

BILL ANALYSIS

C.S.H.B. 2209
By: González, Mary
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, there is a lack of inclusivity of special education students with regard to educator preparation program curricula and a lack of educators prepared to use evidence-based instructional practices and techniques for all students. C.S.H.B. 2209 seeks to better prepare and equip educators to effectively teach all students by making certain changes to teacher preparation programs and staff development training.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2209 amends the Education Code to include among the rules proposed by the State Board for Educator Certification (SBEC) rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, and rules specifying the minimum academic qualifications required for a certificate. The bill authorizes those minimum academic qualifications to require that the person demonstrate basic knowledge of each disability category under the federal Individuals with Disabilities Education Act and how each category can affect student learning and development and demonstrate competence in the use of evidence-based inclusive instructional practices, including the following: universal design for learning principles; general and special education collaborative and co-teaching models and approaches; multitiered systems of support; classroom management techniques using evidence-based behavioral intervention strategies and supports; and appropriate adaptation strategies. The bill defines "universal design for learning" as a scientifically valid framework for guiding educational practice that provides flexibility in the ways information is presented, students respond or demonstrate knowledge and skills, and students are engaged; that reduces barriers in instruction; that provides appropriate accommodations, supports, and challenges; and that maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency.

C.S.H.B. 2209 removes language limiting to a person required to possess a bachelor's degree the requirement that the person receive as part of the training to obtain a teaching certificate instruction in detection and education of students with dyslexia and instruction regarding mental health, substance abuse, and youth suicide. The bill specifies that, with regard to the requirement that each educator preparation program provide information regarding the high expectations for students in Texas, those expectations are for all students, including students with disabilities.

C.S.H.B. 2209 replaces the requirement that an educator preparation program adequately prepare candidates for educator certification to be eligible for approval or renewal of approval with an authorization to do so using a universal design for learning framework integrating inclusion for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experiences, and student teaching. The bill specifies that, with regard to the standards governing the continuing accountability of all educator preparation programs based, in part, on achievement of students taught by beginning teachers for the first three years following certification, such achievement is of all students, including students with disabilities. The bill applies a similar specification with regard to information provided by an educator preparation program to candidates for teacher certification concerning the skills and responsibilities required of teachers and expectations for student performance.

C.S.H.B. 2209 includes the ability to create an inclusive school environment and to foster parent involvement in the instructional leadership required to be emphasized by qualifications for certification as a principal. The bill specifies that, with regard to the requirement that a comprehensive field-based educator preparation program be designed on the basis of current research into, in part, state-of-the-art teaching practices and curriculum theory and application, the teaching practices are applicable to all students, including students with disabilities, and the curriculum theory and application is within diverse student populations. The bill specifies that, with regard to the requirement that a candidate for certification as a teacher of record complete at least 15 hours of field-based experience in which the candidate is actively engaged in certain instructional or educational activities before a district may employ that candidate, those activities involve a diverse student population that, to the greatest extent practicable, includes students with disabilities. The bill requires the flexible options provided for persons for any field-based experience or internship required for certification, as provided by SBEC-proposed rules, to involve interaction with a diverse student population, including students with disabilities.

C.S.H.B. 2209 authorizes training under statutory provisions relating to professional development activities for teachers and administrators to emphasize inclusive collaborative strategies and providing instruction using a universal design for learning framework to the greatest extent practicable for the purpose of creating a classroom environment that meets the individual learning needs of each student.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2209 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted 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 21.001, Education Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 21.044, Education Code, is amended by amending Subsections (a), (b), (c-1), and (g) and adding Subsection (a-1) to read as follows: (a) The board shall propose rules; <u>(1) specifying what each educator is</u>	SECTION 2. Section 21.044, Education Code, is amended by amending Subsections (a), (b), (c-1), and (g) and adding Subsection (a-1) to read as follows: (a) The board shall propose rules; <u>(1) specifying what each educator is</u>

expected to know and be able to do, particularly with regard to students with disabilities;

(2) establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and

(3) specifying~~[-The board shall specify]~~ the minimum academic qualifications required for a certificate.

(a-1) The minimum academic qualifications for a certificate specified under Subsection (a) ~~must~~ require that the person demonstrate:

(1) basic knowledge of each disability category under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and how each category can affect student learning and development; and

(2) competence in the use of evidence-based inclusive instructional practices, including:

(A) universal design for learning principles;

(B) general and special education collaborative and co-teaching models and approaches;

(C) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;

(D) classroom management techniques using evidence-based behavioral intervention strategies and supports; and

(E) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction provided using universal design for learning principles.

