

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

1 student to meet the educational standards set by the agency.

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

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

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

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

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

- 22 (A) physical disability;
- 23 (B) intellectual or developmental disability;
- 24 (C) emotional disturbance;
- 25 (D) specific learning disability;
- 26 (E) autism;
- 27 (F) speech disability; or

1 (G) traumatic brain injury.

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

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

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

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

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

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

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

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

27 (g) To facilitate implementation of this section, the

1 commissioner shall develop a system to distribute from the
2 foundation school fund to school districts or regional education
3 service centers a special supplemental allowance for each student
4 with a visual impairment and for each student with a serious visual
5 disability and another medically diagnosed disability of a
6 significantly limiting nature who is receiving special education
7 services through any approved program. The supplemental allowance
8 may be spent only for specially designed instruction [~~special~~
9 ~~services~~] uniquely required by the nature of the student's
10 disabilities and may not be used in lieu of educational funds
11 otherwise available under this code or through state or local
12 appropriations.

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

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

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

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

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

26 (B) the graduated sanctions, if required under
27 Section 37.144, that were imposed on the child before the complaint

1 was filed.

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

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

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

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

10 (3) a teacher certified in special education;

11 (4) a diagnostician;

12 (5) a licensed specialist in school psychology;

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

15 (7) a superintendent of a school district;

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

17 (9) a representative of a disability advocacy
18 organization;

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

21 (11) a teacher certified in general education;

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

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

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

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