

**BILL ANALYSIS**

C.S.H.B. 1853  
By: Ratliff  
Public Education  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Under current law, when a child is enrolled in a special education program of a school district, the district must establish an admission, review, and dismissal committee to develop the child's individualized education program. If a child enrolled in a special education program encounters behavioral problems, the district employs one or more behavioral specialists, who develop a behavioral improvement or intervention plan. Interested parties assert that because the admission, review, and dismissal committee does not oversee the development of a behavioral improvement or intervention plan, the plan is not included in a student's individualized education program. As a result, information on strategies to be used regarding behavioral improvement or intervention is not available to a special education teacher in a student's individualized education program, which can inhibit a child's progress and be challenging for the child's teacher. C.S.H.B. 1853 seeks to provide a more comprehensive approach to developing an individualized education program for a student enrolled in a special education program for whom a behavioral improvement plan or behavior intervention plan has been developed.

**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.H.B. 1853 amends the Education Code to authorize the committee that develops an individualized education program for a student enrolled in a special education program to determine that a behavior improvement plan or a behavior intervention plan is appropriate for the student. The bill requires the behavior improvement plan or behavior intervention plan, if the committee makes that determination, to be included as part of the student's individualized education program and provided to each teacher with responsibility for educating the student. The bill's provisions apply beginning with the 2013-2014 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1853 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 29.005, Education	SECTION 1. Section 29.005, Education

Code, is amended by adding Subsection (g) to read as follows:

(g) The committee may determine that a behavior improvement plan is appropriate for a student for whom the committee has developed an individualized education program. If the committee makes that determination, the behavior improvement plan shall be included as part of the student's individualized education program and provided to each teacher with responsibility for educating the student.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Code, is amended by adding Subsection (g) to read as follows:

(g) The committee may determine that a behavior improvement plan or a behavior intervention plan is appropriate for a student for whom the committee has developed an individualized education program. If the committee makes that determination, the behavior improvement plan or the behavior intervention plan shall be included as part of the student's individualized education program and provided to each teacher with responsibility for educating the student.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.