88R8828 AMF-D

By:  Garcia H.B. No. 3233

A BILL TO BE ENTITLED

AN ACT

relating to additional requirements for individualized education programs developed for children with autism or other pervasive developmental disorders.

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

SECTION 1.  Section 29.005, Education Code, is amended by adding Subsection (e-1) to read as follows:

(e-1)  For a child with autism or another pervasive developmental disorder, the committee must consider for inclusion in the child's individualized education program each strategy identified under commissioner rule as appropriate for autism or another pervasive developmental disorder and that is based on peer-reviewed, research-based educational programming practices. The committee shall determine whether each strategy considered is appropriate and practicable to include in the child's individualized education program. If the committee determines that a strategy is not appropriate or practicable to include in the child's individualized education program, the committee must include a written statement to that effect and the basis for that determination in the documentation for the child's individualized education program.

SECTION 2.  Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0053 to read as follows:

Sec. 29.0053.  ADDITIONAL PROGRAM REQUIREMENTS FOR STUDENTS WITH AUTISM OR ANOTHER PERVASIVE DEVELOPMENTAL DISORDER. (a) Not later than seven days before each meeting of an admission, review, and dismissal committee for a child with autism or another pervasive developmental disorder, a school district shall provide to the parent of the child written information regarding each strategy identified under commissioner rule as appropriate for autism or another pervasive developmental disorder and that is based on peer-reviewed, research-based educational programming practices.

(b)  At each meeting of an admission, review, and dismissal committee for a child with autism or another pervasive developmental disorder, the committee must consider each educational strategy adopted by the commissioner under Section 29.005(e-1) and determine whether the strategy is appropriate and practicable to include in the child's individualized education program. If the committee determines to not include a strategy in the child's program, the committee shall include instead a statement to that effect and the basis on which the determination was made.

(c)  If the child's parent is unable to speak English, a school district shall:

(1)  provide the parent with a written or audiotaped copy of the written information required under Subsection (a) translated into Spanish if Spanish is the parent's native language; or

(2)  if the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with the written information required under Subsection (a) translated into the parent's native language.

SECTION 3.  This Act applies beginning with the 2023-2024 school year.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.