To: Education; Appropriations

MISSISSIPPI LEGISLATURE

By: Representatives Brown, Thomas, Huddleston, Holloway, Whittington, Ketchings, Mayo

HOUSE BILL NO. 860

1 AN ACT TO REVISE STATUTES RELATING TO THE EDUCATION OF
2 EXCEPTIONAL CHILDREN; TO AMEND SECTION 37-23-133, MISSISSIPPI CODE
3 OF 1972, TO DEFINE CERTAIN TERMS RELATING TO THE EDUCATION OF SUCH
4 CHILDREN; TO AMEND SECTION 37-23-135, MISSISSIPPI CODE OF 1972, TO
5 REQUIRE THE STATE TO PROVIDE FULL EDUCATIONAL OPPORTUNITIES TO ALL
6 CHILDREN WITH DISABILITIES FROM BIRTH TO 21 YEARS OF AGE BY THE
7 YEAR 2005; TO AMEND SECTION 37-23-137, MISSISSIPPI CODE OF 1972,
8 TO REQUIRE NOTICE TO PARENTS WHEN EDUCATIONAL AGENCIES CONTRACT
9 FOR THE ASSESSMENT OF A CHILD; TO AMEND SECTIONS 37-23-141,
10 37-23-143 AND 37-23-145, MISSISSIPPI CODE OF 1972, TO REVISE
11 COMPLAINT PROCEDURES FOR PARENTS OF SUCH CHILDREN, TO PROVIDE FOR
12 MEDIATION AND DUE PROCESS HEARINGS, AND TO ESTABLISH AND EMPOWER
13 THE STATE ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN WITH
14 DISABILITIES; TO REPEAL SECTION 37-23-11, MISSISSIPPI CODE OF
15 1972, WHICH PROVIDES FOR HEARINGS REGARDING A CHILD'S
16 IDENTIFICATION, EVALUATION AND PLACEMENT AND FOR DUE PROCESS
17 HEARINGS IN SUCH MATTERS; AND FOR RELATED PURPOSES.
18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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21 SECTION 1. Section 37-23-133, Mississippi Code of 1972, is
22 amended as follows:
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24 37-23-133. Words and terms, unless otherwise defined below,
25 when used in Sections 37-23-1 through 37-23-159 shall be defined
26 in the same manner as those words and terms used in the
27 Individuals with Disabilities Education Act 1997 Amendments
28 (IDEA), applicable federal regulations and relevant court cases:
29
30 (a) "Access to education records" means a review of
31 education records or receipt of an accurate copy of an education
32 record and a request to release a copy of any education record.
33
34 (b) "Assistive technology device" means any item, piece
35 of equipment or product system, whether acquired commercially off
36 the shelf, modified or customized, that is used to increase,
37 maintain or improve the functional capabilities of children with
38 disabilities.
"Assistive technology service" means any service that directly assists a student with a disability in the selection, acquisition or use of an assistive technology device. The term includes:

(i) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in his or her customary environment;

(ii) Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by students with disabilities;

(iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive devices;

(iv) Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(v) Training or technical assistance for a student with a disability or, if appropriate, that student's family; and

(vi) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers or other individuals who may provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities.

"Computer media" means any manner of maintaining information that is stored through and retrieved by a computer, including information stored on CD-ROM.

"Consent" means agreement in writing from the parent of a child with a disability pertaining to the activities as required under IDEA and the Family Rights and Privacy Act.

Local educational agencies shall ensure that the parent:
(i) Has been fully informed of all information relevant to the activity for which consent is required;
(ii) Understands the activity for which consent is requested; and
(iii) Understands that the granting of consent is voluntary and may be revoked at any time prior to the time the activity is conducted.

