

1-1 By: Allen, et al. (Senate Sponsor - Zaffirini) H.B. No. 785
 1-2 (In the Senate - Received from the House April 8, 2021;
 1-3 April 12, 2021, read first time and referred to Committee on
 1-4 Education; May 10, 2021, reported favorably by the following vote:
 1-5 Yeas 11, Nays 0; May 10, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Hall	X			
1-11 Hughes	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell	X			
1-16 Schwertner	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to behavior improvement plans and behavioral intervention
 1-22 plans for certain public school students and notification and
 1-23 documentation requirements regarding certain behavior management
 1-24 techniques.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 29.005, Education Code, is amended by
 1-27 adding Subsection (h) to read as follows:

1-28 (h) If a behavior improvement plan or a behavioral
 1-29 intervention plan is included as part of a student's individualized
 1-30 education program under Subsection (g), the committee shall review
 1-31 the plan at least annually and more frequently if appropriate to
 1-32 address:

1-33 (1) changes in a student's circumstances that may
 1-34 impact the student's behavior, such as:

1-35 (A) the placement of the student in a different
 1-36 educational setting;

1-37 (B) an increase or persistence in disciplinary
 1-38 actions taken regarding the student for similar types of behavioral
 1-39 incidents;

1-40 (C) a pattern of unexcused absences; or

1-41 (D) an unauthorized unsupervised departure from
 1-42 an educational setting; or

1-43 (2) the safety of the student or others.

1-44 SECTION 2. Section 37.0021(d), Education Code, is amended
 1-45 to read as follows:

1-46 (d) The commissioner by rule shall adopt procedures for the
 1-47 use of restraint and time-out by a school district employee or
 1-48 volunteer or an independent contractor of a district in the case of
 1-49 a student with a disability receiving special education services
 1-50 under Subchapter A, Chapter 29. A procedure adopted under this
 1-51 subsection must:

1-52 (1) be consistent with:

1-53 (A) professionally accepted practices and
 1-54 standards of student discipline and techniques for behavior
 1-55 management; and

1-56 (B) relevant health and safety standards; ~~and~~

1-57 (2) identify any discipline management practice or
 1-58 behavior management technique that requires a district employee or
 1-59 volunteer or an independent contractor of a district to be trained
 1-60 before using that practice or technique; and

1-61 (3) require a school district to:

2-1 (A) provide written notification to the
 2-2 student's parent or person standing in parental relation to the
 2-3 student for each use of restraint that includes:
 2-4 (i) the name of the student;
 2-5 (ii) the name of the district employee or
 2-6 volunteer or independent contractor of the district who
 2-7 administered the restraint;
 2-8 (iii) the date of the restraint;
 2-9 (iv) the time that the restraint started
 2-10 and ended;
 2-11 (v) the location of the restraint;
 2-12 (vi) the nature of the restraint;
 2-13 (vii) a description of the activity in
 2-14 which the student was engaged immediately preceding the use of the
 2-15 restraint;
 2-16 (viii) the behavior of the student that
 2-17 prompted the restraint;
 2-18 (ix) any efforts made to de-escalate the
 2-19 situation and any alternatives to restraint that were attempted;
 2-20 (x) if the student has a behavior
 2-21 improvement plan or a behavioral intervention plan, whether the
 2-22 plan may need to be revised as a result of the behavior that led to
 2-23 the restraint; and
 2-24 (xi) if the student does not have a behavior
 2-25 improvement plan or a behavioral intervention plan, information on
 2-26 the procedure for the student's parent or person standing in
 2-27 parental relation to the student to request an admission, review,
 2-28 and dismissal committee meeting to discuss the possibility of
 2-29 conducting a functional behavioral assessment of the student and
 2-30 developing a plan for the student;
 2-31 (B) include in a student's special education
 2-32 eligibility school records:
 2-33 (i) a copy of the written notification
 2-34 provided to the student's parent or person standing in parental
 2-35 relation to the student under Paragraph (A);
 2-36 (ii) information on the method by which the
 2-37 written notification was sent to the parent or person; and
 2-38 (iii) the contact information for the
 2-39 parent or person to whom the district sent the notification; and
 2-40 (C) if the student has a behavior improvement
 2-41 plan or behavioral intervention plan, document each use of time-out
 2-42 prompted by a behavior of the student specified in the student's
 2-43 plan, including a description of the behavior that prompted the
 2-44 time-out.
 2-45 SECTION 3. Section 37.004, Education Code, is amended by
 2-46 adding Subsection (b-1) to read as follows:
 2-47 (b-1) If a school district takes a disciplinary action
 2-48 regarding a student with a disability who receives special
 2-49 education services that constitutes a change in placement under
 2-50 federal law, the district shall:
 2-51 (1) not later than the 10th school day after the change
 2-52 in placement:
 2-53 (A) seek consent from the student's parent or
 2-54 person standing in parental relation to the student to conduct a
 2-55 functional behavioral assessment of the student, if a functional
 2-56 behavioral assessment has never been conducted on the student or
 2-57 the student's most recent functional behavioral assessment is more
 2-58 than one year old; and
 2-59 (B) review any previously conducted functional
 2-60 behavioral assessment of the student and any behavior improvement
 2-61 plan or behavioral intervention plan developed for the student
 2-62 based on that assessment; and
 2-63 (2) as necessary:
 2-64 (A) develop a behavior improvement plan or
 2-65 behavioral intervention plan for the student if the student does
 2-66 not have a plan; or
 2-67 (B) if the student has a behavior improvement
 2-68 plan or behavioral intervention plan, revise the student's plan.
 2-69 SECTION 4. This Act applies beginning with the 2021-2022

3-1 school year.

3-2 SECTION 5. This Act takes effect immediately if it receives
3-3 a vote of two-thirds of all the members elected to each house, as
3-4 provided by Section 39, Article III, Texas Constitution. If this
3-5 Act does not receive the vote necessary for immediate effect, this
3-6 Act takes effect September 1, 2021.

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