

BILL ANALYSIS

S.B. 451
By: Van de Putte
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to the Texas Council on Autism and Pervasive Developmental Disorders, professionals, families, and advocates of students with disabilities understand that educating these students requires specialized training. The foremost concern of families of students with disabilities and the professionals who work with them is the quality of teacher preparation. There are relatively few consistent training opportunities for teachers who work with students with disabilities. The 78th Legislature, Regular Session, 2003, struck language mandating staff development training in public schools and replaced it with discretionary language. Following this change, districts no longer have to provide staff development to teachers who interact with students with disabilities but who work primarily outside the area of special education.

S.B. 451 requires a school district, if an educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator, to provide the educator with training based on scientifically based research regarding effective practices in dealing with special needs students. The bill authorizes a district to determine the time and place at which the training is delivered.

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

S.B. 451 amends the Education Code to require, rather than authorize, staff development provided by a school district to include training that relates to instruction of students with disabilities and that is designed for educators who work primarily outside the area of special education and to require that this training be based on scientifically based research as defined by the No Child Left Behind Act of 2001. The bill requires a school district to provide this training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. The bill authorizes a district to determine the time and place at which the training is delivered.

S.B. 451 requires a school district, in developing or maintaining such training, to consult with persons with expertise in research-based practices for students with disabilities. The bill includes among those who may be consulted for this purpose colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district and makes these provisions regarding expert consultation applicable to all training required above regardless of whether the training is provided at the campus or district level. The bill authorizes any staff development that provides instruction on what is legally permissible regarding prayer in public school to include, in addition to U.S. Supreme Court discussions, guidance from the U.S. Department of Education. The bill makes its provisions applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.