

BILL ANALYSIS

C.S.H.B. 873
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the current interval for a review of a student's behavior improvement plan or behavioral intervention plan is not an effective or developmentally appropriate time frame to adequately gauge the success of the plan and promote positive behaviors. C.S.H.B. 873 addresses this issue by requiring such a plan to be reviewed at least annually and also establishes notification requirements regarding certain behavior management techniques.

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. 873 amends the Education Code to require the individualized education program (IEP) committee for a student whose IEP includes a behavior improvement plan or a behavioral intervention plan to review the plan at least annually and more frequently, if appropriate, to address any changes in a student's circumstances or to address the safety of the student or others.

C.S.H.B. 873 requires procedures adopted by the commissioner of education for the use of restraint and time-out by a public school district employee, volunteer, or an independent contractor in the case of a student with a disability receiving special education services:

- to require a district to provide written notification to the student's parent or person standing in parental relation to the student for each use of restraint that includes certain information regarding the incident and the nature of the district's recommendations for behavior management, if applicable;
- to include in a student's special education eligibility school records a copy of any such written notification provided and the contact information for the parent or person who received the notification; and
- to require a school district, if the student has a behavior improvement plan or behavioral intervention plan, to document each use of time-out prompted by a behavior of the student specified in the student's plan, including a description of the behavior that prompted the time-out.

C.S.H.B. 873 requires a district that takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under

federal law:

- to conduct a functional behavioral assessment of the student not later than the 10th school day after the change in placement and review any previously conducted functional behavioral assessment and any behavior improvement plan or behavioral intervention plan developed for the student based on that previous assessment; and
- to develop or revise, as necessary, a behavior improvement plan or behavioral intervention plan for the student, as applicable.

C.S.H.B. 873 requires an independent school district's student code of conduct, in addressing the notification of a student's parent or guardian of a violation of the code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion, to specify:

- if the student has a behavior improvement plan or a behavioral intervention plan, whether the district recommends any revision to the plan; or
- if the student does not have such a plan, whether the school district recommends conducting or is required under the bill's provisions to conduct a functional behavioral assessment of the student.

The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 873 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the changes in a student's circumstances that the committee addresses when annually reviewing the student's behavior improvement plan or a behavioral intervention plan.

The substitute, with regard to a student who has a behavior improvement plan or behavioral intervention plan:

- removes the requirement for parental notification for each use of a time-out intervention; but
- includes a requirement for documentation in a certain manner for each use of time-out.