

BILL ANALYSIS

S.B. 542
By: Watson
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that there is currently no consistent statewide information provided to parents of students with disabilities about individualized education program facilitation, an alternative dispute resolution method regarding educational services for such students, despite the method being widely used and part of the array of methods recommended by certain national entities. The parties emphasize the importance of providing the information about the method and developing a statewide criteria for the method to ensure its availability and to allow the state to measure its effectiveness and quality.

S.B. 542 seeks to build on the work of the Texas Education Agency and disability advocates across the state by making individualized education program facilitation more available.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education and to the Texas Education Agency in SECTION 1 of this bill.

ANALYSIS

S.B. 542 amends the Education Code to require the Texas Education Agency (TEA) to provide information to parents regarding individualized education program facilitation as an alternative dispute resolution method that may be used to avoid a potential dispute between a school district and a parent of a student with a disability. The bill requires a district that chooses to use individualized education program facilitation to provide information to parents regarding such facilitation and sets out the manner in which the information is to be provided. The bill requires the information to indicate that individualized education program facilitation is an alternative dispute resolution method that some districts may choose to provide.

S.B. 542 authorizes a school district, if a school district chooses to offer individualized education program facilitation, to determine whether to use independent contractors, district employees, or other qualified individuals as facilitators; requires the information provided by the district to include a description of any applicable procedures for requesting the facilitation; and requires the facilitation to be provided at no cost to a parent. The bill requires the use of any alternative dispute resolution method to be voluntary on the part of the participants and prohibits the use or availability of any such method from being used in any manner to deny or delay the right to pursue a special education complaint, mediation, or due process hearing in accordance with federal law. The bill clarifies that its provisions do not prohibit a school district from using individualized education program facilitation as the district's preferred method of conducting initial and annual admission, review, and dismissal committee meetings. The bill requires the commissioner of education to adopt rules necessary to implement individualized education program facilitation.

S.B. 542 requires TEA to develop rules applicable to the administration of a state individualized education program facilitation project and requires the program to include the provision of an

independent individualized education program facilitator to facilitate an admission, review, and dismissal committee meeting with parties who are in a dispute about decisions relating to the provision of a free appropriate public education to a student with a disability. The bill requires facilitation implemented under the project to comply with TEA's developed rules and sets out certain matters that must be included in the rules. The bill authorizes the commissioner, if the commissioner determines that adequate funding is available, to use federal funds to implement the individualized education program facilitation project. The bill requires the commissioner to adopt rules necessary to implement the individualized education program facilitation project. The bill's provisions apply beginning with the 2014-2015 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.