(f) "Free appropriate public education" means special education and related services provided by local educational agencies that:
   (i) Have been provided at public expense, under public supervision and direction, and without charge;
   (ii) Meet the standards of the State Department of Education;
   (iii) Include an appropriate preschool, elementary, or secondary school education; and
   (iv) Are provided in conformity with the individualized education program required under IDEA, applicable federal and state regulations and relevant court cases.

(g) "Education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

(h) "Individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the requirements under IDEA, applicable federal and state regulations and relevant court cases.

(i) "Least restrictive environment" means to the maximum extent appropriate, children with disabilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the
nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(j) "Parent" means a person who is legally responsible for a child's welfare or acting for the child in the absence of the legally responsible person. Parent may also mean a natural parent, a guardian, or a surrogate parent.

(k) "Personally identifiable information" means, but is not limited to:

(i) The student's name;

(ii) The name of the student's parent or parents or other family members;

(iii) The address of the student or student's family; and

(iv) A list of personal characteristics that would make the student's identity easily traceable.

(l) "Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm or microfiche.

(m) "Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(n) "Special education" means specially designed instruction provided by local educational agencies, at no cost to
parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. This term also includes instruction in physical education.

(o) "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the least restrictive environment requirements under IDEA, applicable federal regulations and relevant court cases.

(p) "Transition services" means a coordinated set of activities for a student with a disability that:

(i) Is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(ii) Is based upon the individual student's needs, taking into account the student's preferences and interests;

(iii) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

SECTION 2. Section 37-23-135, Mississippi Code of 1972, is amended as follows:

37-23-135. (1) For the purposes of this section, each local educational agency is eligible for assistance under IDEA Part B for a fiscal year if, in providing for the education of children with disabilities within its jurisdiction, policies, procedures
and programs are in effect that are consistent with the
regulations established by the State Department of Education.

(2) The local educational agency shall have in effect
policies and procedures, and programs that are consistent with the
State Department of Education’s policies and procedures, to
ensure:

(a) A free appropriate public education is available to
all children with disabilities residing in the state between the
ages of three (3) and twenty (20), inclusive. Educational
services for children with disabilities who have been suspended or
expelled from school shall be provided based on the requirements
of IDEA, applicable federal regulations and state regulations;

(b) The full educational opportunity goal established
by the state is implemented in a manner such that the State of
Mississippi will provide full educational opportunities to all
children with disabilities ages birth through twenty-one (21)
years no later than the year 2005;

(c) All children with disabilities, who are in need of
special education and related services, including children with
disabilities attending private school, regardless of the severity
of their disabilities, are identified, located, and evaluated;

(d) An individualized education program is developed,
reviewed and revised for each child with a disability;

(e) Children with disabilities are provided services
within their least restrictive environment;

(f) Children with disabilities and their parents are
afforded the procedural safeguards required under IDEA;

(g) Children with disabilities are evaluated as
required under IDEA;

(h) The State Department of Education and local
education agencies will assure the protection of the
confidentiality of any personally identifiable data, information
and records collected or maintained as required under IDEA and the Family Rights and Privacy Act:

(i) Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs assisted under IDEA Part B shall experience a smooth transition. An individualized educational program shall be developed and implemented by the child's third birthday;

(j) Children with disabilities enrolled in private schools by their parents shall be provided special education and related services to the extent required under IDEA;

(k) Children with disabilities who are placed in private schools or facilities by the local educational agency shall be provided special education and related services, in accordance with an individualized education program, at no cost to their parents;

(l) A comprehensive system of personnel development has been developed to ensure appropriately qualified personnel are available and personnel are trained in accordance with the requirements of the State Department of Education and IDEA;

(m) Personnel providing educational services to children with disabilities meet the personnel standards of the State Department of Education;

(n) The performance goals and indicators shall be implemented as established by the State Board of Education; and

(o) Children with disabilities are included in statewide and district-wide assessment programs, with appropriate accommodations, in accordance with regulations established by the State Board of Education.

