

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1328  
By: Watson  
Education  
4/19/2011  
Committee Report (Substituted)

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

Individualized Education Program (IEP) facilitation takes place as part of the Admission, Review, and Dismissal (ARD) committee meeting. IEP facilitation builds and improves relationships between IEP team members, parents and schools, and provides opportunities to resolve conflicts.

The National Center for Appropriate Dispute Resolution in Special Education (CADRE) recommends that school districts provide a full array of alternative dispute resolution (ADR) options to help ensure a positive working relationship between districts and parents and provide students with an appropriate IEP. One of the most widely used optional ADR methods is IEP facilitation. IEP facilitation builds and improves relationships between IEP team members, parents and schools, provides opportunities to resolve conflicts, and supports all committee members to fully participate.

The Texas Education Agency (TEA) has provided grants to Regional Education Service Centers (ESCs) to provide training to school district staff and other interested individuals, including parents, on IEP facilitation to ensure schools and parents work together to develop an appropriate IEP for students with disabilities. TEA reports that over 4,000 school personnel, parents, ESC personnel and private consultants have participated in such training. TEA is also working on developing a survey for school district, parents, and facilitators on the outcomes of IEP facilitation. Some ESCs provide basic training on IEP facilitation and others offer both basic and advanced training.

Different methods of facilitation are used. District facilitation occurs when school personnel who normally lead an IEP or ARD meeting are trained in facilitation techniques, and facilitate the meeting. The district may also decide to provide other district personnel trained in facilitation techniques or who have received advanced training in facilitation to attend the meeting specifically to facilitate the meeting. Independent IEP facilitation occurs if the school decides it would be helpful to bring in an independent facilitator not employed by the school district to facilitate the meeting.

Currently there is no consistent statewide information provided to parents about IEP facilitation. There are no statewide definitions of Independent IEP Facilitation, nor consistent requirements or standards for independent facilitators. In order to ensure IEP facilitation is consistent throughout the state it is important to provide parents with consistent information and to develop statewide criteria for districts that choose to provide Independent IEP Facilitation. This consistency and criteria will allow the state to measure effectiveness and quality.

C.S.S.B. 1328 amends current law relating to optional dispute resolution methods regarding educational services for students with a disability, including individualized education program facilitation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Sections 29.019 and 29.020, Education Code) of this bill.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 29, Education Code, by adding Sections 29.019 and 29.020, as follows:

Sec. 29.019. **OPTIONAL DISPUTE RESOLUTION.** (a) Requires the Texas Education Agency (TEA) and each school district to provide information to parents regarding optional dispute resolution methods that may be used when a dispute arises between the district and a parent of a student with a disability. Provides that the information must be included with other information provided to the parent of a student with a disability, and may be provided in a written or electronic format.

(b) Requires that information provided by TEA under this section indicate that individualized education program facilitation is an optional dispute resolution method that some districts are authorized to choose to provide on a voluntary basis.

(c) Provides that if school district, if a school district chooses to offer individualized education program facilitation as an optional dispute resolution method:

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

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

(3) the facilitation must be provided at no cost to a parent.

(d) Prohibits the use or availability of an optional dispute resolution method, including individualized education program facilitation, from being in any manner used to deny or delay the right to pursue a special education complaint, mediation, or due process hearing in accordance with federal law.

(e) Requires the commissioner of education (commissioner) to adopt rules necessary to implement this section.

Sec. 29.020. **INDEPENDENT INDIVIDUALIZED EDUCATION PROGRAM FACILITATION.** (a) Requires TEA to develop criteria and procedures in accordance with this section applicable to independent individualized education program facilitation provided by TEA or a school district or regional education service center. Requires that the facilitation, if TEA or a school district or regional education service center chooses to provide independent individualized education program facilitation, comply with the criteria and procedures developed under this section.

(b) Requires that the criteria and procedures include :

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

(2) forms for implementing independent individualized education program facilitation;

(3) training requirements for independent facilitators; and

(4) an evaluation process through which information is authorized to be collected regarding the implementation and effectiveness of independent

individualized education program facilitation provided by TEA or a school district or regional education service center.

(c) Authorizes the commissioner, if the commissioner determines that adequate funding is available, to authorize the use of state or federal funds to assist school districts and regional education service centers in providing independent individualized education program facilitation.

(d) Requires each regional education service center to maintain a list of independent facilitators who meet the criteria described by Subsection (b)(3) and make the list available to school districts and parents who choose to use independent individualized education program facilitation.

(e) Requires the commissioner to adopt rules necessary to implement this section.

SECTION 2. Requires TEA, not later than January 1, 2013, to submit a report to the legislature regarding the implementation and effectiveness of independent individualized education program facilitation, including facilitation provided by an independent facilitator and facilitation provided by a school district employee acting as a facilitator.

SECTION 3. Provides that this Act applies beginning with the 2011-2012 school year.

SECTION 4. Effective date: upon passage or September 1, 2011.