

By: Menéndez

S.B. No. 88

A BILL TO BE ENTITLED

AN ACT

relating to a special education liaison program and the provision of certain special education services at public school districts.

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

SECTION 1. Section 29.005(a), Education Code, is amended to read as follows:

(a) Before a child is enrolled in a special education program of a school district, the district shall establish a committee composed of the persons required under 20 U.S.C. Section 1414(d) to develop the child's individualized education program. If the district employs a special education liaison under Section 33.015, the special education liaison shall serve as the district's representative on the committee. If a committee is required to include a regular education teacher, the regular education teacher included must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's individualized education program.

SECTION 2. Chapter 33, Education Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. SPECIAL EDUCATION LIAISON PROGRAM

Sec. 33.015. SPECIAL EDUCATION LIAISON. From funds appropriated for the purpose or other funds that may be used for the purpose, the commissioner shall distribute funds to each school district to:

1           (1) provide special education liaison services under  
2 this subchapter; and

3           (2) employ one or more certified educators to serve as  
4 special education liaison for the district.

5           Sec. 33.016. SPECIAL EDUCATION LIAISON; GENERAL DUTIES. In  
6 addition to other duties provided under this subchapter, a special  
7 education liaison employed under Section 33.015 shall:

8           (1) perform duties regarding individualized education  
9 programs under Section 29.005, in the manner provided by Section  
10 33.017;

11           (2) conduct manifestation determination hearings and  
12 implement behavioral intervention plans as required by 20 U.S.C.  
13 Section 1415(k), in the manner described by Section 33.018;

14           (3) communicate verbally and in writing with campus  
15 administrators regarding policies and procedures necessary to  
16 ensure compliance with legal and policy requirements involving  
17 special education programs;

18           (4) communicate with educators and staff at district  
19 campuses to provide guidance, mentoring, and information about  
20 special education policies and procedures;

21           (5) provide guidance to special education teachers and  
22 staff in the provision of special education services to students in  
23 accordance with the Individuals with Disabilities Education Act (20  
24 U.S.C. Section 1400 et seq.);

25           (6) provide mentoring and training to special  
26 education teachers and staff at district campuses;

27           (7) become familiar with the specific duties and

1 responsibilities of any providers of services that are ancillary to  
2 special education services provided by the district;

3 (8) provide general case management for students in  
4 individualized education programs under Section 29.005;

5 (9) conduct inquiries to address concerns brought by  
6 family members of students in special education programs under  
7 Subchapter A, Chapter 29; and

8 (10) conduct home visits as necessary to maintain  
9 quality communication between district educators and staff and  
10 family members of students in special education programs under  
11 Subchapter A, Chapter 29.

12 Sec. 33.017. SPECIAL EDUCATION LIAISON DUTIES REGARDING  
13 INDIVIDUALIZED EDUCATION PROGRAMS. A special education liaison  
14 employed under Section 33.015 shall:

15 (1) serve as an expert in the development,  
16 implementation, and assessment of individualized education  
17 programs under Section 29.005 for students in the district;

18 (2) serve as the representative of the district, as  
19 necessary, on a committee established under Section 29.005 to  
20 develop an individualized education program for a student enrolled  
21 at the district; and

22 (3) review individualized education program documents  
23 for compliance with federal and state laws and related procedural  
24 guidelines.

25 Sec. 33.018. SPECIAL EDUCATION LIAISON DUTIES REGARDING  
26 MANIFESTATION DETERMINATION HEARINGS AND BEHAVIORAL INTERVENTION  
27 PLANS. (a) If a change in educational setting is proposed for a

1 student in an individualized education program under Section  
2 29.005, based on the student's violation of the district's code of  
3 student conduct, a special education liaison employed under Section  
4 33.015 shall conduct a manifestation determination hearing, in  
5 accordance with 20 U.S.C. Section 1415(k), to determine if the  
6 violation was a manifestation of the student's disability.

7 (b) If a violation is determined under Subsection (a) to be  
8 a manifestation of the student's disability, or at the request of a  
9 committee established under Section 29.005, the special education  
10 liaison shall conduct a functional behavioral assessment and  
11 implement a behavioral intervention plan for the student in  
12 accordance with 20 U.S.C. Section 1415(k).

13 SECTION 3. (a) The commissioner of education shall provide  
14 funds identified under Section 33.015, Education Code, as added by  
15 this Act, to school districts as soon as practicable after the  
16 effective date of this Act.

17 (b) Each school district required to employ a special  
18 education liaison under Subchapter A-1, Chapter 33, Education Code,  
19 as added by this Act, shall hire a person qualified for the position  
20 as soon as practicable after the effective date of this Act.

21 SECTION 4. This Act applies beginning with the 2021-2022  
22 school year.

23 SECTION 5. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2021.