

By: Johnson of Dallas

H.B. No. 411

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the terminology used to refer to an individualized
3 education program team.

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

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

8 (5-a) "Individualized education program team" has the
9 meaning assigned by 20 U.S.C. Section 1414(d)(1)(B).

10 (5-b) "Mental health condition" means a persistent or
11 recurrent pattern of thoughts, feelings, or behaviors that:

12 (A) constitutes a mental illness, disease, or
13 disorder, other than or in addition to epilepsy, substance abuse,
14 or an intellectual disability; or

15 (B) impairs a person's social, emotional, or
16 educational functioning and increases the risk of developing a
17 condition described by Paragraph (A).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (H) appointment of a surrogate parent for the

1 child under Section 29.0151;

2 (11) developing procedures for allowing a student who
3 is homeless or in substitute care who was previously enrolled in a
4 course required for graduation the opportunity, to the extent
5 practicable, to complete the course, at no cost to the student,
6 before the beginning of the next school year;

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

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

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

21 (15) providing other assistance as identified by the
22 agency.

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

25 (h) This section does not affect:

26 (1) a right or obligation under Subchapter A, Chapter
27 29, or under the Individuals with Disabilities Education Act (20

1 U.S.C. Section 1400 et seq.) regarding the individual placement
2 decisions of an individualized education program team [~~the school~~
3 ~~district admission, review, and dismissal committee~~]; or

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

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

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

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

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

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

27 SECTION 6. Section 28.006(g), Education Code, is amended to

1 read as follows:

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

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

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

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

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

3 (i-1) At a meeting of the individualized education program
4 team [~~admission, review, and dismissal committee~~] of a student
5 under Subsection (i), the team [~~committee~~] may promote the student
6 to the next grade level if the team [~~committee~~] concludes that the
7 student has made sufficient progress in the measurable academic
8 goals contained in the student's individualized education program
9 developed under Section 29.005. A school district that promotes a
10 student under this subsection is not required to provide an
11 additional opportunity for the student to perform satisfactorily on
12 the assessment instrument.

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

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

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

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

4 (2) if applicable, carry out the purposes of Section
5 28.0211.

6 SECTION 9. Sections 28.025(b-11), (b-14), (c-7), and (c-8),
7 Education Code, are amended to read as follows:

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

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

25 (2) if the student does not receive special education
26 services under Subchapter A, Chapter 29, but is covered by Section
27 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the

1 committee established for the student under that Act; or

2 (3) if a team or a committee [~~each of the committees~~]
3 described by Subdivision [~~Subdivisions~~] (1) or [~~and~~] (2) is
4 inapplicable, a committee established by the school district of
5 persons with appropriate knowledge regarding the student.

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

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

23 (2) if the student does not receive special education
24 services under Subchapter A, Chapter 29, but is covered by Section
25 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
26 committee established for the student under that Act.

27 (c-7) Subject to Subsection (c-8), a student who is enrolled

1 in a special education program under Subchapter A, Chapter 29, may
2 earn an endorsement on the student's transcript by:

3 (1) successfully completing, with or without
4 modification of the curriculum:

5 (A) the curriculum requirements identified by
6 the State Board of Education under Subsection (a); and

7 (B) the additional endorsement curriculum
8 requirements prescribed by the State Board of Education under
9 Subsection (c-2); and

10 (2) successfully completing all curriculum
11 requirements for that endorsement adopted by the State Board of
12 Education:

13 (A) without modification of the curriculum; or

14 (B) with modification of the curriculum,
15 provided that the curriculum, as modified, is sufficiently rigorous
16 as determined by the student's individualized education program
17 team [~~admission, review, and dismissal committee~~].

18 (c-8) For purposes of Subsection (c-7), the individualized
19 education program team [~~admission, review, and dismissal~~
20 ~~committee~~] of a student in a special education program under
21 Subchapter A, Chapter 29, shall determine whether the student is
22 required to achieve satisfactory performance on an end-of-course
23 assessment instrument to earn an endorsement on the student's
24 transcript.

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

27 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and

1 modify as necessary, a statewide design, consistent with federal
2 law, for the delivery of services to children with disabilities in
3 this state that includes rules for the administration and funding
4 of the special education program so that a free appropriate public
5 education is available to all of those children between the ages of
6 three and 21. The statewide design shall include the provision of
7 services primarily through school districts and shared services
8 arrangements, supplemented by regional education service centers.
9 The agency shall also develop and implement a statewide plan with
10 programmatic content that includes procedures designed 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 Sections 48.008 and
9 48.009 are 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. Sections 29.005(a), (b), (b-1), (c), and (g),
21 Education Code, are amended to read as follows:

22 (a) Before a child is enrolled in a special education
23 program of a school district, the district shall establish an
24 individualized education program team [~~a committee~~] composed of the
25 persons required under 20 U.S.C. Section 1414(d) to develop the
26 child's individualized education program. If a team [~~committee~~] is
27 required to include a regular education teacher, the regular

1 education teacher included must, to the extent practicable, be a
2 teacher who is responsible for implementing a portion of the
3 child's individualized education program.