(3) The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the agency's eligibility under IDEA.
(4) If the State Department of Education determines that a local educational agency is not eligible to receive federal funds due to compliance violations not being resolved within a specified timeline, the local educational agency shall be notified of that determination and shall be provided with reasonable notice and an opportunity for a hearing. The local educational agency in receipt of such notice, shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action to withhold funds to the attention of the public within the jurisdiction of such agency.

(5) The State Department of Education, after reasonable notice and an opportunity for a hearing, shall reduce or shall not provide any further payments to the local educational agency until the department is satisfied that the violations have been corrected.

SECTION 3. Section 37-23-137, Mississippi Code of 1972, is amended as follows:

37-23-137. (1) Consent shall be obtained:

(a) Prior to initial evaluation;

(b) Prior to implementation of the initial individualized educational program for a child with a disability;

(c) Prior to reevaluation, except that such consent is not required, if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the parent failed to respond; and

(d) Prior to the release of educational records as required under the Family Rights and Privacy Act and IDEA.

(2) If the parent of a child with a disability refuses consent for the evaluation, the local educational agency may continue to pursue an evaluation by utilizing the due process hearing procedures under IDEA, except to the extent these are not in conflict with Mississippi law relating to parental consent.
(3) Written prior notice shall be provided to the parents of the child whenever a local educational agency proposes to initiate or change or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to that child.

(4) Written prior notice shall be provided in the native language of the parents, unless it clearly is not feasible to do so.

(5) Written prior notice shall include:

(a) A description of the action proposed or refused by the local educational agency;

(b) An explanation of why the local educational agency proposes or refuses to take the action;

(c) A description of any other options that the local educational agency considered and the reasons why those options were rejected;

(d) A description of any other factors that are relevant to the local educational agency's proposal or refusal;

(e) A description of each evaluation procedure, test, record, or report the local educational agency used as a basis for the proposed or refused action;

(f) A description of any factors that are relevant to the local educational agency's proposal or refusal;

(g) A statement that the parents of a child with a disability have protection under the procedural safeguards under IDEA and, if the notice is not an initial referral for evaluation, notification of an individualized educational program meeting or notice for reevaluation, the means by which a copy of a description of procedural safeguards can be obtained; and

(h) Sources for parents to contact to obtain assistance in understanding the provisions under IDEA.

(6) A copy of the procedural safeguards established by the State Department of Education shall be given to the parents upon:
(a) Initial referral for evaluation;
(b) Each notification of an individualized education program meeting;
(c) Reevaluation; and
(d) Registration of a complaint under IDEA to the State Department of Education.

(7) The State Department of Education and each local educational agency shall establish procedures to ensure parents of children with disabilities have the opportunity to participate in meetings with respect to the identification, evaluation, and education placement of the child, and the provision of a free appropriate public education of such child. Local educational agencies shall provide parents of children with disabilities an opportunity to provide input in the development of the agencies' application for funding, as required under IDEA.

(8) In conducting the evaluation, the local educational agency shall:

(a) Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities;
(b) Not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and
(c) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(9) Each local educational agency shall ensure that:
(a) Tests and other evaluation materials used to assess a child are:
   (i) Selected and administered so as not to be discriminatory on a racial or cultural basis; and
   (ii) Provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

(b) Any standardized tests that are given to the child:
   (i) Have been validated for the specific purpose for which they are used;
   (ii) Are administered by trained and knowledgeable personnel; and
   (iii) Are administered in accordance with any instructions provided by the producer of such tests;

(c) The child is assessed in all areas of suspected disability; and

(d) Assessment tools and strategies that provide relevant information that directly assist persons in determining the educational needs of the child are provided.

(10) Upon completion of administration of tests and other evaluation materials:

(a) The determination of whether the child is a child with a disability as defined under IDEA and state regulations established by the State Board of Education shall be made by a team of qualified professionals and the parent of the child and certified by a Screening Team as defined by the State Board of Education;

(b) In making such a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency; and
(c) A copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

(11) Parents shall have an opportunity to obtain an independent educational evaluation of their child in accordance with the requirements under IDEA.

