

By: Walle

H.B. No. 1340

A BILL TO BE ENTITLED

AN ACT

relating to the use of positive behavioral interventions and supports in public schools.

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

SECTION 1. Subtitle B, Title 2, Education Code, is amended by adding Chapter 10 to read as follows:

CHAPTER 10. STATE PLAN FOR STATEWIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS

Sec. 10.001. STATEWIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS LEADERSHIP TEAM. In this chapter, "leadership team" means the Statewide Positive Behavioral Interventions and Supports Leadership Team.

Sec. 10.002. PURPOSES OF LEADERSHIP TEAM. (a) The leadership team is established to:

(1) provide leadership related to assessing, developing, implementing, managing, and evaluating a statewide schoolwide system of positive behavioral interventions and supports for students;

(2) align policies and resources of appropriate state agencies to support:

(A) the local implementation of statewide schoolwide positive behavioral interventions and supports; and

(B) state-level activities for coordination of training, coaching, and evaluation related to implementation of the

1 statewide schoolwide positive behavioral interventions and
2 supports;

3 (3) develop and implement a statewide plan, including
4 an infrastructure, that provides a framework for the adoption and
5 implementation of positive behavioral interventions and supports
6 in school districts using a continuum of research-based
7 interventions to achieve academically and behaviorally significant
8 outcomes for all students; and

9 (4) identify funding available for school districts to
10 use in implementing statewide schoolwide positive behavioral
11 interventions and supports.

12 (b) To the greatest extent possible, the leadership team
13 shall strive toward integration of entities that have, and
14 resources intended for, a common behavior-related mission.

15 Sec. 10.003. COMPOSITION OF LEADERSHIP TEAM. (a) The
16 leadership team is composed of:

17 (1) at least four representatives from the agency,
18 including representation of the divisions responsible for:

19 (A) curriculum and instruction;

20 (B) general education programs;

21 (C) special education programs;

22 (D) alternative education programs;

23 (E) dropout prevention initiatives;

24 (F) safe and drug-free school programs;

25 (G) student health services, including
26 counseling and mental health services;

27 (H) data development, analysis, and research and

1 statewide data initiatives; and

2 (I) information analysis;

3 (2) representatives from at least four independent
4 school districts that vary in the number of students enrolled and
5 are geographically diverse, two of which are implementing
6 schoolwide positive behavioral interventions and supports and two
7 of which are not implementing schoolwide positive behavioral
8 interventions and supports;

9 (3) representatives from at least three regional
10 education service centers that are geographically diverse,
11 including the service center that provides statewide leadership for
12 the Texas Behavior Support network;

13 (4) at least two representatives from the Department
14 of State Health Services, including representation of divisions
15 responsible for mental health and substance abuse, child and
16 adolescent services, and school health programs;

17 (5) representatives from at least two institutions of
18 higher education with expertise in schoolwide positive behavioral
19 interventions and supports;

20 (6) one representative from the Texas Integrated
21 Funding Initiative of the Office of Program Coordination for
22 Children and Youth of the Health and Human Services Commission;

23 (7) one representative from the Texas Collaborative
24 for Emotional Development in Schools project of the agency's
25 Division of IDEA Coordination;

26 (8) one representative from the Texas Juvenile
27 Probation Commission;

1 (9) one representative from the Texas Youth
2 Commission;

3 (10) at least three persons who are members of a public
4 school student's family, to be appointed by the commissioner of
5 health and human services in consultation with personnel associated
6 with the Texas Integrated Funding Initiative of the Office of
7 Program Coordination for Children and Youth of the Health and Human
8 Services Commission; and

9 (11) any other positive behavioral interventions and
10 supports experts as determined appropriate by the coordinating
11 entity described by Section 10.005.

12 (b) The executive director, executive commissioner, or
13 commissioner, as appropriate, of each state agency represented on
14 the leadership team shall appoint each representative for that
15 agency on the leadership team. Except as provided by Subsection
16 (a)(10), the coordinating entity described by Section 10.005 shall
17 appoint representatives for the remaining categories included on
18 the leadership team.

19 (c) A leadership team member must be an individual who has
20 responsibilities and participates in activities associated with:

21 (1) preventing the development and occurrence of
22 problem behavior;

23 (2) developing and maintaining general and
24 specialized behavioral capacity or competence; and

25 (3) managing and evaluating resources related to
26 providing behavioral supports.

