

BILL ANALYSIS

S.B. 1490
By: Watson
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Individuals with Disabilities Education Act (IDEA) is a federal law that ensures that students with disabilities receive appropriate public education in the least restrictive environment. An important component of this law is that it promotes parental participation in a child's education. Section 26.0081 (Right to Information Concerning Special Education and Education of Students with Learning Difficulties), Education Code, requires the Texas Education Agency (TEA) to produce and provide to school districts sufficient copies of a comprehensive, easily understood document that explains the process by which an individualized education program (IEP) is developed for a student in a special education program and the rights and responsibilities of a parent in the process. To implement this requirement, *A Guide to the Admission, Review, and Dismissal Process* (ARD Process Guide) was produced, which contains information parents need to effectively participate in an admission, review, and dismissal committee meeting for their child. The ARD Process Guide was produced with the guidance of a group of parents, educators, other professional service providers, advocates, and information compiled from a statewide public meeting.

According to Advocacy, Inc., the ARD Process Guide has not been updated since 2002, although major changes were made to the federal law during 2004. It has been reported that TEA's reason for not updating the ARD Process Guide is that the law does not require it to do so.

This bill requires TEA to update the ARD Process Guide within a specific timeframe when the law changes.

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 relates to information that must be provided to the parent of a public school student enrolled in a special education program.

The bill amends Section 26.0081, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (d), which provide that the Texas Education Agency (agency) shall produce and provide to school districts sufficient copies of a comprehensive, easily understood document that explains the process by which an individualized education program is developed for a student in a special education program and the rights and responsibilities of a parent concerning the process. The document must include information a parent needs to effectively participate in an admission, review, and dismissal committee meeting for the parent's child. The agency shall routinely update the document so that the document includes current state and federal law and shall provide the updated version to school districts. On receipt of an updated document, a school district shall provide a copy of the document to the parent of a student enrolled in a special education program. The agency shall update the document not later than: (1) the first anniversary of the effective date of a change in federal law under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) relating to the development or content of an individualized education program; (2) the 180th day after the effective date of a change in federal regulations under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) relating to the development or content of an individualized education program; or (3) the 180th day after the effective date of a change in state law or rules relating to

the development or content of an individualized education program. If S.B. No. 1490, Acts of the 80th Legislature, Regular Session, 2007, takes effect before September 1, 2007, the agency shall adopt a new document under the provisions described above and distribute the document to school districts not later than September 1, 2007, and a school district shall distribute the document to the parent of a child enrolled in a special education program not later than October 1, 2007. If S.B. No. 1490, Acts of the 80th Legislature, Regular Session, 2007, takes effect September 1, 2007, the agency shall adopt a new document under the provisions described above and distribute the document to school districts not later than December 1, 2007, and a school district shall distribute the document to the parent of a child enrolled in a special education program not later than January 1, 2008. At the annual meeting of a student's admission, review, and dismissal committee, a school district must provide written notice to the parent of a student with an individualized education program that a current copy of the document required by Section 26.0081 is available to the parent on the request of the parent. A school district must also include the notice in the district's student handbook. If a school district maintains an Internet website, the district shall post on the website an Internet link for accessing the document on the agency's Internet website.

EFFECTIVE DATE

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