(12) Written prior notice shall be provided to the parents or guardian of the child whenever a local educational agency contracts with any individual or entity to performed an assessment, evaluation or observation of the child.

(13) An individual or entity contracting with a local educational agency shall submit a written report on the findings, decisions and recommendations regarding the child resulting from the assessment, evaluation or observation. The parents or guardian will receive a copy of any written report submitted to the local educational agency resulting from the assessment, evaluation or observation of the child.

(14) Individuals or entities contracting to perform an assessment, evaluation or observation of a child with a local educational agency shall retain all information and records sent to or received from the local educational agency.

(15) Parents and guardians shall have the right to review or receive copies of all information collected, maintained or used by individuals or entities contracting with a local educational agency to perform an assessment, evaluation or observation of a child.

SECTION 4. Section 37-23-141, Mississippi Code of 1972, is amended as follows:

37-23-141. (1) The State Department of Education shall promulgate the necessary rules and regulations to establish a mediation system which, at a minimum, shall be available whenever a due process hearing under IDEA is requested. The mediation system shall allow parties the opportunity to resolve such
disputes involving any matter relating to the identification, evaluation or educational placement of the child, or the provision of a free appropriate public education to such child.

(2) The State Department of Education shall ensure that the mediation process is:

(a) Voluntary on the part of the parties;

(b) Not used to deny or delay a parent's right to a due process hearing under IDEA or to deny any other rights afforded under IDEA; and

(c) Conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(3) The State Department of Education may establish procedures to require parents who choose not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center in the state established under IDEA, or an appropriate alternative dispute resolution entity. The purpose of the meeting is to encourage the use, and explain the benefits, of the mediation process to the parents.

(4) (a) The State Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. The qualified mediators shall be selected by the State Board of Education.

(b) An individual who serves as a mediator:

(i) May not be an employee of the State Department of Education or a local school district;

(ii) May not have a personal or professional conflict of interest which impacts his or her objectivity in the mediation; and

(iii) Must be trained in effective mediation techniques and must be knowledgeable in laws and regulations
relating to the provision of special education and related services.

(c) The role of the mediator is to:

(i) Facilitate communication between the parties in an impartial manner;

(ii) Chair the meeting;

(iii) Assist the parties in reaching an agreement; and

(iv) Terminate mediation if, in the mediator's judgment, the parties are not making progress toward resolving the issue or issues in dispute.

(d) All mediators shall receive training in the following areas:

(i) State and federal special education laws and regulations;

(ii) Procedures for conducting mediation conferences in an orderly and controlled manner;

(iii) Group process skills essential to achieving consensus agreement;

(iv) Phases of mediation;

(v) Procedures for writing a consensus agreement;

(vi) Procedures for debriefing the parties; and

(vii) Any other topics deemed necessary by the State Department of Education.

(5) Unless otherwise agreed upon by both parties, mediators will be designated for mediation on a rotation basis.

(6) The state shall bear the cost of the mediation process, including the costs of all meetings described in this section.

(7) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties in dispute.

(8) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any
subsequent due process hearings or civil proceedings and the
parties to the mediation process may be required to sign a
confidentiality pledge prior to the commencement of such process.

SECTION 5. Section 37-23-143, Mississippi Code of 1972, is
amended as follows:

37-23-143. (1) The State Department of Education shall
follow the due process procedures for parents and public agencies
requesting hearings under the federal Individuals with
Disabilities Education Act (IDEA), 20 USCS et seq., and
regulations promulgated thereunder.

(2) When any public agency directly responsible for the
education of exceptional children shall (a) initiate or change the
identification, evaluation, or educational placement of the child
or the provision of a free appropriate public education to the
child, or (b) refuse to initiate or change the identification,
evaluation or educational placement of the child or the provision
of a free appropriate public education to the child, the parent of
a child with a disability or the agency shall have the opportunity
to request a state-level impartial due process hearing.

