

BILL ANALYSIS

Senate Research Center

S.B. 436
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 436 improves the Texas Special Education Continuing Advisory Committee (SECAC), a body intended to provide policy guidance to the Texas Education Agency (TEA) regarding special education and services for children with disabilities, by increasing transparency and opportunities for more robust public input.

The Individuals with Disabilities Education Act (IDEA) requires public involvement such as committees of parents, teachers, and school administrators. SECAC members are supposed to comment on TEA rules and regulations concerning education of children with disabilities, and advise TEA on, among other things, identifying unmet needs, developing evaluations and reporting data, and developing policies concerning services for children with disabilities.

However, interested special education stakeholders complain that, as SECAC is currently managed by TEA, the committee is difficult to contact, it provides little information to the public, discourages public input at meetings, and does not provide adequate public information about meetings or advice made by committee members. In particular, according to stakeholders, SECAC's website lacks meeting agendas and it is difficult for members of the public to know when the committee will next meet. Meeting notes are brief and uninformative, and are not posted in a timely fashion. Stakeholders also complain that SECAC unduly limits the public's ability to testify at meetings, strictly limiting the total number of members of the public that may testify and requiring that public comments be approved days in advance of a meeting.

These complaints are not new. During TEA's Sunset review in 2015, staff noted that TEA limits the public's involvement in advisory committees, and made specific recommendations for how TEA might implement a policy to encourage consequential stakeholder involvement in advisory committees. TEA agreed with these recommendations.

To better encourage public involvement, S.B. 436 requires that SECAC meetings be governed by the Texas Open Meetings Act. SECAC must also develop and biennially report on its policy to encourage public participation. SECAC would be prohibited from requiring members of the public to register any sooner than the day of their meeting. Additionally, SECAC must provide on its website contact information, including an email address, as well as post notice of each meeting, minutes from each meeting, and guidance on how to submit public comments. Finally, every legislative year SECAC must submit to the legislature recommended changes to state law and agency rules relating to special education. (Original Author's / Sponsor's Statement of Intent)

S.B. 436 amends current law relating to the operation of the special education continuing advisory committee.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.006, Education Code, by adding Subsections (d), (e), (f), (g), and (h), as follows:

(d) Requires that the special education continuing advisory committee (committee) meetings be conducted in compliance with Chapter 551 (Open Meetings), Government Code.

(e) Requires the committee to provide a procedure for members of the public to speak at committee meetings. Prohibits the procedure from requiring a member of the public to register to speak earlier than the day of the meeting.

(f) Requires the Texas Education Agency (TEA) to post on TEA's Internet website contact information for the committee, including an e-mail address, notice of each open meeting of the committee, minutes of each open meeting of the committee, and guidance concerning how to submit public comments to the committee.

(g) Requires the committee to develop a policy to encourage public participation with the committee.

(h) Requires the committee, not later than January 1 of each odd-numbered year, to submit a report to the legislature with recommended changes to state law and TEA rules relating to special education. Requires the committee to include the committee's current policy on encouraging public participation, as required by Subsection (g), in the report.

SECTION 2. Makes application of Section 29.006(d), Education Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2017.