

## **BILL ANALYSIS**

Senate Research Center

H.B. 272  
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Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Administrative Code requires each public school district to establish an admission, review, and dismissal (ARD) committee for each eligible student with disability. An ARD committee is a team of dedicated individuals working toward the same goal to ensure students with disabilities receive the best education possible. The term is derived from the individualized education program (IEP) used in federal law and regulations. Although both ARD and IEP describe the same program, the differing terms create unnecessary confusion. In addition to this, the term "ARD" does not do justice to the amount of teamwork that is needed to create successful individualized education plans.

H.B. 272 seeks to address these issues by providing for the replacement of references to ARD committees with references to IEP teams in state law and administrative rules.

H.B. 272 amends the Education Code to replace references to an "admission, review, and dismissal committee" with the preferred term "individualized education program team," as defined by the federal Individuals with Disabilities Education Act. The bill directs the legislature, the Texas Legislative Council, the commissioner of education, the Texas Education Agency, and all other state agencies, as applicable, to avoid the use of "admission, review, and dismissal committee" or "ARD committee" in any new or existing statute or resolution, new or existing rules, or state agency reference materials or publications and to replace those references with "individualized education program team" or "IEP team." The bill establishes that a statute, resolution, or rule is not invalid solely because it does not employ the preferred language.

H.B. 272 amends current law relating to the terminology used to refer to certain disabilities and to an individualized education team for purposes of determining a student's eligibility for special education services and providing those services in public schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 5.001, Education Code, by amending Subdivision (5-a) and adding Subdivision (5-b) to define "individualized education program team" and to make a nonsubstantive change.

SECTION 2. Amends Subchapter A, Chapter 7, Education Code, by adding Section 7.011, as follows:

Sec. 7.011. USE OF TERMINOLOGY CONSISTENT WITH INDIVIDUALS WITH DISABILITIES EDUCATION ACT. (a) Provides that the legislature and the Texas Legislative Council (TLC) are directed, with respect to drafting or amending any new or existing statute or resolution, and the commissioner of education (commissioner), the Texas Education Agency (TEA), and all other state agencies are directed, with respect to the proposing, adopting, or amending of new or existing rules and the producing of state

agency reference materials or publications, including electronic media, to avoid using the phrases "admission, review, and dismissal committee" or "ARD committee."

(b) Provides that the legislature, TLC, the commissioner, TEA, and all other state agencies, in enacting, revising, proposing, adopting, amending, or producing new or existing statutes, resolutions, rules, or state agency materials, are directed to replace, as appropriate, the phrases described in Subsection (a) with the preferred phrases "individualized education program team" or "IEP team."

(c) Provides that a statute, resolution, or rule is not invalid solely because it does not employ this section's preferred phrases.

SECTION 3. Amends Section 19.0051(b), Education Code, as follows:

(b) Requires the Windham School District, in developing a certain program, to consider certain factors, including, if applicable, recommendations of the person's individualized education program team, rather than the person's admission, review, and dismissal committee.

SECTION 4. Amends Section 25.007(b), Education Code, to make a conforming change.

SECTION 5. Amends Section 25.043(h), Education Code, to make a conforming change.

SECTION 6. Amends Sections 26.0081(a) and (b), Education Code, to make conforming changes.

SECTION 7. Amends Section 28.006(g), Education Code, to make a conforming change.

SECTION 8. Amends Section 28.0211(i), Education Code, to make a conforming change.

SECTION 9. Amends Section 28.0213(e), Education Code, to make a conforming change.

SECTION 10. Amends Sections 28.025(b-11), (b-14), (c-7), and (c-8), Education Code, to make conforming changes.

SECTION 11. Amends Section 29.001, Education Code, as follows:

Sec. 29.001. STATEWIDE PLAN. Makes conforming changes to this section.

SECTION 12. Amends Section 29.003, Education Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that a student is eligible to participate in a school district's special education program if the student meets certain criteria, including being at least three but not more than 21 years of age and having one or more of certain disabilities that prevents the student from being adequately or safely educated in public school without the provision of special services, including emotional dysregulation, rather than emotional disturbance.

(c) Defines "emotional dysregulation."

SECTION 13. Amends Section 29.004(a-1), Education Code, to make a conforming change.

SECTION 14. Amends Sections 29.005(a), (b), (b-1), (c), (g), and (h), Education Code, to make conforming changes.

SECTION 15. Amends Section 29.008(c), Education Code, to make a conforming change.

SECTION 16. Amends Sections 29.011(a) and (a-1), Education Code, to make conforming changes.

SECTION 17. Amends Section 29.0112(e), Education Code, to make conforming changes.

SECTION 18. Amends Section 29.015(b), Education Code, to make a conforming change.

SECTION 19. Amends Section 29.0151(d), Education Code, to make a conforming change.

SECTION 20. Amends Section 29.019(e), Education Code, to make a conforming change.

SECTION 21. Amends Section 29.020(a), Education Code, to make a conforming change.

SECTION 22. Amends Section 29.022(l), Education Code, to make conforming changes.

SECTION 23. Amends Section 29.026(d), Education Code, to make a conforming change.

SECTION 24. Amends Section 29.048, Education Code, as follows:

Sec. 29.048. New heading: INDIVIDUALIZED EDUCATION PROGRAM TEAM DUTIES. Makes conforming changes to this section.

SECTION 25. Amends Section 29.305, Education Code, as follows:

Sec. 29.305. LANGUAGE MODE PEERS. Makes a conforming change to this section.

SECTION 26. Amends Section 29.312, Education Code, as follows:

Sec. 29.312. PSYCHOLOGICAL COUNSELING SERVICES. Makes a conforming change to this section.

SECTION 27. Amends Section 29.314, Education Code, as follows:

Sec. 29.314. TRANSITION INTO REGULAR CLASS. Makes a conforming change to this section.

SECTION 28. Amends Section 29.453(b), Education Code, to make conforming changes.

SECTION 29. Amends Section 29.454(d), Education Code, to make a conforming change.

SECTION 30. Amends Section 29.455(a), Education Code, to make a conforming change.

SECTION 31. Amends Sections 30.002(c) and (f), Education Code, to make conforming changes.

SECTION 32. Amends Section 30.021(b), Education Code, to make a conforming change.

SECTION 33. Amends Section 30.057(a), Education Code, to make a conforming change.

SECTION 34. Amends Section 30A.007(b), Education Code, to make a conforming change.

SECTION 35. Amends Section 33.081(e), Education Code, to make a conforming change.

SECTION 36. Amends Section 37.001(b-1), Education Code, to make a conforming change.

SECTION 37. Amends Section 37.0021(d), Education Code, to make a conforming change.

SECTION 38. Amends Sections 37.004(a) and (b), Education Code, to make conforming changes.

SECTION 39. Amends Section 37.105(e), Education Code, to make a conforming change.

SECTION 40. Amends Section 37.307(b), Education Code, to make conforming changes.

SECTION 41. Amends Sections 39.023(b), (c), and (d), Education Code, to make conforming changes.

SECTION 42. Amends Section 39.025(a-4), Education Code, to make a conforming change.

SECTION 43. Amends Section 661.906, Government Code, as follows:

Sec. 661.906. FOSTER PARENTS. Makes a conforming change to this section.

SECTION 44. Repealer: Section 29.301(1) (relating to defining "admission, review, and dismissal committee"), Education Code.

SECTION 45. Effective date: September 1, 2023.