(3) The State Department of Education shall recruit
applicants for due process hearing officers who shall meet the
criteria set forth in this section. Each applicant shall provide
a comprehensive disclosure of his or her professional background
and work experience. Applicants must have at least a master's
level degree in an area of education or a Doctor of Jurisprudence
degree and knowledge of laws and regulations relating to the
provision of special education and related services. In the
selection of individuals to serve as due process hearing officers,
the State Department of Education shall solicit actively former
members of the judiciary to serve as due process hearing officers.
The State Superintendent of Public Education shall select
qualified persons or organizations to establish and conduct
training programs for hearing officers, completion of which shall
be a prerequisite to service as a hearing officer. Such training shall be conducted in an unbiased manner by education and legal experts, including persons from outside the public education system. Training for due process hearing officers shall include, at a minimum, instruction in federal and state laws, rules, regulations, regulatory interpretations and court decisions relating to special education, relevant general education issues, evidence, diagnostic procedures, information about disabilities and techniques and procedures for conducting effective and impartial hearings.

(4) A due process hearing officer shall be terminated by the State Department of Education for just cause if, after written notice is provided, appropriate timely corrective action is not taken. For purposes of this subsection, just cause shall include:

(a) Failure to accept assigned cases without good cause;

(b) Failure or refusal to fulfill duties as a hearing officer in a timely manner;

(c) Consistent disregard for applicable laws and regulations in the conduct of hearings;

(d) Violating applicable laws regarding privacy and confidentiality of records of information;

(e) Failure to recuse himself or herself from a hearing in which he or she has a personal, professional or financial conflict of interest which he or she knew or should have known existed at any time before or during the hearing;

(f) Conviction in any jurisdiction of any felony or of a misdemeanor involving moral turpitude or dishonesty;

(g) Falsification of a material fact on his or her application to serve as a due process hearing officer; or

(h) Other malfeasance or misfeasance.

(5) The State Department of Education shall provide all hearing officers access to relevant court decisions, impartial...
hearing officer decisions (with child identifying information deleted) and updates on revisions to applicable laws and regulations. Hearing officers appointed by the State Department of Education shall serve for an initial term of four (4) years, and any reappointments following expiration of the four-year term shall be for a period of two (2) years. Due process hearing officers shall receive reasonable compensation for each hearing at a rate established from time to time by the State Board of Education.

(6) A request for due process hearing will be made to the State Department of Education with a copy of the request being sent to all parties involved.

(7) The State Department of Education shall designate due process hearing officers to preside over due process hearings using a rotating system and shall notify each hearing officer of his or her designation. A hearing officer having a personal or professional interest that would conflict with his or her objectivity in the hearing shall so notify the State Superintendent of Public Education and shall be replaced by the next scheduled impartial due process hearing officer under the rotation system.

(8) Once designated for a hearing, the impartial due process hearing officer shall notify promptly all parties or their representatives of the substance of the communication between any party to the due process hearing as a matter of record.

(9) A prehearing conference will be scheduled within ten days of the State Department of Education receiving the request for a hearing.

(10) The State Department of Education shall establish, by rule, procedures of the conduct of prehearing conferences to be used by all hearing officers. Prehearing conference procedures shall include, but not be limited to, the following:

(a) An explanation of the parties rights, as follows:
(i) The right of either party to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(ii) The right of either party to present evidence and confront and cross-examine witnesses;

(iii) The right, at the option of parents, to a written or electronic verbatim record of such hearing; and

(iv) The right, at the option of parents, to written or electronic findings of fact and decisions;

(b) A determination of issues in dispute and the specific relief being sought;

(c) A determination of the parties' access to records;

(d) A determination if the hearing will be open or closed to the public;

(e) A determination regarding the sequestration of witnesses;

(f) Identification of the type of recording to be used in the hearing; and

(g) A determination of the date and time for sharing of evidence.

