New Rules!  
New Laws!

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89.1050: ARD Membership

- T.E.A. dropped the requirement that the general ed teacher be one who is responsible for implementing a portion of the IEP. They went with the federal language, that this person must be a teacher “of the student.”

SB 1259 ARD Membership

- Amends TEC § 29.005
- If a student’s ARD committee includes a regular education teacher, the teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student’s IEP.
SB 1259 Teacher Input into IEP
- Amends TEC § 29.001.
- The District must develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting to provide input in the development of the student's IEP.

89.1050: Notice of ARDs
- Prior rule 89.1045 required notice of ARD “in accordance with...34 CFR 300.503.” This effectively incorporated the elements of Prior Written Notice into the ARD notice.
- That rule is now repealed. New rule requires compliance with 300.322, the rule specifically about ARD meetings.
- What the Agency said...SEE NEXT SLIDE!

About Notice of ARD....
- Advocate organizations asked TEA to continue to incorporate the PWN regulation.
- TEA: “...the agency disagrees with the recommendation to add a reference to 34 CFR 300.503, because it relates to prior written notice, which differs from notice of an ARD committee meeting.” (Emphasis added).
Refusing to Hold ARD: 89.1050(e)

- Prior rule: if parents request an ARD, school must either have an ARD or seek assistance from TEA’s mediation process. 89.1045.
- That’s gone.
- New rule: If a written request is made, school must either have the meeting or, within five school days, provide written notice explaining why the district refuses. PWN standards do not apply.

ARDs: One More Change

- If parents cannot participate in person, you must permit participation through other means, such as telephone or video conferencing. 89.1050(d).

Agree or Disagree

- New rule drops the requirement that each member must “agree or disagree.”
- “Because the requirements in the current 89.1050(e) such as...indicating each member's agreement or disagreement...are not required by state or federal law, the agency cannot impose such requirements in rule.”
- Federal law never required “agree/disagree.”
SB 1259 IEP requirements

- A student's IEP document must include:
  - The date of the meeting,
  - The name, position, and signature of each member participating in the meeting; and
  - An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions.
- Each ARD committee member who disagrees is entitled to include a written statement in the IEP.

The Non-Consensus Meeting: 89.1050(f)

- Parent retains the right to call for a recess—one time.
- Same exceptions apply—DAEP or expellable offenses, and danger of physical harm.
- Parties can agree to recess more than 10 days.
- Only the “parent” who disagrees, not the “members” must be given the opportunity to produce a written statement.

What Do We Translate?

- If the parent is unable to speak English, and the native language is Spanish, it's the IEP—not the ARD meeting—that must be translated. 89.1050(h).
- All text in IEP accurately translated
- The same is true for parents whose native language is neither English nor Spanish, but the requirement is to make a “good faith effort” to translate orally or other means in native language or other mode of communication
Restraint: 89.1053

- Restraint rules apply to peace officers only if they are employed or commissioned by the school, or serving as SRO and providing “regular police presence” as per MOU. Data reporting applies to all restraints.
- Agency declined other changes from advocates.
- Mostly repeats what is already in statute, at TEC § 37.0021(h) and (i).

89.1055: IEP

- TEA refused to require that a BIP must be based on a FBA.
- The rule also takes account of state transition requirements that kick in at age 14 and the federal requirements that start at age 16. Thus we have two subsections on transition—one for state (14) and one federal (16).

HB 440 Adapting PE Curriculum

- Amends TEC § 28.002(d).
- Prior law required the SBOE to ensure that TEKS for the PE curriculum met the needs of students with all physical ability levels, including students who have a disability. This bill requires the PE curriculum to accommodate the needs of students who are eligible for special education under state and federal law.
Other Items of Interest

- Video cameras in the special education classroom
- Campus Behavior Coordinators

Video cameras in classroom

- Starting 2016-2017 school year
- Expect guidance from Commissioner
- For now, regular video or audio recording in classroom still prohibited unless written parental consent received (see TEC § 26.009)

The CBC

- Every campus must identify a CBC
- Duties set by campus or district policy; if none, the law spells it out
- Primary responsibility has to do with student discipline and behavior
- E.g., promptly notifying parents regarding discipline removals