

## **BILL ANALYSIS**

Senate Research Center

S.B. 1259  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1259 is intended to preserve important practices that support parents' and teachers' ability to actively participate in the process through which services for their special education students are determined.

S.B. 1788, 82nd Legislature, Regular Session, 2011 added a new subsection to the Education Code, Section 29.005(f), which provides that the written statement of a student's Individualized Education Program (IEP) may be required to include only information included in a model IEP form developed by the Texas Education Agency (TEA) and posted on TEA's website. The provision was intended to give school districts some reasonable ability to limit accommodations that would be included in an IEP, while retaining their discretion to include more accommodations than in the model. In fact, federal law requires the IEP planning committees to consider other factors in addition to what is included in the model IEP.

Interested parties contend that in rulemaking, which went into force January 2015, TEA used the 2011 legislation as authority to eliminate other rules relating to the IEP planning process. Some of these rules have been in place more than a decade.

S.B. 1259 restores several provisions previously adopted by rule. The bill requires that the regular education teacher who serves as a member of the IEP planning committee be a regular education teacher who is responsible for implementing a portion of the student's IEP. The bill requires that the committee develop a written report of the IEP planning committee which shall document the decisions of the committee, as well as indicate each member's agreement or disagreement with the committee's decisions. The member or members who disagree shall be offered the opportunity to their own statements of disagreement. Finally, the bill requires TEA to ensure that each school district develops a process to be used by a teacher who instructs a student with a disability in a regular classroom setting to provide input into the student's IEP. School districts would retain discretion in how they incorporate that input and no teacher would have the ability to unilaterally convene a new IEP planning committee.

As proposed, S.B. 1259 amends current law relating to the committee developing a student's individualized education plan, the written report of the committee, and a regular education teacher's opportunity for input into a student's individualized education plan.

### **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 Subchapter A, Section 29.001, Education Code, by amending Subsection (11), to ensure that each school district develops a process to be used by a teacher who instructs a student with a disability in a regular classroom setting to provide input into the student's individualized education program (IEP) and to make nonsubstantive changes.

SECTION 2. Amends Subchapter A, Section 29.005, Education Code, by amending Subsection (a), adding a new Subsection (c), amending Subsection (c) and renumbering the following subsections accordingly, as follows:

Sec. 29.005. INDIVIDUALIZED EDUCATION PROGRAM. (a) Requires a school district, before a child is enrolled in a special education program of the school district, to establish a committee composed of the persons required under 20 U.S.C. Section 1401(11) to develop the child's individualized education program. Provides that the regular education teacher who serves as a member of the committee should be a regular education teacher who is responsible for implementing a portion of the student's individualized education program.

(b) Makes no change to this subsection.

(c) Requires the committee to develop a written report of the ARD (admission, review, and dismissal) committee which shall document the decisions of the committee with respect to issues discussed at the meeting. Requires that the report include the date, names, positions, and signatures of the members participating in each meeting in accordance with 34 CFR, Sections 300.321, 300.322, 300.324, and 300.325. Requires that the report also indicate each member's agreement or disagreement with the committee's decisions.

(d) Redesignates existing Subsection (c) as Subsection (d). Requires the members who disagree to be offered the opportunity to write their own statements of disagreement.

(e)-(h) Redesignates existing Subsections (d)-(g) as Subsections (e)-(h), respectively, and makes no further changes.

SECTION 3. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 4. Effective date: upon passage or September 1, 2015.