

BILL ANALYSIS

C.S.S.B. 100
By: Lucio
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Federal requirements that students with disabilities be educated in the least restrictive environment possible result in most students with disabilities spending all or part of their school day in general education classrooms, many of whom are under the tutelage of teachers with no special education background or experience working with students with certain disabilities. These teachers would benefit from additional training, as would the paraprofessionals who assist them by providing direct services to students with extensive needs. The expected result would be greater academic achievement by the students, improved classroom management, and an overall positive classroom environment for teachers and students.

C.S.S.B. 100 requires the commissioner of education to develop and make available professional development institutes for teacher and paraprofessional training relating to research-based instructional services for students with disabilities, including students with autism spectrum disorders. The bill also requires the commissioner to develop one or more professional development institutes that offer applied behavior analysis training programs. The bill sets forth the issues an institute must address, requires the commissioner to adopt criteria for selecting teachers and paraprofessionals to attend such programs, and requires the commissioner to pay stipends to teachers and paraprofessionals who complete an institute.

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

C.S.S.B. 100 amends the Education Code to require the commissioner of education to develop and make available professional development institutes for teachers and paraprofessionals relating to research-based instructional services for students with disabilities, including autism spectrum disorders. The bill requires such an institute to address disability-specific information necessary to enable a teacher or paraprofessional to work effectively in the classroom with students with disabilities; instructional techniques proven by scientifically based research, as defined by the federal No Child Left Behind Act of 2001, to be effective in teaching the required public education curriculum to students with disabilities; and appropriate management of behaviors related to a student's disability that may affect the student's performance.

C.S.S.B. 100 requires the commissioner to develop one or more professional development institutes that offer applied behavior analysis training programs provided by or supervised by a person certified as a behavior analyst by the Behavior Analyst Certification Board. The bill requires such a training program to provide public access to lectures and training on the Texas Education Agency's Internet website and the appropriate regional education service center's Internet website; individual consultation in the classroom with students for at least six one-hour sessions; telephone or in-person video review for at least three one-hour sessions; and access to the teacher's mentor through telephone or videoconferencing consultation during the program.

The bill requires the commissioner to develop a list of providers approved to conduct such a training program. The bill authorizes the training program to be provided by a regional education service center, district specialist, university, private entity or consultant, or other entity that provides training.

C.S.S.B. 100 requires the commissioner to adopt criteria for selection of teachers and paraprofessionals authorized to attend a professional development institute, including an applied behavior analysis training program, and to give priority to teachers and paraprofessionals who have a significant level of professional contact with students with autism spectrum disorders. The bill requires the commissioner to pay a stipend, the value of which is determined by the commissioner, to each teacher or paraprofessional who completes a professional development institute from funds appropriated for such purpose, as well as from other available sources. The bill requires the commissioner to pay to the provider the cost of providing the program to each teacher or paraprofessional who completes an applied behavior analysis training program and authorizes the commissioner to determine a maximum amount that may be paid to provide the program. The bill requires the commissioner, not later than January 1 of each odd-numbered year, to submit a report regarding the success of the institutes developed under these provisions, including recommendations for changes, to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative committee with primary jurisdiction over public education.

C.S.S.B. 100 specifies that its provisions do not make an appropriation and that the bill takes effect only if a specific appropriation for the implementation of its provisions is provided in a general appropriations act of the 81st Legislature, Regular Session, 2009.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 100 adds provisions not in the original requiring the commissioner to develop one or more professional development institutes that offer applied behavior analysis training programs provided by or supervised by a person certified as a behavior analyst by the Behavior Analyst Certification Board, setting forth requirements for such a program, requiring the commissioner to develop a list of providers approved to conduct such a program, and setting forth categories of authorized providers. The substitute adds provisions not in the original requiring the commissioner to pay the provider the cost of providing the program to each teacher or paraprofessional who completes such a program and authorizing the commissioner to determine a maximum amount that may be paid to provide the program. The substitute adds a provision not in the original requiring the commissioner to submit a report to the governor, the legislature's presiding officers, and the appropriate legislative committee chairs regarding the success of the institutes developed under the bill's provisions.