* * *

(11) At least five (5) business days prior to a hearing being conducted, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A hearing officer may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(12) The State Department of Education shall maintain a reporting system of all decisions rendered as a result of due process hearings and shall make such decisions available for
review by the public after deleting all child-identifying information.

(13) At any time before the conclusion of the hearing, the hearing officer shall have the authority to require additional information and order independent evaluations for the student at the expense of the school district.

(14) The hearing officer shall issue a written decision, and a copy of the decision shall be mailed to the parents or guardian, the school district and the State Department of Education. Unless the hearing officer has granted specific extensions of time at the request of a party, a final decision shall be reached and mailed to the parties named in this subsection not later than forty-five (45) days after the request for a due process hearing.

(15) The decision made by the hearing officer shall be final, except that any party aggrieved by the findings and decision made by the hearing officer shall have the right to bring a civil action with respect to the issues of the due process hearing. Such civil action may be brought in any court of competent jurisdiction within thirty (30) days from the date of the decision of the impartial due process hearing officer or within thirty (30) days from the date of delivery of the official transcripts of all hearings conducted in connection with the due process hearing to the appealing party, whichever period is longer.

(16) Except as provided under IDEA, during the pendency of any proceedings conducted pursuant to this section, unless the public agency and the parents otherwise agree, the child will remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed. This requirement does not limit any party from obtaining a temporary
restraining order from any court of competent jurisdiction, as deemed necessary by that party.

(17) The State Department of Education shall prepare an annual written report by September 1 of each year, beginning in 2001, on due process hearings concluded in this state during the preceding year. This report shall be submitted to the members of the State Board of Education and the State Advisory Committee on the Education of Children with Disabilities and shall be made available to the public. This report shall include a listing of all current hearing officers and their qualifications, a current list of mediators and their qualifications, the name of each school district involved in a due process hearing, the date each due process hearing request was filed, the name of the hearing officer assigned to each due process hearing, if mediation procedures were used, the hearing date for each due process hearing, and the date of the hearing officer's decision in each due process hearing.

SECTION 6. Section 37-23-145, Mississippi Code of 1972, is amended as follows:

37-23-145. (1) The State Board of Education shall establish and maintain the State Advisory Committee on the Education of Children with Disabilities for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state.

(2) The advisory panel shall consist of members appointed by the State Superintendent of Public Education who are representative of the state's population and who are individuals involved in, or concerned with, the education of children with disabilities, including:

(a) Parents of children with disabilities;
(b) Individuals with disabilities;
(c) Teachers;
(d) Representatives of institutions of higher education that prepare special education and related services personnel;
(e) State and local education officials;
(f) Administrators of programs for children with disabilities;
(g) Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;
(h) Representatives of private schools and public charter schools;
(i) At least one (1) representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and
(j) Representatives from the state juvenile and adult correction agencies.

(3) A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

(4) The duties of the advisory panel shall include:
(a) Advising the State Department of Education of unmet needs within the state in the education of children with disabilities;
(b) Commenting publicly on any rules or regulations proposed by the State Department of Education regarding the education of children with disabilities;
(c) Advising the State Department of Education in developing evaluations and reporting on data to the secretary in accordance with the requirements under IDEA;
(d) Advising the State Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities; and
(e) Advising the State Department of Education in developing corrective action plans to address findings identified in federal monitoring reports under IDEA.

(5) The advisory panel shall be provided the opportunity to provide comments to the State Board of Education on rules or regulations proposed by the State Department of Education relating to the implementation of the IDEA 1997 Amendments.

SECTION 7. Section 37-23-11, Mississippi Code of 1972, which provides for hearings regarding a child's identification, evaluation and placement and for due process hearings in such matters, is repealed.

SECTION 8. This act shall take effect and be in force from and after July 1, 2001.