

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 7, 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.), **Committee Report 1st House, Substituted**

No significant 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 or modified behavioral intervention plan. The functional behavioral assessment, if necessary, would be required to be conducted by 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.

The bill would require the Commissioner of Education to provide guidance to district employees, volunteers, and independent contractors regarding the legal use of restraints.

The Texas Education Agency anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

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