

1-1 By: Watson S.B. No. 1328
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Education; April 26, 2011,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 8, Nays 0; April 26, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1328 By: Gallegos

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to optional dispute resolution methods regarding
1-10 educational services for students with a disability, including
1-11 individualized education program facilitation.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 29, Education Code, is
1-14 amended by adding Sections 29.019 and 29.020 to read as follows:

1-15 Sec. 29.019. OPTIONAL DISPUTE RESOLUTION. (a) The agency
1-16 and each school district shall provide information to parents
1-17 regarding optional dispute resolution methods that may be used when
1-18 a dispute arises between the district and a parent of a student with
1-19 a disability. The information:

1-20 (1) must be included with other information provided
1-21 to the parent of a student with a disability; and

1-22 (2) may be provided in a written or electronic format.

1-23 (b) Information provided by the agency under this section
1-24 must indicate that individualized education program facilitation
1-25 is an optional dispute resolution method that some districts may
1-26 choose to provide on a voluntary basis.

1-27 (c) If a school district chooses to offer individualized
1-28 education program facilitation as an optional dispute resolution
1-29 method:

1-30 (1) the district may determine whether to offer
1-31 facilitation through an independent facilitator, through a
1-32 district employee serving as a facilitator, or through a
1-33 combination of those methods;

1-34 (2) the information provided by the district under
1-35 this section must include a description of any applicable
1-36 procedures for requesting the facilitation; and

1-37 (3) the facilitation must be provided at no cost to a
1-38 parent.

1-39 (d) The use or availability of an optional dispute
1-40 resolution method, including individualized education program
1-41 facilitation, may not in any manner be used to deny or delay the
1-42 right to pursue a special education complaint, mediation, or due
1-43 process hearing in accordance with federal law.

1-44 (e) The commissioner shall adopt rules necessary to
1-45 implement this section.

1-46 Sec. 29.020. INDEPENDENT INDIVIDUALIZED EDUCATION PROGRAM
1-47 FACILITATION. (a) The agency shall develop criteria and
1-48 procedures in accordance with this section applicable to
1-49 independent individualized education program facilitation provided
1-50 by the agency or a school district or regional education service
1-51 center. If the agency or a school district or regional education
1-52 service center chooses to provide independent individualized
1-53 education program facilitation, the facilitation must comply with
1-54 the criteria and procedures developed under this section.

1-55 (b) The criteria and procedures must include:

1-56 (1) a definition of independent individualized
1-57 education program facilitation;

1-58 (2) forms for implementing independent individualized
1-59 education program facilitation;

1-60 (3) training requirements for independent
1-61 facilitators; and

1-62 (4) an evaluation process through which information
1-63 may be collected regarding the implementation and effectiveness of

2-1 independent individualized education program facilitation provided
2-2 by the agency or a school district or regional education service
2-3 center.

2-4 (c) If the commissioner determines that adequate funding is
2-5 available, the commissioner may authorize the use of state or
2-6 federal funds to assist school districts and regional education
2-7 service centers in providing independent individualized education
2-8 program facilitation.

2-9 (d) Each regional education service center shall maintain a
2-10 list of independent facilitators who meet the criteria described by
2-11 Subsection (b)(3) and make the list available to school districts
2-12 and parents who choose to use independent individualized education
2-13 program facilitation.

2-14 (e) The commissioner shall adopt rules necessary to
2-15 implement this section.

2-16 SECTION 2. Not later than January 1, 2013, the Texas
2-17 Education Agency shall submit a report to the legislature regarding
2-18 the implementation and effectiveness of individualized education
2-19 program facilitation, including facilitation provided by an
2-20 independent facilitator and facilitation provided by a school
2-21 district employee acting as a facilitator.

2-22 SECTION 3. This Act applies beginning with the 2011-2012
2-23 school year.

2-24 SECTION 4. This Act takes effect immediately if it receives
2-25 a vote of two-thirds of all the members elected to each house, as
2-26 provided by Section 39, Article III, Texas Constitution. If this
2-27 Act does not receive the vote necessary for immediate effect, this
2-28 Act takes effect September 1, 2011.

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