

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 22, 2015

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1584** by Lucio (Relating to positive behavioral interventions and supports for students enrolled in public school who receive special education services.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would provide that school districts, to the maximum extent possible, should provide functional behavioral assessments to students whose behavior interferes with their ability or the ability of another student to learn. Assessment results would be used to develop and provide positive behavioral interventions and supports

The bill would require school districts to notify a student's parent or person standing in parental relation if restraint or time-out was used on a student by the end of the school day when it was used. The would require school districts to complete a behavioral emergency report regarding the use of restraint or time-out to be maintained in the student's eligibility and cumulative folder.

The bill would require the district designated official to schedule an admission, review, and dismissal (ARD) committee within 10 days of the incident to determine the need for a functional behavioral assessment and an interim or modified behavioral intervention plan.

The bill would require the school district to ensure that a functional behavioral assessment was conducted by a behavior specialist professional if the ARD committee determined it was needed. The ARD committee would review the assessment and determine whether individualized positive behavioral interventions and supports needed to be included in the student's individualized education program (IEP).

The bill would require the ARD committee to determine whether a plan was needed. If a plan was needed, the ARD committee would develop the plan and determine the need for school district personnel who are to implement the plan to participate in training with a behavior specialist professional. The ARD committee would monitor the plan implementation and results to determine whether the plan needed to be modified or whether school personnel needed additional training.

#### **Local Government Impact**

Some school districts would be required to hire or to contract with a behavior analyst, a clinical psychologist, or a licensed specialist in school psychology. Additionally, functional behavioral assessments are evaluations, so if they are used to develop or modify a child's behavioral

intervention plan, school districts may incur expenses related to providing independent educational evaluations (IEEs) or requests for due process hearings if parents disagree with the functional behavioral assessment conducted by the district. In the latter case, parents may also incur expenses if a school district requests a due process hearing in response to a parent's request for an IEE.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi