

STATE OF TEXAS
HOUSE OF REPRESENTATIVES

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FEB 24 2010

OPINION COMMITTEE



Yvonne Davis
CHAIR

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OPEN RECORDS DIVISION

CAPITOL EXTENSION
E2.126

COMMITTEE ON URBAN AFFAIRS

February 23, 2010

The Honorable Greg Abbott
Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711-2548

FILE # ML-46355-10
I.D. # 46355

Re: Request for Attorney General's Opinion

RQ-0871-GA

Dear General Abbott:

I am requesting an opinion as to whether school districts can prohibit a parent from having an advocate to act on their behalf on matters pertaining to their child's education.

Currently, the Education Code and Texas Education Agency's Rules provide contain proactive provisions encouraging parent's participation in their child's education.

Chapter 29.005 of the Education Code requires a school district to provide a written/audio version of their student's Individualized Education Plan in Spanish for non English speaking parents.

Texas Education Agency's Admission Review and Dismissal Rules permits parents to have "an individual present that has knowledge or special expertise regarding the child..."

It appears to me that a parent should be allowed to use all available resources when participating in their child's education, including the use of an advocate, unless explicitly prohibited by constitutional or statutory provisions. Therefore, I would appreciate your response to the following:

- (1) Can a school district or school principal prohibit a parent from using an advocate in areas pertaining to their child's education when state law or administrative rule does not explicitly grant the use of an advocate?
- (2) Is legislative remedy necessary for granting the use of an advocate in every circumstance that a parent may face with regards to their child's education?

I appreciate your response to this request.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne Davis".

Yvonne Davis

Chair, Committee on Urban Affairs

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