

By: King of Taylor

H.B. No. 3487

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to staff development requirements concerning the  
3 instruction of students with disabilities in public schools.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 21.451, Education Code, is amended by  
6 adding Subsections (g), (h), and (i) to read as follows:

7 (g) This subsection applies only to a teacher who provides  
8 instruction to a student for whom an individualized education  
9 program has been developed under Section 29.005. Except as  
10 provided by Subsection (i), a teacher subject to this subsection,  
11 at least every three years, must complete a minimum number of hours  
12 of staff development, as determined by commissioner rule, relating  
13 to the instruction of students with disabilities. The staff  
14 development training must include information relating to:

15 (1) temperament and requirements of students with  
16 disabilities;

17 (2) methods for providing individualized instruction  
18 to and assessing students with disabilities; and

19 (3) behavioral management techniques.

20 (h) The commissioner shall adopt rules as necessary to  
21 administer this section and create as a local option for school  
22 districts a three-year implementation schedule. Except as provided  
23 by Subsection (i), at least one-third of the teachers subject to  
24 Subsection (g) in the district must participate each year during

1 the three-year implementation period or until all teachers subject  
2 to Subsection (g) have fulfilled the initial staff development  
3 requirement under Subsection (g). The rules adopted under this  
4 subsection must emphasize the need to provide adequate staff  
5 development training to enable teachers to implement  
6 individualized education programs for students with disabilities  
7 in an effective manner.

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

14 SECTION 2. Subchapter J, Chapter 21, Education Code, is  
15 amended by adding Section 21.459 to read as follows:

16 Sec. 21.459. RESOURCES FOR TEACHERS OF STUDENTS WITH  
17 SPECIAL HEALTH NEEDS. The agency, in coordination with the Health  
18 and Human Services Commission, shall establish and maintain an  
19 Internet website to provide resources for teachers who teach  
20 students with special health needs. The agency shall include on the  
21 website information about the treatment and management of chronic  
22 illnesses and how such illnesses impact a student's well-being or  
23 ability to succeed in school.

24 SECTION 3. Section 29.001, Education Code, is amended to  
25 read as follows:

26 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and  
27 modify as necessary, a statewide design, consistent with federal

1 law, for the delivery of services to children with disabilities in  
2 this state that includes rules for the administration and funding  
3 of the special education program so that a free appropriate public  
4 education is available to all of those children between the ages of  
5 three and 21. The statewide design shall include the provision of  
6 services primarily through school districts and shared services  
7 arrangements, supplemented by regional education service centers.  
8 The agency shall also develop and implement a statewide plan with  
9 programmatic content that includes procedures designed to:

10 (1) ensure state compliance with requirements for  
11 supplemental federal funding for all state-administered programs  
12 involving the delivery of instructional or related services to  
13 students with disabilities;

14 (2) facilitate interagency coordination when other  
15 state agencies are involved in the delivery of instructional or  
16 related services to students with disabilities;

17 (3) periodically assess statewide personnel needs in  
18 all areas of specialization related to special education and pursue  
19 strategies to meet those needs through a consortium of  
20 representatives from regional education service centers, local  
21 education agencies, and institutions of higher education and  
22 through other available alternatives;

23 (4) ensure that regional education service centers  
24 throughout the state maintain a regional support function, which  
25 may include direct service delivery and a component designed to  
26 facilitate the placement of students with disabilities who cannot  
27 be appropriately served in their resident districts;

1           (5) allow the agency to effectively monitor and  
2 periodically conduct site visits of all school districts to ensure  
3 that rules adopted under this section are applied in a consistent  
4 and uniform manner, to ensure that districts are complying with  
5 those rules, and to ensure that annual statistical reports filed by  
6 the districts and not otherwise available through the Public  
7 Education Information Management System under Section 42.006, are  
8 accurate and complete;

9           (6) ensure that appropriately trained personnel are  
10 involved in the diagnostic and evaluative procedures operating in  
11 all districts and that those personnel routinely serve on district  
12 admissions, review, and dismissal committees;

13           (7) ensure that an individualized education program  
14 for each student with a disability is properly developed,  
15 implemented, and maintained in the least restrictive environment  
16 that is appropriate to meet the student's educational needs;

17           (8) ensure that, when appropriate, each student with a  
18 disability is provided an opportunity to participate in career and  
19 technology and physical education classes, in addition to  
20 participating in regular or special classes;

21           (9) ensure that each student with a disability is  
22 provided necessary related services; ~~and~~

23           (10) ensure that an individual assigned to act as a  
24 surrogate parent for a child with a disability, as provided by 20  
25 U.S.C. Section 1415(b) ~~[and its subsequent amendments]~~, is required  
26 to:

27           (A) complete a training program that complies

1 with minimum standards established by agency rule;

2 (B) visit the child and the child's school;

3 (C) consult with persons involved in the child's  
4 education, including teachers, caseworkers, court-appointed  
5 volunteers, guardians ad litem, attorneys ad litem, foster parents,  
6 and caretakers;

7 (D) review the child's educational records;

8 (E) attend meetings of the child's admission,  
9 review, and dismissal committee;

10 (F) exercise independent judgment in pursuing  
11 the child's interests; and

12 (G) exercise the child's due process rights under  
13 applicable state and federal law; and

14 (11) ensure that a school district provides to a  
15 teacher who instructs a student with a disability in a regular  
16 classroom setting:

17 (A) on the request of the teacher and as soon as  
18 practicable, training in providing appropriate educational  
19 services to a student with a disability, including training in  
20 research-based best practices for meeting the academic and  
21 behavioral needs of a student with a disability assigned to the  
22 teacher's classroom;

23 (B) on the request of the teacher and as soon as  
24 practicable, assistance from appropriately trained personnel, as  
25 determined by the district, in meeting the academic and behavioral  
26 needs of a student with a disability assigned to the teacher's  
27 classroom; and

1                   (C) before the placement of a student with a  
2 disability in the teacher's classroom, relevant information in the  
3 student's individualized education program.

4           SECTION 4. This Act applies beginning with the 2008-2009  
5 school year.

6           SECTION 5. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2008.