

1-1 By: Watson, Lucio S.B. No. 542  
1-2 (In the Senate - Filed February 13, 2013; February 20, 2013,  
1-3 read first time and referred to Committee on Education;  
1-4 April 15, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 15, 2013,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Patrick	X			
1-10	Lucio	X			
1-11	Campbell	X			
1-12	Duncan			X	
1-13	Paxton	X			
1-14	Seliger			X	
1-15	Taylor	X			
1-16	Van de Putte	X			
1-17	West	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 542 By: Lucio

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to alternative dispute resolution methods regarding  
1-22 educational services for students with disabilities, including  
1-23 individualized education program facilitation.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter A, Chapter 29, Education Code, is  
1-26 amended by adding Sections 29.019 and 29.020 to read as follows:

1-27 Sec. 29.019. INDIVIDUALIZED EDUCATION PROGRAM  
1-28 FACILITATION. (a) The agency shall provide information to parents  
1-29 regarding individualized education program facilitation as an  
1-30 alternative dispute resolution method that may be used to avoid a  
1-31 potential dispute between a school district and a parent of a  
1-32 student with a disability. A district that chooses to use  
1-33 individualized education program facilitation shall provide  
1-34 information to parents regarding individualized education program  
1-35 facilitation. The information:

1-36 (1) must be included with other information provided  
1-37 to the parent of a student with a disability, although it may be  
1-38 provided as a separate document; and

1-39 (2) may be provided in a written or electronic format.

1-40 (b) Information provided by the agency under this section  
1-41 must indicate that individualized education program facilitation  
1-42 is an alternative dispute resolution method that some districts may  
1-43 choose to provide.

1-44 (c) If a school district chooses to offer individualized  
1-45 education program facilitation as an alternative dispute  
1-46 resolution method:

1-47 (1) the district may determine whether to use  
1-48 independent contractors, district employees, or other qualified  
1-49 individuals as facilitators;

1-50 (2) the information provided by the district under  
1-51 this section must include a description of any applicable  
1-52 procedures for requesting the facilitation; and

1-53 (3) the facilitation must be provided at no cost to a  
1-54 parent.

1-55 (d) The use of any alternative dispute resolution method,  
1-56 including individualized education program facilitation, must be  
1-57 voluntary on the part of the participants, and the use or  
1-58 availability of any such method may not in any manner be used to  
1-59 deny or delay the right to pursue a special education complaint,  
1-60 mediation, or due process hearing in accordance with federal law.

(e) Nothing in this section prohibits 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.

(f) The commissioner shall adopt rules necessary to implement this section.

Sec. 29.020. INDIVIDUALIZED EDUCATION PROGRAM FACILITATION PROJECT. (a) The agency shall develop rules in accordance with this section applicable to the administration of a state individualized education program facilitation project. The program shall 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. Facilitation implemented under the project must comply with rules developed under this subsection.

(b) The rules must include:

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

(2) forms and procedures for requesting, conducting, and evaluating independent individualized education program facilitation;

(3) training, knowledge, experience, and performance requirements for independent facilitators; and

(4) conditions required to be met in order for the agency to provide individualized education program facilitation at no cost to the parties.

(c) If the commissioner determines that adequate funding is available, the commissioner may authorize the use of federal funds to implement the individualized education program facilitation project in accordance with this section.

(d) The commissioner shall adopt rules necessary to implement this section.

SECTION 2. This Act applies beginning with the 2014-2015 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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