

BILL ANALYSIS

C.S.S.B. 603
By: Van de Putte
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 78th Legislature, Regular Session, 2003, deleted language in the Education Code requiring staff development training in public schools and replaced it with discretionary language.

Districts are no longer required to provide such training to teachers who work with disabled students outside of the area of special education. Educating these students requires specialized training, but regular reports to the Texas Council on Autism and Pervasive Developmental Disorders indicate that there are relatively few consistent training opportunities for teachers.

This bill requires a district to provide public school teachers with research-based staff development that relates to instruction of students with disabilities, designed for teachers who work with students outside the area of special education. The bill requires the training to be developed locally in consultation with colleges, universities, private and nonprofit organizations, regional education service centers, and any other persons identified as qualified by the district.

This bill also provides support for teachers of mainstreamed special education students and requires the Texas Education Agency (agency) 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

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

The bill relates to staff development requirements in public schools and information and assistance for staff regarding instruction of students with disabilities or special health needs.

The bill amends Section 21.451, Education Code, by amending Subsection (d) and adding Subsections (e), (f), and (g) to read as follows: (d) The staff development: (1) may include training in: (A) technology; (B) conflict resolution; and (C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and (2) subject to Subsection (e), must include research-based training that: (A) relates to instruction of students with disabilities; and (B) is designed for educators who work primarily outside the area of special education. (e) A school district is required to provide the training described by Subsection (d)(2) to an educator who works primarily outside the area of special education only on the recommendation of the admission, review, and dismissal committee for a student receiving instruction from the educator. (f) In developing the training required by Subsection (d)(2), a school district must consult with persons with expertise in research-based practices for students with disabilities. Persons who may be consulted under this subsection include colleges, universities, private and nonprofit organizations, regional education service centers, and any other persons identified as qualified by the district. This subsection applies to all training required by Subsection (d)(2), regardless of whether the training is provided at the campus or district level. (g) The staff development may include instruction as to what is permissible under law, including opinions of the United States

Supreme Court and guidance from the United States Department of Education, regarding prayer in public school.

The bill amends Subchapter J, Chapter 21, Education Code, by adding Section 21.459, which provides that the Texas Education Agency (agency), in coordination with the Health and Human Services Commission, shall establish and maintain an Internet website to provide resources for teachers who teach students with special health needs. The agency shall include on the website information about the treatment and management of chronic illnesses and how such illnesses impact a student's well-being or ability to succeed in school.

The bill amends Section 29.001, Education Code, to provide, in pertinent part, that the agency shall develop, and modify as necessary, a statewide design, consistent with federal law, for the delivery of services to children with disabilities in this state that includes rules for the administration and funding of the special education program so that a free appropriate public education is available to all of those children between the ages of three and 21. The statewide design shall include the provision of services primarily through school districts and shared services arrangements, supplemented by regional education service centers. The agency shall also develop and implement a statewide plan with programmatic content that includes procedures designed to ensure that a school district provides to a teacher who instructs a student with a disability in a regular classroom setting: (A) on the request of the teacher and as soon as practicable, training in providing appropriate educational services to a student with a disability, including training in research-based best practices for meeting the academic and behavioral needs of a student with a disability assigned to the teacher's classroom; (B) on the request of the teacher and as soon as practicable, assistance from appropriately trained personnel, as determined by the district, in meeting the academic and behavioral needs of a student with a disability assigned to the teacher's classroom; and (C) before the placement of a student with a disability in the teacher's classroom, relevant information in the student's individualized education program.

The bill provides that the Act applies beginning with 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 was captioned relating to staff development requirements in public schools. The substitute bill is captioned relating to staff development requirements in public schools and information and assistance for staff regarding instruction of students with disabilities or special health needs.

The substitute bill adds the provision amending Subchapter J, Chapter 21, Education Code, by adding Section 21.459, which provides that the Texas Education Agency (agency), in coordination with the Health and Human Services Commission, shall establish and maintain an Internet website to provide resources for teachers who teach students with special health needs. The agency shall include on the website information about the treatment and management of chronic illnesses and how such illnesses impact a student's well-being or ability to succeed in school.

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