

BILL ANALYSIS

S.B. 673
By: Zaffirini
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, each school board in Texas has discretion over the general graduation policies for their district. The general graduation policies for various districts in Texas lack consistency.

Gene "Scooter" Garrett brought his case to the Dallas School Board in the spring of 2002, because he wanted to participate in graduation with the students who had been his classmates since first grade. Scooter was one of the first Dallas Independent School District students to join an individualized education program (IEP) that places students with disabilities in mainstream classes and he had been participating in IEP for 12 years. Scooter had obtained the signatures of 112 classmates, but the school board did not allow Scooter to participate in graduation ceremonies because he was not actually graduating. The case went to federal court, which ruled in favor of the school district, stating that "the local policy restricting participation in the graduation ceremony is within the school board's discretion."

In June of 2006, the White House intervened in a similar case regarding Alicia Vitiello, a New Jersey student with Down syndrome. Olegario Cantos, VII, the Bush administration's associate director for domestic policy and former general counsel for the American Association of People with Disabilities, sent the case to the U.S. Department of Education for review and pledged to personally follow Alicia's case. In 2005, the New Jersey Department of Education requested that districts adopt inclusive graduation policies that would allow students like Alicia to walk at commencement, even though the final decision was still left up to local school boards. Legislation to require all school boards to allow commencement participation by program students has passed in Pennsylvania and Illinois.

As proposed, S.B. 673 allows a student in an IEP who has completed the fourth year of high school to participate in graduation ceremonies even though the student may continue with IEP beyond the fourth year. This bill does not allow such a student to receive an official diploma until he or she has completed IEP.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill provides that a school district to issue a certificate of attendance to a student who receives special education services under Subchapter A, Chapter 29, of the Education Code, and who has completed four years of high school but has not completed the student's individualized education program. The bill further provides that a school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas, and also provides that a student to which this provision applies may participate in only one graduation ceremony. Finally, the bill provides that this subsection does not preclude a student from receiving a diploma under Subsection (c)(2) of Section 28.025, Education Code (regarding receiving a high school diploma upon completing an individualized education program for special education students).

The provisions of this bill apply beginning with the 2006-2007 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

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