



The Arc of Texas, a statewide non profit organization that advocates for people with intellectual and developmental disabilities fully supports SB 1490

Special Education Due Process **Hearings** are the last resort for resolving disputes between parents and school districts regarding how to best educate a student receiving special education services.

When parents and school districts disagree, the law provides for an administrative hearing to settle the differences. Currently, the Texas Education Agency contracts with private attorneys to serve as Hearing Officers. The contract Hearing Officers can do contract work for school districts, creating the appearance of a conflict of interest.

- During the 2006-2007 school year, 329 requests for a hearing were filed.
- There were decisions issued in 50 cases.
- Because of the inequity in the system parents rarely win on the substantive issues.
- As a result, many parents distrust the process and refuse to participate in it.

SB 1490 requires the Texas Education Agency (TEA) to enter into an interagency contract with the State Office of Administrative Hearings (SOAH) to conduct special education due process hearings.

- In 2005 the Texas Sunset Commission made the recommendation to move the TEA due process system to SOAH
- Currently, 13 states utilize a SOAH type agency to conduct their due process hearings.
- TEA would retain federally required oversight of the Due Process Hearing System
- SOAH currently conducts hearing for more than 55 state agencies.
- In 2005, SOAH estimated that it could offer the same services at a slightly lower cost than the current contact system.

The current system is not working for students with disabilities and their families. The intent of transferring hearings to SOAH to create a neutral and fair system for both parents and school districts.