(b) ~~The~~ [Any] minimum academic qualifications for a certificate specified under Subsection (a) ~~[that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.

(c-1) ~~The~~ [Any] minimum academic qualifications for a certificate specified under Subsection (a) ~~[that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The

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(2) establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and

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(2) competence in the use of evidence-based inclusive instructional practices, including:

(A) universal design for learning principles;

(B) general and special education collaborative and co-teaching models and approaches;

(C) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;

(D) classroom management techniques using evidence-based behavioral intervention strategies and supports; and

(E) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction provided using universal design for learning principles.

(b) ~~The~~ [Any] minimum academic qualifications for a certificate specified under Subsection (a) ~~[that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.

(c-1) ~~The~~ [Any] minimum academic qualifications for a certificate specified under Subsection (a) ~~[that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The

instruction required must:

- (1) be provided through a program selected from the list of recommended best practice-based programs established under Section 161.325, Health and Safety Code; and
 - (2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.
- (g) Each educator preparation program must provide information regarding:
- (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills; and
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.

SECTION 3. Section 21.0443(b), Education Code, is amended to read as follows:

(b) To be eligible for approval or renewal of approval, an educator preparation program must:

- (1) use a universal design for learning framework integrating inclusion for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experiences, and student teaching to adequately prepare candidates for educator certification; and
- (2) meet the standards and requirements of the board.

SECTION 4. Section 21.045(a), Education Code, is amended.

SECTION 5. Section 21.0453(a), Education Code, is amended.

SECTION 6. Section 21.046(b), Education Code, is amended.

SECTION 7. Section 21.047(c), Education Code, is amended.

instruction required must:

- (1) be provided through a program selected from the list of recommended best practice-based programs established under Section 161.325, Health and Safety Code; and
 - (2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.
- (g) Each educator preparation program must provide information regarding:
- (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills; and
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.

SECTION 3. Section 21.0443(b), Education Code, is amended to read as follows:

(b) To be eligible for approval or renewal of approval, an educator preparation program:

- (1) may use a universal design for learning framework integrating inclusion for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experiences, and student teaching to ~~[must]~~ adequately prepare candidates for educator certification; and
- (2) must meet the standards and requirements of the board.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Sections 21.051(b) and (f), Education Code, are amended.

SECTION 9. Section 21.451, Education Code, is amended by amending Subsections (d), (e), and (f) and adding Subsection (f-1) to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution;

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and

(D) preventing, identifying, responding to, and reporting incidents of bullying;

(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based ~~[based on scientifically based research]~~, as defined by Section 8101, Every Student Succeeds Act ~~[9101, No Child Left Behind Act of 2001]~~ (20 U.S.C. Section 7801), and that:

(A) relates to instruction of students with disabilities; ~~and~~

(B) uses a universal design for learning framework integrating inclusion for all students, including students with disabilities, and evidence-based instructional and behavioral strategies and interventions; and

(C) is designed for educators who work primarily outside the area of special education; and

(3) must include suicide prevention training that must be provided:

(A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and

(B) to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule.

(e) A school district is required to provide the training described by Subsection (d)(2) to any ~~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. A district may determine the time and place at which the training is delivered]~~.

SECTION 8. Same as introduced version.

No equivalent provision. (*But see SECTION 9 below.*)

(f) This subsection applies to all training required by Subsection (d)(2), regardless of whether the training is provided at the campus or district level. In developing or maintaining the training required by Subsection (d)(2), a school district must consult with persons with expertise in:

- (1) universal design for learning principles;
- (2) general and special education collaborative and co-teaching models and approaches;
- (3) multitiered systems of support, including response to intervention strategies;
- (4) classroom management techniques using evidence-based behavioral intervention strategies and supports; and
- (5) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction provided using universal design for learning principles ~~[research-based practices for students with disabilities].~~

(f-1) Persons who may be consulted under Subsection (f) [this subsection] include colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district. [This subsection applies to all training required by Subsection (d)(2), regardless of whether the training is provided at the campus or district level.]

No equivalent provision. (*But see SECTION 9 above.*)

SECTION 10. This Act takes effect September 1, 2017.

SECTION 9. Section 21.4511(b), Education Code, is amended to read as follows:

(b) The training under this section shall include training relating to implementing curriculum and instruction that is aligned with the foundation curriculum described by Section 28.002(a)(1) and standards and expectations for college readiness, as determined by State Board of Education rule under Section 28.008(d). In order to create a classroom environment that meets the individual learning needs of each student, the training may emphasize inclusive collaborative strategies and providing instruction using a universal design for learning framework to the greatest extent practicable.

SECTION 10. Same as introduced version.

