

## **BILL ANALYSIS**

C.S.H.B. 3487  
By: King, Susan  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

At one time, Texas Education Code provisions required a certain amount of professional development training for all teachers in the area of special education. This staff development training requirement was eliminated as a requirement and current statute makes such training optional. Students with special education needs are receiving their education within regular education settings with increasing frequency. Research clearly establishes a relationship between the successful inclusive placement and the training and skills of those regular education staff implementing the student's programs. The optional program in effect currently does little to encourage or require effective staff training in this critical area. Regular and special educators have expressed the need for more adequately trained regular education staff, in the area of students with disabilities, in order to minimize classroom disruption, enhance delivery of instruction and to more successfully integrate students with special learning needs with their regular education peers.

To more fully comply with the "least restrictive environment" concept imbedded in both federal and state law governing education of students with disabilities, staff development in this area is critical. Appropriately delivered education services for students with disabilities will go a long way in decreasing the need for assigning students with special learning needs into discipline alternative education programs (DAEPs), self-contained settings, and remedial programs. In addition, appropriate staff development will assist teachers, schools and districts in addressing state-wide gaps in achievement between successful and struggling students. To insure that teachers have the necessary skill sets and knowledge to provide effective services for students with disabilities an appropriate amount of ongoing staff development is necessary.

This bill provides that a teacher required to participate in staff development may receive credit for the staff development if they have participated in district approved professional development activities or training that satisfies the hours requirement and standards listed in the substitute.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education (commissioner) in SECTION 1 of this bill.

### **ANALYSIS**

Note: Unless otherwise specified, statutory references in this Bill Analysis are to the Education Code.

The bill adds the following new subsections to Section 21.451 of the Education Code:

(g) This subsection applies only to a teacher who provides instruction to a student for whom an individualized education program has been developed under Section 29.005. Except as provided by Subsection (i), a teacher subject to this subsection, at least every three years, must complete a minimum number of hours of staff development, as determined by commissioner rule, relating to the instruction of students with disabilities. The staff development training must include information relating to: (1) temperament and requirements of students with disabilities; (2) methods for providing individualized instruction to and assessing students with disabilities; and (3) behavioral management techniques.

(h) The commissioner shall adopt rules as necessary to administer this section and create as a local option for school districts a three-year implementation schedule. Except as provided by C.S.H.B. 3487 80(R)

Subsection (i), at least one-third of the teachers subject to Subsection (g) in the district must participate each year during the three-year implementation period or until all teachers subject to Subsection (g) have fulfilled the initial staff development requirement under Subsection (g). The rules adopted under this subsection must emphasize the need to provide adequate staff development training to enable teachers to implement individualized education programs for students with disabilities in an effective manner.

(i) A school district that employs a teacher subject to Subsection (g) may allow the teacher to satisfy the requirements of that subsection if the teacher participates in district-approved professional development activities or training, other than staff development training provided by the district, that satisfies the requirements of Subsection (g).

The bill provides that the Act applies beginning with the 2008-2009 school year.

#### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2008.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute bill is a Legislative Council draft, and includes many nonsubstantive changes in accordance with Legislative Council drafting guidelines.

The substitute adds subsection (i) as follows:

(i) A school district that employs a teacher subject to Subsection (g) may allow the teacher to satisfy the requirements of that subsection if the teacher participates in district-approved professional development activities or training, other than staff development training provided by the district, that satisfies the requirements of Subsection (g).