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

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

- 13 (1) the date of the meeting;
- 14 (2) the name, position, and signature of each member
15 participating in the meeting; and
- 16 (3) an indication of whether the child's parents, the
17 adult student, if applicable, and the administrator agreed or
18 disagreed with the decisions of the team [~~committee~~].

19 (c) If the individualized education program is not
20 developed by agreement, the written statement of the program
21 required under 20 U.S.C. Section 1414(d) must include the basis of
22 the disagreement. Each member of the individualized education
23 program team [~~committee~~] who disagrees with the individualized
24 education program developed by the team [~~committee~~] is entitled to
25 include a statement of disagreement in the written statement of the
26 program.

27 (g) The individualized education program team [~~committee~~]

1 may determine that a behavior improvement plan or a behavioral
2 intervention plan is appropriate for a student for whom the team
3 [~~committee~~] has developed an individualized education program. If
4 the team [~~committee~~] makes that determination, the behavior
5 improvement plan or the behavioral intervention plan shall be
6 included as part of the student's individualized education program
7 and provided to each teacher with responsibility for educating the
8 student.

9 SECTION 13. Section 29.008(c), Education Code, is amended
10 to read as follows:

11 (c) When a student, including one for whom the state is
12 managing conservator, is placed primarily for care or treatment
13 reasons in a private residential facility that operates its own
14 private education program, none of the costs may be paid from public
15 education funds. If a residential placement primarily for care or
16 treatment reasons involves a private residential facility in which
17 the education program is provided by the school district, the
18 portion of the costs that includes appropriate education services,
19 as determined by the individualized education program team [~~the~~
20 ~~school district's admission, review, and dismissal committee~~],
21 shall be paid from state and federal education funds.

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

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

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

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

10 (A) the student's parents; or

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

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

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

18 (B) has the student's consent to participate
19 pursuant to a supported decision-making agreement under Chapter
20 [1357](#), Estates Code;

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

23 (5) an appropriate functional vocational evaluation;

24 (6) appropriate employment goals and objectives;

25 (7) if the student is at least 18 years of age, the
26 availability of age-appropriate instructional environments,
27 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 (1) post the transition and employment guide on the
2 district's website if the district maintains a website;

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

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

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

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

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

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

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

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

26 (1) be willing to serve in that capacity;

27 (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.

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

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

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

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

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

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

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

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

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

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

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

26 (4) continue the placement of a student in the program
27 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 practicable,
10 the peers must be of the same or approximately the same age and
11 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 resident's individualized education program team
24 [~~committee~~] makes in accordance with this 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. Sections 30.002(c) and (f), Education Code, are
26 amended 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 (f) In the development of the individualized education
23 program for a student with a visual impairment, proficiency in
24 reading and writing is a significant indicator of the student's
25 satisfactory educational progress. The individualized education
26 program for a student with a visual impairment must include
27 instruction in braille and the use of braille unless the student's

1 individualized education program team [~~admission, review, and~~
2 ~~dismissal committee~~] determines and documents that braille is not
3 an appropriate literacy medium for the student. The team's
4 [~~committee's~~] determination must be based on an evaluation of the
5 student's appropriate literacy media and literacy skills and the
6 student's current and future instructional needs. Braille
7 instruction:

8 (1) may be used in combination with other special
9 education services appropriate to the student's educational needs;
10 and

11 (2) shall be provided by a teacher certified to teach
12 students with visual impairments.

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

15 (b) The school district in which a student resides is
16 responsible for assuring that a free appropriate public education
17 is provided to each district student placed in the regular school
18 year program of the school and that all legally required meetings
19 for the purpose of developing and reviewing the student's
20 individualized educational program are conducted. If the school
21 disagrees with a district's individualized education program team
22 [~~committee~~] recommendation that a student be evaluated for
23 placement, initially placed, or continued to be placed at the
24 school, the district or the school may seek resolution according to
25 a procedure established by the commissioner or through any due
26 process hearing to which the district or school is entitled under
27 the Individuals with Disabilities Education Act (20 U.S.C. Section

1 1400 et seq.).

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

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

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

10 (2) by the student's parent or legal guardian, or a
11 person with legal authority to act in place of the parent or legal
12 guardian, or the student, if the student is age 18 or older, at any
13 time during the school year, if the referring person chooses the
14 school as the appropriate placement for the student rather than the
15 placement in the student's local or regional program recommended
16 under the student's individualized education program; or

17 (3) by the student's parent or legal guardian through
18 the student's individualized education program team [~~admission,~~
19 ~~review, and dismissal~~] or individualized family service plan
20 committee, as an initial referral to special education for students
21 who are three years of age or younger.

