

BILL ANALYSIS

Senate Research Center
80R13649 CAE-F

C.S.S.B. 1490
By: Watson
Education
4/4/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 parent 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.

C.S.S.B. 1490 requires TEA to update the ARD Process Guide within a specific timeframe when the law changes.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.0081, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (d), as follows:

(a) Requires the Texas Education Agency (TEA) to routinely update the document [which explains the process by which an individualized education program is developed for a student and the parent's rights and responsibilities in the process] (document) so that the document includes current state and federal law. Requires TEA to provide the updated version to school districts. Requires a school district to provide a copy of the document to the parent of a student enrolled in a special education program, on receipt of an updated document. Requires TEA to update the document not later than certain dates.

(a-1) Requires TEA to adopt a new document under Subsection (a) and distribute the document to school districts not later than September 1, 2007, and requires a school district to distribute the document to the parent of a child enrolled in a special education program not later than October 1, 2007, if S.B. 1490, Acts of the 80th Legislature, Regular Session, 2007, takes effect before September 1, 2007. Requires TEA to adopt a new document under Subsection (a) and distribute the document to school districts not later than December 1, 2007, and requires a school district to distribute the document to the parent of a child enrolled in a special education program not later than January 1,

2008, if S.B. 1490, Acts of the 80th Legislature, Regular Session, 2007, takes effect September 1, 2007. Provides that this subsection expires January 31, 2008.

(d) Requires a school district, at the annual meeting of a student's admission, review, and dismissal committee, to provide written notice to the parent of a student with an individualized education program that a current copy of the document required by this section (Right to Information Concerning Special Education and Education of Students with Learning Difficulties) is available to the parent on the request of the parent. Requires a school district to also include the notice in the district's student handbook. Requires the school district, if the district maintains an Internet website, to post an Internet link for accessing the document on TEA's Internet website.

SECTION 2. Effective date: upon passage or September 1, 2007.