

BILL ANALYSIS

Senate Research Center
81R10839 CAS-D

S.B. 1577
By: Shapiro
Education
4/5/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With the passage of H.B. 1919 (80th Legislature, Regular Session, 2007), which provided insurance coverage for certain therapies for children with autism and the Department of Assistive and Rehabilitative Services autism program, more children are accessing supplemental services outside of schools. The services include applied behavior analysis (ABA), speech therapy, and occupational therapy. Often, these services occur during the school day. Despite the allowance in current law for an excused absence resulting from a health care professional, some districts file truancy charges against parents of an autistic child. As a result, parents face a choice of providing appropriate therapies for their child or being prosecuted in truancy court.

As proposed, S.B. 1577 provides that a temporary absence for purposes of Section 25.087(b)(2) (relating to a school district excusing a student from attending school for a temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment), Education Code, includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.

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 Section 25.087, Education Code, by adding Subsection (b-3), to provide that a temporary absence for purposes of Subsection (b)(2) (regarding a school district excusing a student from attending school for a temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment) includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health care practitioner, as described by Section 1355.015(b) (regarding the requirement that a health benefit plan provide coverage for all generally recognized services prescribed in relation for a child diagnosed with autism spectrum disorder), Insurance Code, to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.

SECTION 2. Effective date: upon passage or September 1, 2009.