

By: González of El Paso

H.B. No. 2125

A BILL TO BE ENTITLED

AN ACT

relating to eligibility criteria for certain public school students who received special education services during the 2019-2020, 2020-2021, 2021-2022, or 2022-2023 school year.

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

SECTION 1. Section 29.003, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), a [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 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 special services:

(A) physical disability;

(B) intellectual or developmental disability;

(C) emotional disturbance;

(D) learning disability;

(E) autism;

1 (F) speech disability; or

2 (G) traumatic brain injury.

3 (c) Notwithstanding Subsection (b), a student at least 21
4 years of age during the 2019-2020, 2020-2021, 2021-2022, or
5 2022-2023 school year shall remain eligible to participate in a
6 school district's special education program for one additional
7 school year if the student continues to have a disability listed in
8 Subsection (b)(2).

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.