

BILL ANALYSIS

Senate Research Center
78R10770 CAS-D

H.B. 1339
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Education
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Engrossed

DIGEST AND PURPOSE

Currently, Texas law requires a full individual and initial evaluation of a student for purposes of special education services to be completed no later than the 60th calendar day following the date on which the referral for evaluation was initiated by school personnel, the student's parent or legal guardian or another appropriate person. This triggering date is not consistent with other state and federal requirements. Federal law requires that any initial evaluation be conducted only upon receipt of parental consent obtained following a full explanation of procedural safeguards and no evaluation can take place until such consent is obtained. The school district may be left with a very short period of time between the date consent is obtained and the date the evaluation is actually completed, given the 60-day time period requirement. The time lag in awaiting parental consent has resulted in school districts being found in violation of the 60-day requirement. H.B. 1339 clarifies the administrative process regarding special education evaluations for school districts by coordinating the evaluation date with federal guidelines.

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 the heading to Section 26.0081, Education Code, to read as follows:

Sec. 26.0081. RIGHT TO INFORMATION CONCERNING SPECIAL EDUCATION AND EDUCATION OF STUDENTS WITH LEARNING DIFFICULTIES.

SECTION 2. Amends Section 26.0081, Education Code, by adding Subsection (c), to require the Texas Education Agency to produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. Requires the explanation to state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Section 29.004 (Full Individual and Initial Evaluation). Requires each district, each school year, to provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means.

SECTION 3. Amends Section 29.004, Education Code, as follows:

Sec. 29.004. FULL INDIVIDUAL AND INITIAL EVALUATION. (a) Creates this subsection from existing text. Requires a written report of a full individual and initial evaluation of a student for purposes of special education services to be completed not later than the 60th calendar day following the date on which the school district, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent, rather than a referral, for the evaluation, signed by the student's parent or legal guardian. Deletes text referring to the party who initiates the evaluation.

(b) Creates this subsection from existing text.

SECTION 4. (a) Requires each school district to provide the explanation required under Section

26.0081(c), Education Code, as added by this Act, beginning with the 2004-2005 school year.

(b) Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2003.