

SUBJECT: Timeframe and informational requirements for special education evaluations

COMMITTEE: Public Education — committee substitute recommended

VOTE: 9 ayes — Grusendorf, Oliveira, Branch, Dawson, Dutton, Eissler, Griggs, Hochberg, Madden

0 nays

WITNESSES: *(On original version:)*

For — Chris Borreca and Cheryl Salyards, Texas Council of Administrators of Special Education, Texas Association of School Boards, Texas Association of School Administrators, and Texas Elementary Principals and Supervisors Association; Mary Beth King, Texas Association of School Boards and Plano ISD; Margaret Leifeste, Texas Educational Diagnosticians Association; JoHannah Whitsett, Association of Texas Professional Educators

Against — Rona Statman, The Arc of Texas

On — Kay Lambert, Advocacy, Inc.; Susan Maxwell, Texas Council for Developmental Disabilities

BACKGROUND: Under Education Code, sec. 29.004, school districts are required to provide a written report of a full, individual initial evaluation of a student for special education services within 60 days of when the referral was initiated by school personnel, the student's parents or legal guardian, or another appropriate person. Under federal law [20 U.S.C. sec. 1414(a)], the district is required to obtain the informed consent of the parent before conducting an initial evaluation.

Education Code, sec. 26.0081 requires the Texas Education Agency (TEA) to produce and provide to school districts a comprehensive, easily understood document explaining how an individualized program is developed for a student in a special education program and the rights and responsibilities of a parent concerning the process. The document must be given to parents as soon as practicable after a child is referred to determine eligibility for special

education, but no later than five days before the initial meeting of the admission, review, and dismissal committee.

DIGEST: CSHB 1339 would amend Education Code, sec. 29.004 to specify that a school district would have to conduct an initial evaluation for special education services within 60 days of receiving written consent for the evaluation signed by the student's parent or legal guardian.

This bill would amend Education Code, sec. 26.0081 to require that TEA produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation would state that parents would be entitled at any time to request an evaluation of their child. The information would have to be distributed to every public school student by its inclusion in the student handbook or by another means.

The bill would take effect September 1, 2003. School districts would be required to provide the explanation about students with learning disabilities beginning with the 2004-05 school year.

SUPPORTERS SAY: CSHB 1339 would align Texas statutes with federal law by making it clear that the 60-day period within which a school must complete an evaluation would begin only when a parent had provided written consent for the evaluation. Under federal law, school districts may not conduct an evaluation without the parent's written consent. Many parents do not understand the importance of this requirement, and sometimes do not provide written consent for an evaluation until the 60-day period is about to expire, by which time it can be very difficult for a school district to complete the evaluation by the statutory deadline. This bill would clarify in law the exact time at which the 60-day limitation would begin, thus eliminating confusion about when a school district would be required to complete its evaluation.

OPPONENTS SAY: CSHB 1339 would not go far enough in requiring school districts to notify parents about need to provide written consent for a special education evaluation in order to receive an evaluation within the 60-day time limit. Distributing this information to all students in the student code of conduct or another general publication would not adequately ensure that a parent whose child needed an evaluation would be aware of the written consent

requirement. Districts should have to inform parents of this requirement in writing or during a meeting between parents and school staff.

NOTES:

The committee substitute differs from the bill as introduced by requiring districts to distribute information regarding learning difficulties and special education to all parents.