

BILL ANALYSIS

C.S.H.B. 439
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The federal Individuals with Disabilities Education Act (IDEA) requires that special education students be educated in the least restrictive environment appropriate for the student. Accordingly, 80 percent of Texas special education students are educated in a regular classroom 50 percent or more of the school day. The regular classroom teacher is often responsible for implementing a major portion of the services and for helping the child succeed academically.

In addition to these special education students, teachers may have other students in their classroom who have special health care needs. Many teachers experience problems getting timely services and support for students with special education or health needs. This bill provides support for teachers of mainstreamed special education students and requires the Texas Education Agency (TEA) to collaborate in the development of resources for teachers of students with special health needs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends the Education Code to require that the statewide plan for students with disabilities developed and implemented by TEA ensure that a school district provides to a teacher who instructs a student with a disability in a regular classroom setting:

- on request of the teacher and as soon as practicable, training in providing appropriate educational services for such student, in accordance with criteria specified in the bill;
- on request of the teacher and as soon as practicable, assistance from appropriately trained personnel in meeting the academic and behavioral needs of such student;
- before placement of such student in the teacher's classroom, relevant information in the student's individualized education program;
- the opportunity to participate in staffing and intervention team meetings, as well as other meetings relating to such student as specified in the bill.

The statewide plan for students with disabilities developed and implemented by TEA must also, on the request of a teacher for revision of a student's individualized education program or a change of placement of a student with a disability assigned to the teacher's classroom, ensure that the district either:

- convenes the student's admission, review, and dismissal (ARD) committee to review the teacher's request;
- requests that the revision or change be made without convening the student's ARD committee; or
- if the district does not convene the ARD committee or make the revision or change requested by the teacher, submits to the teacher and to the student's parent a written statement explaining the district's decision regarding the teacher's request.

The statewide plan for students with disabilities developed and implemented by TEA must also ensure that school health services for a student with a disability are performed by a qualified school nurse or other qualified and trained personnel, and ensure that the teacher, upon request, C.S.H.B. 439 80(R)

receives assistance from appropriately trained personnel in performing tasks related to the student's hygiene and care, including diapering. The bill further provides that these provisions of the bill relating to a student's health, hygiene, and care may not result in a change of classroom placement for such student unless such change is made in accordance with applicable law.

The bill amends the Education Code by adding a provision relating to resources for teachers of students with special health needs. The provision requires TEA, in coordination with the Health and Human Services Commission, to establish and maintain an Internet website to provide resources for teachers who teach students with special health needs. TEA is required to include on the website information about the treatment and management of chronic illnesses and how such illnesses impact the student's well-being or ability to succeed in school.

The bill provides that the Act applies with the beginning of the 2007-2008 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill provided that if a student with a disability is placed in a regular classroom and the student's individualized education program requires a modification in the curriculum, instruction, or services to be provided by the teacher, TEA's statewide plan must include procedures designed to ensure that the teacher receives certain specified supportive services and is afforded certain specified administrative procedures. The substitute bill provides that TEA's plan must ensure that the school district provides certain specified supportive services and affords certain specified administrative procedures to a teacher who instructs a student with a disability in a regular classroom, as more fully described in the analysis section above.

The specifics of the conditions precedent to the delivery of supportive services, the specifics of the services to be delivered, and the specifics of the administrative procedures to be afforded differ in the original and the substitute.

The provisions of the original and the substitute also differ with respect to school health services for a student with a disability. The original bill required that the teacher receive assistance from trained personnel in performing necessary medical tasks, provided examples of such tasks, required that the teacher receive training in performing such tasks in an emergency, and receive, upon request, assistance from trained personnel in performing tasks related to hygiene and care. The provisions of the substitute bill relating to health, hygiene and care are as specified in the analysis section above.