27 Sec. 10.004. MEMBER TERMS. Leadership team members serve

1 four-year terms.

2 Sec. 10.005. ADMINISTRATIVE COORDINATION OF LEADERSHIP
3 TEAM. (a) The Office of Program Coordination for Children and
4 Youth of the Health and Human Services Commission shall issue a
5 request for proposals to select an institution of higher education
6 to coordinate and provide administrative support to the leadership
7 team. The institution of higher education selected as the
8 coordinating entity for the leadership team under this section must
9 demonstrate:

10 (1) expertise in schoolwide positive behavioral
11 interventions and supports;

12 (2) the ability to evaluate statewide outcomes; and

13 (3) the ability to successfully partner with state
14 agencies, school districts, and regional education service
15 centers.

16 (b) The coordinating entity shall use the
17 telecommunications capabilities of the agency or regional
18 education service centers to facilitate participation of
19 leadership team members as necessary.

20 Sec. 10.006. DUTIES AND RESPONSIBILITIES OF LEADERSHIP
21 TEAM. (a) The leadership team shall:

22 (1) identify and evaluate existing organizational
23 structures, resources, and initiatives that address the behavioral
24 needs of students across the state that should be enhanced or
25 combined for efficiency;

26 (2) identify and evaluate, or review any recent
27 evaluations of, programs that provide services to address the

1 behavioral needs of students across the state and provide
2 recommendations for school districts to implement the programs more
3 effectively and at lower costs;

4 (3) identify state policies that can be aligned to
5 support the local implementation and evaluation of statewide
6 schoolwide positive behavioral interventions and supports;

7 (4) develop the statewide plan described by Section
8 10.007;

9 (5) identify funding resources that can be made
10 available to districts to facilitate implementation of statewide
11 schoolwide positive behavioral interventions and supports with
12 fidelity to a model method or process; and

13 (6) develop eligibility criteria and a process to
14 determine which districts may receive available funding to
15 implement statewide schoolwide positive behavioral interventions
16 and supports.

17 (b) For purposes of Subsection (a)(2), the leadership team
18 shall identify and evaluate, or review any recent evaluations of,
19 programs as described by that subdivision, including the following
20 programs:

21 (1) coordinated health programs under Chapter 38;

22 (2) the Texas Student Assistance Program Initiative;

23 (3) the Communities in Schools program under
24 Subchapter E, Chapter 33;

25 (4) positive behavioral interventions and supports
26 programs, including such programs provided through local mental
27 health authorities;

1 (5) training programs relating to positive behavioral
2 interventions and supports provided through regional education
3 service centers; and

4 (6) response to intervention programs.

5 (c) For purposes of Subsection (a)(6), the leadership team
6 shall develop eligibility criteria to allow school districts that
7 are implementing and that are not implementing schoolwide positive
8 behavioral interventions and supports to apply for funding to
9 implement and administer schoolwide positive behavioral
10 interventions and supports.

11 Sec. 10.007. STATEWIDE PLAN. (a) The leadership team,
12 after considering comments from the public and with technical
13 assistance from the National Technical Assistance Center on
14 Positive Behavioral Interventions and Supports, shall develop a
15 three- to five-year prevention-based statewide action plan that:

16 (1) emphasizes coordination and the alignment of
17 resources at the state, regional, and local levels;

18 (2) provides an organized infrastructure, as
19 described by Subsection (b), to provide assistance to school
20 districts implementing statewide schoolwide positive behavioral
21 interventions and supports;

22 (3) defines research-based training, curriculum, and
23 professional development practices;

24 (4) identifies personnel and resources for
25 facilitating, assisting, maintaining, and adapting district
26 implementation efforts for initial training and ongoing
27 implementation support;

1 (5) establishes guidelines and structure for the
2 training at each infrastructure level as necessary;

3 (6) identifies campus-based information systems that
4 meet the needs of local decision makers and that provide the type of
5 behavioral data needed for decision making within a positive
6 behavioral interventions and supports framework, including the
7 number of:

8 (A) referrals to disciplinary alternative
9 education programs;

10 (B) office discipline referrals each school day
11 for each 100 students;

12 (C) office discipline referrals by type of
13 problem behavior;

14 (D) office discipline referrals by campus
15 location;

16 (E) office discipline referrals by student;

17 (F) office discipline referrals by staff member;

18 and

19 (G) student absences;

20 (7) identifies a mechanism and process to determine:

