the child is eligible for or receives specially designed instruction [~~special services~~] under Subchapter A, Chapter 29; and

(B)  the graduated sanctions, if required under Section 37.144, that were imposed on the child before the complaint was filed.

SECTION 6.  Section 48.1021(b), Education Code, is amended to read as follows:

(b)  The advisory committee consists of the following members appointed by the commissioner:

(1)  a parent of a student eligible to participate in a school district's special education program under Section 29.003;

(2)  a director of a school district's special education program under Subchapter A, Chapter 29;

(3)  a teacher certified in special education;

(4)  a diagnostician;

(5)  a licensed specialist in school psychology;

(6)  a provider who provides related services, as described by Section 29.002(1)(B) [~~29.002(2)~~];

(7)  a superintendent of a school district;

(8)  a member of a school district's board of trustees;

(9)  a representative of a disability advocacy organization;

(10)  a member of the special education continuing advisory committee under Section 29.006;

(11)  a teacher certified in general education;

(12)  a student eligible to participate in a school district's special education program under Section 29.003;

(13)  a representative of a regional education service center; and

(14)  a school district official who handles business and finance matters for the district.

SECTION 7.  This Act takes effect September 1, 2021.