

1-1 By: Rodríguez

S.B. No. 1259

1-2 (In the Senate - Filed March 11, 2015; March 17, 2015, read  
1-3 first time and referred to Committee on Education; May 5, 2015,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 11, Nays 0; May 5, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1259 By: Bettencourt

1-20 A BILL TO BE ENTITLED  
1-21 AN ACT

1-22 relating to the development of an individualized education program  
1-23 for a child in public school.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 29.001, Education Code, is amended to  
1-26 read as follows:

1-27 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and  
1-28 modify as necessary, a statewide design, consistent with federal  
1-29 law, for the delivery of services to children with disabilities in  
1-30 this state that includes rules for the administration and funding  
1-31 of the special education program so that a free appropriate public  
1-32 education is available to all of those children between the ages of  
1-33 three and 21. The statewide design shall include the provision of  
1-34 services primarily through school districts and shared services  
1-35 arrangements, supplemented by regional education service  
1-36 centers. The agency shall also develop and implement a statewide  
1-37 plan with programmatic content that includes procedures designed  
1-38 to:

1-39 (1) ensure state compliance with requirements for  
1-40 supplemental federal funding for all state-administered programs  
1-41 involving the delivery of instructional or related services to  
1-42 students with disabilities;

1-43 (2) facilitate interagency coordination when other  
1-44 state agencies are involved in the delivery of instructional or  
1-45 related services to students with disabilities;

1-46 (3) periodically assess statewide personnel needs in  
1-47 all areas of specialization related to special education and pursue  
1-48 strategies to meet those needs through a consortium of  
1-49 representatives from regional education service centers, local  
1-50 education agencies, and institutions of higher education and  
1-51 through other available alternatives;

1-52 (4) ensure that regional education service centers  
1-53 throughout the state maintain a regional support function, which  
1-54 may include direct service delivery and a component designed to  
1-55 facilitate the placement of students with disabilities who cannot  
1-56 be appropriately served in their resident districts;

1-57 (5) allow the agency to effectively monitor and  
1-58 periodically conduct site visits of all school districts to ensure

2-1 that rules adopted under this section are applied in a consistent  
 2-2 and uniform manner, to ensure that districts are complying with  
 2-3 those rules, and to ensure that annual statistical reports filed by  
 2-4 the districts and not otherwise available through the Public  
 2-5 Education Information Management System under Section 42.006[7]  
 2-6 are accurate and complete;

2-7 (6) ensure that appropriately trained personnel are  
 2-8 involved in the diagnostic and evaluative procedures operating in  
 2-9 all districts and that those personnel routinely serve on district  
 2-10 admissions, review, and dismissal committees;

2-11 (7) ensure that an individualized education program  
 2-12 for each student with a disability is properly developed,  
 2-13 implemented, and maintained in the least restrictive environment  
 2-14 that is appropriate to meet the student's educational needs;

2-15 (8) ensure that, when appropriate, each student with a  
 2-16 disability is provided an opportunity to participate in career and  
 2-17 technology and physical education classes, in addition to  
 2-18 participating in regular or special classes;

2-19 (9) ensure that each student with a disability is  
 2-20 provided necessary related services;

2-21 (10) ensure that an individual assigned to act as a  
 2-22 surrogate parent for a child with a disability, as provided by 20  
 2-23 U.S.C. Section 1415(b), is required to:

2-24 (A) complete a training program that complies  
 2-25 with minimum standards established by agency rule;

2-26 (B) visit the child and the child's school;

2-27 (C) consult with persons involved in the child's  
 2-28 education, including teachers, caseworkers, court-appointed  
 2-29 volunteers, guardians ad litem, attorneys ad litem, foster parents,  
 2-30 and caretakers;

2-31 (D) review the child's educational records;

2-32 (E) attend meetings of the child's admission,  
 2-33 review, and dismissal committee;

2-34 (F) exercise independent judgment in pursuing  
 2-35 the child's interests; and

2-36 (G) exercise the child's due process rights under  
 2-37 applicable state and federal law; and

2-38 (11) ensure that each district develops a process to  
 2-39 be used by a teacher who instructs a student with a disability in a  
 2-40 regular classroom setting:

2-41 (A) to request a review of the student's  
 2-42 individualized education program;

2-43 (B) to provide input in the development of the  
 2-44 student's individualized education program;

2-45 (C) that provides for a timely district response  
 2-46 to the teacher's request; and

2-47 (D) ~~(C)~~ that provides for notification to the  
 2-48 student's parent or legal guardian of that response.

2-49 SECTION 2. Section 29.005, Education Code, is amended by  
 2-50 amending Subsections (a) and (c) and adding Subsection (b-1) to  
 2-51 read as follows:

2-52 (a) Before a child is enrolled in a special education  
 2-53 program of a school district, the district shall establish a  
 2-54 committee composed of the persons required under 20 U.S.C. Section  
 2-55 1414(d) [~~1401(11)~~] to develop the child's individualized education  
 2-56 program. If a committee is required to include a regular education  
 2-57 teacher, the regular education teacher included must, to the extent  
 2-58 practicable, be a teacher who is responsible for implementing a  
 2-59 portion of the child's individualized education program.

2-60 (b-1) The written statement of the individualized education  
 2-61 program must document the decisions of the committee with respect  
 2-62 to issues discussed at each committee meeting. The written  
 2-63 statement must include:

2-64 (1) the date of the meeting;

2-65 (2) the name, position, and signature of each member  
 2-66 participating in the meeting; and

2-67 (3) an indication of whether the child's parents, the  
 2-68 adult student, if applicable, and the administrator agreed or  
 2-69 disagreed with the decisions of the committee.

3-1 (c) If the individualized education program is not  
3-2 developed by agreement, the written statement of the program  
3-3 required under 20 U.S.C. Section 1414(d) [~~1401(11)~~] must include  
3-4 the basis of the disagreement. Each member of the committee who  
3-5 disagrees with the individualized education program developed by  
3-6 the committee is entitled to include a statement of disagreement in  
3-7 the written statement of the program.

3-8 SECTION 3. This Act applies beginning with the 2015-2016  
3-9 school year.

3-10 SECTION 4. This Act takes effect immediately if it receives  
3-11 a vote of two-thirds of all the members elected to each house, as  
3-12 provided by Section 39, Article III, Texas Constitution. If this  
3-13 Act does not receive the vote necessary for immediate effect, this  
3-14 Act takes effect September 1, 2015.

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