

By: Huberty

H.B. No. 3369

A BILL TO BE ENTITLED

AN ACT

relating to the statewide plan for special education and assistance to public school districts in providing special education programs.

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

SECTION 1. Section 8.051(d), Education Code, is amended to read as follows:

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in:

(A) teaching each subject area assessed under Section 39.023; and

(B) providing instruction in personal financial literacy as required under Section 28.0021;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.152, 42.153, or 42.156;

(3) assistance specifically designed for a school district or campus assigned an unacceptable performance rating under Section 39.054;

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5) assistance specifically designed for a school

1 district that is considered:

2 (A) out of compliance with state or federal
3 special education requirements, based on the agency's most recent
4 compliance review of the district's special education programs; or

5 (B) in need of intervention or substantial
6 intervention based on the agency's most recent determination
7 regarding the district's special education programs under 34 C.F.R.
8 Section 300.600(a)(2); and

9 (6) assistance in complying with state laws and rules.

10 SECTION 2. Section 29.001, Education Code, is amended to
11 read as follows:

12 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and
13 modify as necessary, a statewide design, consistent with federal
14 law, for the delivery of services to children with disabilities in
15 this state that includes rules for the administration and funding
16 of the special education program so that a free appropriate public
17 education is available to all of those children between the ages of
18 three and 21. The statewide design shall include the provision of
19 services primarily through school districts and shared services
20 arrangements, supplemented by regional education service centers.
21 The agency shall also develop and implement a statewide plan with
22 programmatic content that includes procedures designed to:

23 (1) ensure state compliance with requirements for
24 supplemental federal funding for all state-administered programs
25 involving the delivery of instructional or related services to
26 students with disabilities;

27 (2) facilitate interagency coordination when other

1 state agencies are involved in the delivery of instructional or
2 related services to students with disabilities;

3 (3) periodically assess statewide personnel needs in
4 all areas of specialization related to special education and pursue
5 strategies to meet those needs through a consortium of
6 representatives from regional education service centers, local
7 education agencies, ~~[and]~~ institutions of higher education, the
8 Texas Higher Education Coordinating Board, and the State Board for
9 Educator Certification and through other available alternatives;

10 (4) ensure that regional education service centers
11 throughout the state maintain a regional support function, which
12 may include direct service delivery and a component designed to
13 facilitate the placement of students with disabilities who cannot
14 be appropriately served in their resident districts;

15 (5) allow the agency to effectively monitor and
16 periodically conduct site visits of all school districts to ensure
17 that rules adopted under this section are applied in a consistent
18 and uniform manner, to ensure that districts are complying with
19 those rules, and to ensure that annual statistical reports filed by
20 the districts and not otherwise available through the Public
21 Education Information Management System under Section 42.006 are
22 accurate and complete;

23 (6) ensure that ~~[appropriately trained]~~ personnel
24 ~~[are]~~ involved in the diagnostic and evaluative procedures
25 operating in all districts;

26 (A) are appropriately trained, including
27 training in linguistic and culturally appropriate evaluations;

1 (B) have appropriate assessment instruments
2 available, including assessment instruments in languages other
3 than English to the extent possible; and

4 (C) [~~that those personnel~~] routinely serve on
5 district admissions, review, and dismissal committees;

6 (7) ensure that an individualized education program
7 for each student with a disability is properly developed,
8 implemented, and maintained in the least restrictive environment
9 that is appropriate to meet the student's educational needs;

10 (8) ensure that, when appropriate, each student with a
11 disability is provided an opportunity to participate in career and
12 technology and physical education classes, in addition to
13 participating in regular or special classes;

14 (9) ensure that each student with a disability is
15 provided necessary related services;

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

19 (A) complete a training program that complies
20 with minimum standards established by agency rule;

21 (B) visit the child and the child's school;

22 (C) consult with persons involved in the child's
23 education, including teachers, caseworkers, court-appointed
24 volunteers, guardians ad litem, attorneys ad litem, foster parents,
25 and caretakers;

26 (D) review the child's educational records;

27 (E) attend meetings of the child's admission,

1 review, and dismissal committee;

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

4 (G) exercise the child's due process rights under
5 applicable state and federal law; and

6 (11) ensure that each district develops a process to
7 be used by a teacher who instructs a student with a disability in a
8 regular classroom setting:

9 (A) to request a review of the student's
10 individualized education program;

11 (B) to provide input in the development of the
12 student's individualized education program;

13 (C) that provides for a timely district response
14 to the teacher's request; and

15 (D) that provides for notification to the
16 student's parent or legal guardian of that response.

17 SECTION 3. This Act applies beginning with the 2017-2018
18 school year.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2017.