

By: Van de Putte, et al.

S.B. No. 603

Substitute the following for S.B. No. 603:

By: Olivo

C.S.S.B. No. 603

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to staff development requirements in public schools and  
3 information and assistance for staff regarding instruction of  
4 students with disabilities or special health needs.

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

6 SECTION 1. Section 21.451, Education Code, is amended by  
7 amending Subsection (d) and adding Subsections (e), (f), and (g) to  
8 read as follows:

9 (d) The staff development [~~may~~]:

10 (1) may include training in:

11 (A) technology;

12 (B) conflict resolution; and

13 (C) discipline strategies, including classroom  
14 management, district discipline policies, and the student code of  
15 conduct adopted under Section 37.001 and Chapter 37; and

16 (2) subject to Subsection (e), must include  
17 research-based training that:

18 (A) relates to instruction of students with  
19 disabilities; and

20 (B) is designed for educators who work primarily  
21 outside the area of special education.

22 (e) A school district is required to provide the training  
23 described by Subsection (d)(2) to an educator who works primarily  
24 outside the area of special education only on the recommendation of

1 the admission, review, and dismissal committee for a student  
2 receiving instruction from the educator.

3 (f) In developing the training required by Subsection  
4 (d)(2), a school district must consult with persons with expertise  
5 in research-based practices for students with disabilities.  
6 Persons who may be consulted under this subsection include  
7 colleges, universities, private and nonprofit organizations,  
8 regional education service centers, and any other persons  
9 identified as qualified by the district. This subsection applies  
10 to all training required by Subsection (d)(2), regardless of  
11 whether the training is provided at the campus or district level.

12 (g) The staff development may~~[-and~~  
13 ~~(3)]~~ include instruction as to what is permissible  
14 under law, including opinions of the United States Supreme Court  
15 and guidance from the United States Department of Education,  
16 regarding prayer in public school.

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

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

27 SECTION 3. Section 29.001, Education Code, is amended to

1 read as follows:

2           Sec. 29.001. STATEWIDE PLAN. (a) The agency shall develop,  
3 and modify as necessary, a statewide design, consistent with  
4 federal law, for the delivery of services to children with  
5 disabilities in this state that includes rules for the  
6 administration and funding of the special education program so that  
7 a free appropriate public education is available to all of those  
8 children between the ages of three and 21. The statewide design  
9 shall include the provision of services primarily through school  
10 districts and shared services arrangements, supplemented by  
11 regional education service centers. The agency shall also develop  
12 and implement a statewide plan with programmatic content that  
13 includes procedures designed to:

14           (1) ensure state compliance with requirements for  
15 supplemental federal funding for all state-administered programs  
16 involving the delivery of instructional or related services to  
17 students with disabilities;

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

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

27           (4) ensure that regional education service centers

1 throughout the state maintain a regional support function, which  
2 may include direct service delivery and a component designed to  
3 facilitate the placement of students with disabilities who cannot  
4 be appropriately served in their resident districts;

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

13 (6) ensure that appropriately trained personnel are  
14 involved in the diagnostic and evaluative procedures operating in  
15 all districts and that those personnel routinely serve on district  
16 admissions, review, and dismissal committees;

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

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

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

27 (10) ensure that an individual assigned to act as a

1 surrogate parent for a child with a disability, as provided by 20  
2 U.S.C. Section 1415(b) [~~and its subsequent amendments~~], is required  
3 to:

4 (A) complete a training program that complies  
5 with minimum standards established by agency rule;

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

7 (C) consult with persons involved in the child's  
8 education, including teachers, caseworkers, court-appointed  
9 volunteers, guardians ad litem, attorneys ad litem, foster parents,  
10 and caretakers;

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

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

14 (F) exercise independent judgment in pursuing  
15 the child's interests; and

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

18 (11) ensure that a school district provides to a  
19 teacher who instructs a student with a disability in a regular  
20 classroom setting:

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

27 (B) on the request of the teacher and as soon as

1 practicable, assistance from appropriately trained personnel, as  
2 determined by the district, in meeting the academic and behavioral  
3 needs of a student with a disability assigned to the teacher's  
4 classroom; and

5 (C) before the placement of a student with a  
6 disability in the teacher's classroom, relevant information in the  
7 student's individualized education program.

8 SECTION 4. This Act applies beginning with the 2007-2008  
9 school year.

10 SECTION 5. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2007.