

BILL ANALYSIS

Senate Research Center
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S.B. 139
By: Rodríguez
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 139 amends current law relating to a notice of educational rights and recovery by school districts and open-enrollment charter schools of costs for certain student evaluations.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.023, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.023, as follows:

Sec. 29.023. NOTICE OF RIGHTS; COST RECOVERY PROGRAM. (a) Requires the Texas Education Agency (TEA) to develop a notice for distribution as provided by Subsection (c) and posting on the TEA Internet website that indicates:

(1) the change made from 2016 to 2017 in reporting requirements for school districts and open-enrollment charter schools regarding the special education representation indicator adopted in the Performance-Based Monitoring Analysis System Manual; and

(2) in plain language, the rights of a child under both federal and state law and the general process available to initiate a referral of a child for a full individual and initial evaluation under Section 29.004 (Full Individual and Initial Evaluation) to determine the child's eligibility for special education services.

(b) Requires a school district or open-enrollment charter school to include in the notice developed by TEA under Subsection (a) information indicating where the local processes and procedures for initiating a referral for special education services eligibility evaluation may be found.

(c) Requires each school district or open-enrollment charter school, by a date established by the commissioner of education (commissioner), to provide the notice to the parent of each child who attends school in the district or at the school at any time during the 2019–2020 school year. Requires a school district or open-enrollment charter school to also make the notice available on request to any person. Requires the notice to be available in English and Spanish, and requires a school district or open-enrollment charter school to make a good faith effort to provide the notice in the parent's native language if the parent's native language is a language other than English or Spanish.

(d) Provides that the notice is in addition to requirements imposed by Section 26.0081 (Right to Information Concerning Special Education and Education of Students With Learning Difficulties).

(e) Requires TEA to establish a reimbursement fund from federal funds available for this purpose, beginning with the 2019–2020 school year, from which school districts and open-enrollment charter schools may apply and receive cost reimbursement if the district or school experiences a significant increase from the preceding school year in the number of full individual and initial evaluations conducted under Section 29.004. Provides that a decision by the commissioner to provide reimbursement from the fund is final and may not be appealed.

(f) Authorizes the commissioner to adopt rules necessary to implement this section.

(g) Provides that this section expires September 1, 2023.

SECTION 2. Effective date: upon passage or September 1, 2019.