

BILL ANALYSIS

Senate Research Center
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S.B. 811
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the federal Individuals with Disabilities Education Act (IDEA), public schools are required to provide parents of children with special educational needs information in the parent's native language. Federal law also requires that schools provide parents with copies of a child's individualized education program (IEP) at no cost. This is an important safeguard for parents to ensure that they are able to refer to a document that outlines the agreed-to services being provided their child.

Current Texas law additionally requires that school districts provide Spanish-speaking parents a written or audiotaped copy of the child's IEP translated into Spanish. If the parent's native language is a language other than Spanish, districts need only make a good-faith effort to provide a written or audiotaped copy of the translated IEP. The parent may elect what form of IEP they wish to receive.

Some school districts, rather than providing an audiotaped copy of just the required elements of the IEP, provide parents an audio recording of an entire IEP planning meeting, sometimes hours long. These recordings are wholly inadequate in ensuring that parents are advised of education services to be provided to their child; not only is the length of such a recording burdensome, but often translator voices on the recording can be faint or inaudible. Additionally, meetings themselves may not include discussion of all content that would be included in a written IEP.

The Texas Education Agency (TEA) has already recognized that simply recording an IEP planning meeting would not generally satisfy Texas law.

S.B. 811 specifies that, only in instances where a non-English speaking parent requests and receives a copy of their child's IEP in audio format, that recording would only contain the required elements of the IEP.

As proposed, S.B. 811 amends current law relating to providing a translated copy of a student's individualized education program to parents unable to speak English.

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 29.005, Education Code, by adding Subsection (d-1), as follows:

(d-1) Requires the district to provide the child's individualized education program in audiotape form if requested by the parent in compliance with Subsection (d). Authorizes that the audiotaped copy include only the child's individualized education program, including any component required under state or federal law.

SECTION 2. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 3. Effective date: upon passage or September 1, 2015.