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

24 (b) For purposes of a policy adopted under Subsection (a),
25 the determination of whether or not an electronic course will meet
26 the needs of a student with a disability shall be made by the
27 student's individualized education program team [~~admission,~~

1 ~~review, and dismissal committee]~~ in a manner consistent with state
2 and federal law, including the Individuals with Disabilities
3 Education Act (20 U.S.C. Section 1400 et seq.) and Section 504,
4 Rehabilitation Act of 1973 (29 U.S.C. Section 794).

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

7 (e) Suspension of a student with a disability that
8 significantly interferes with the student's ability to meet regular
9 academic standards must be based on the student's failure to meet
10 the requirements of the student's individualized education
11 program. The determination of whether a disability significantly
12 interferes with a student's ability to meet regular academic
13 standards must be made by the student's individualized education
14 program team [~~admission, review, and dismissal committee~~]. For
15 purposes of this subsection, "student with a disability" means a
16 student who is eligible for a district's special education program
17 under Section 29.003(b).

18 SECTION 34. Section 37.001(b-1), Education Code, is amended
19 to read as follows:

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

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

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

5 (b) Any disciplinary action regarding a student with a
6 disability who receives special education services that would
7 constitute a change in placement under federal law may be taken only
8 after the student's individualized education program team
9 [~~admission, review, and dismissal committee~~] conducts a
10 manifestation determination review under 20 U.S.C. Section
11 1415(k)(4) and its subsequent amendments. Any disciplinary action
12 regarding the student shall be determined in accordance with
13 federal law and regulations, including laws or regulations
14 requiring the provision of:

- 15 (1) functional behavioral assessments;
- 16 (2) positive behavioral interventions, strategies,
17 and supports;
- 18 (3) behavioral intervention plans; and
- 19 (4) the manifestation determination review.

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

22 (e) If a parent or guardian of a child enrolled in a school
23 district is refused entry to the district's property under this
24 section, the district shall accommodate the parent or guardian to
25 ensure that the parent or guardian may participate in the child's
26 individualized education program team [~~admission, review, and~~
27 ~~dismissal committee~~] or in the child's team established under

1 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in
2 accordance with federal law.

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

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

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

16 (b) The agency shall develop or adopt appropriate
17 criterion-referenced alternative assessment instruments to be
18 administered to each student in a special education program under
19 Subchapter A, Chapter 29, for whom an assessment instrument adopted
20 under Subsection (a), even with allowable accommodations, would not
21 provide an appropriate measure of student achievement, as
22 determined by the student's individualized education program team
23 [~~admission, review, and dismissal committee~~], including assessment
24 instruments approved by the commissioner that measure growth. The
25 assessment instruments developed or adopted under this subsection,
26 including the assessment instruments approved by the commissioner,
27 must, to the extent allowed under federal law, provide a district

1 with options for the assessment of students under this subsection.
2 The agency may not adopt a performance standard that indicates that
3 a student's performance on the alternate assessment does not meet
4 standards if the lowest level of the assessment accurately
5 represents the student's developmental level as determined by the
6 student's individualized education program team [~~admission,~~
7 ~~review, and dismissal committee~~].

8 (c) The agency shall also adopt end-of-course assessment
9 instruments for secondary-level courses in Algebra I, biology,
10 English I, English II, and United States history. The Algebra I
11 end-of-course assessment instrument must be administered with the
12 aid of technology, but may include one or more parts that prohibit
13 the use of technology. The English I and English II end-of-course
14 assessment instruments must each assess essential knowledge and
15 skills in both reading and writing and must provide a single score.
16 A school district shall comply with State Board of Education rules
17 regarding administration of the assessment instruments listed in
18 this subsection. If a student is in a special education program
19 under Subchapter A, Chapter 29, the student's individualized
20 education program team [~~admission, review, and dismissal~~
21 ~~committee~~] shall determine whether any allowable modification is
22 necessary in administering to the student an assessment instrument
23 required under this subsection. The State Board of Education shall
24 administer the assessment instruments. An end-of-course assessment
25 instrument may be administered in multiple parts over more than one
26 day. The State Board of Education shall adopt a schedule for the
27 administration of end-of-course assessment instruments that

1 complies with the requirements of Subsection (c-3).

2 (d) The commissioner may participate in multistate efforts
3 to develop voluntary standardized end-of-course assessment
4 instruments. The commissioner by rule may require a school district
5 to administer an end-of-course assessment instrument developed
6 through the multistate efforts. The individualized education
7 program team [~~admission, review, and dismissal committee~~] of a
8 student in a special education program under Subchapter A, Chapter
9 29, shall determine whether any allowable modification is necessary
10 in administering to the student an end-of-course assessment
11 instrument.

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

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

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

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

27 (1) meetings held by the Department of Protective and

1 Regulatory Services regarding the child under the foster care of
2 the employee; or

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

6 SECTION 41. Section [29.301\(1\)](#), Education Code, is repealed.

7 SECTION 42. This Act takes effect September 1, 2021.