21 (A) the extent to which districts are using
22 statewide schoolwide positive behavioral interventions and
23 supports;

24 (B) the impact of statewide schoolwide positive
25 behavioral interventions and supports on student outcomes;

26 (C) the extent to which the statewide plan is
27 implemented; and

1 (D) any other measures considered appropriate by
2 the leadership team;

3 (8) identifies recurring funding;

4 (9) provides guidance for policy development and
5 implementation;

6 (10) provides for the dissemination of information and
7 best practices;

8 (11) provides for management of public relations;

9 (12) identifies opportunities for campuses and
10 districts to tailor implementation to best meet the needs of their
11 students;

12 (13) establishes a recognition system for districts
13 that are implementing statewide schoolwide positive behavioral
14 interventions and supports with fidelity to a model method or
15 process; and

16 (14) identifies a process to authorize districts that
17 began implementing positive behavioral interventions and supports
18 with fidelity to a model method or process before implementation of
19 the statewide plan and are following a different model than
20 provided under the statewide plan to be eligible for resources,
21 recognition, and support and to continue to document successes and
22 outcomes under a model implemented before the statewide plan was
23 developed.

24 (b) For purposes of Subsection (a)(2), the statewide plan
25 must:

26 (1) include defined responsibilities for each level in
27 the infrastructure;

1 (2) include state, regional, district, and campus
2 infrastructure levels;

3 (3) provide a definition of each infrastructure level
4 and include a description of:

5 (A) personnel who would be qualified to be
6 appointed to the leadership team at that level; and

7 (B) the leadership team member's
8 responsibilities at that level; and

9 (4) provide leadership team members at the local and
10 regional levels authority to implement statewide schoolwide
11 positive behavioral interventions and supports.

12 (c) The statewide plan may include strategies to integrate
13 social and emotional learning.

14 (d) The statewide plan may include opportunities for staff
15 from other child service systems to receive training in statewide
16 schoolwide positive behavioral interventions and supports and
17 other research-based practices demonstrated to support the
18 academic and behavioral success of all students.

19 Sec. 10.008. COOPERATION WITH OTHER AGENCIES TO IMPLEMENT
20 PLAN. (a) A state agency member of the leadership team may enter
21 into a memorandum of understanding, representing the member's
22 respective state agency, with another state agency, consistent with
23 the authority granted to each respective state agency, to implement
24 any method, process, policy, or recommendation identified or
25 developed through the statewide plan under Section 10.007.

26 (b) Before a memorandum of understanding is entered into to
27 implement a method, process, policy, or recommendation, the

1 leadership team shall:

2 (1) identify:

3 (A) the timeline and proposed outcome of
4 implementing the method, process, policy, or recommendation; and

5 (B) benchmarks that may be used to measure the
6 success of implementing the method, process, policy, or
7 recommendation; and

8 (2) assign to each appropriate leadership team member
9 responsibility for entering into the memorandum of understanding.

10 Sec. 10.009. ADVISORY BODY. The leadership team may
11 convene an advisory body to advise the leadership team on its duties
12 as the leadership team considers necessary. The advisory body must
13 be composed of representatives with concerns related to the
14 prevention of problem behavior and the teaching and encouraging of
15 appropriate social behavior.

16 Sec. 10.010. REPORT. Not later than October 1 of each
17 even-numbered year, the leadership team shall submit a report to
18 the Council on Children and Families regarding the progress of the
19 statewide plan and the measures of outcomes related to academic and
20 behavioral performance of students attending school districts
21 implementing any method, process, policy, or recommendation
22 identified or developed through the statewide plan.

23 Sec. 10.011. CONTINUATION OF LEADERSHIP TEAM. After
24 developing and implementing the statewide plan, the leadership team
25 shall make recommendations in a report to the legislature and the
26 governor on the abolition, continuation, or reorganization of the
27 leadership team and on the need for the performance of the functions

1 of the leadership team.

2 SECTION 2. Not later than October 1, 2012, the Statewide
3 Positive Behavioral Interventions and Supports Leadership Team
4 shall submit a report to the Council on Children and Families
5 regarding the progress of the statewide plan as described by
6 Section 10.007, Education Code, as added by this Act.

7 SECTION 3. (a) Except as provided by Subsection (b) of this
8 section, this Act takes effect September 1, 2011.

9 (b) Section 10.010, Education Code, as added by this Act,
10 takes effect September 1, 2014.