86R10396 MP-D

By:  Bernal H.B. No. 1453

Substitute the following for H.B. No. 1453:

By:  Talarico C.S.H.B. No. 1453

A BILL TO BE ENTITLED

AN ACT

relating to special education-related requirements, including the provision of certain services, the composition of the State Board for Educator Certification, and certain educator requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 8.051(d), Education Code, is amended to read as follows:

(d)  Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1)  training and assistance in:

(A)  teaching each subject area assessed under Section 39.023; and

(B)  providing instruction in personal financial literacy as required under Section 28.0021;

(2)  training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.152, 42.153, or 42.156;

(3)  assistance specifically designed for a school district or campus assigned an unacceptable performance rating under Section 39.054;

(4)  training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5)  assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; [~~and~~]

(6)  assistance in complying with state laws and rules; and

(7)  assistance provided through responsive remote video coaching to guide teachers in rural areas through the delivery of instruction and services to students with disabilities as needed through existing agency infrastructure.

SECTION 2.  Section 21.033(a), Education Code, is amended to read as follows:

(a)  The State Board for Educator Certification is composed of 15 members. The commissioner of education shall appoint an employee of the agency to represent the commissioner as a nonvoting member. The commissioner of higher education shall appoint an employee of the Texas Higher Education Coordinating Board to represent the commissioner as a nonvoting member. The governor shall appoint two nonvoting members. The governor shall appoint a dean of a college of education in this state as one of the nonvoting members. The governor shall appoint a person who has experience working for and knowledge of an alternative educator preparation program and who is not affiliated with an institution of higher education as one of the nonvoting members. The remaining 11 members are appointed by the governor with the advice and consent of the senate, as follows:

(1)  four members must be teachers employed in public schools, one of whom must hold a certificate issued under this subchapter in special education and have classroom experience;

(2)  two members must be public school administrators;

(3)  one member must be a public school counselor; and

(4)  four members must be citizens, three of whom are not and have not, in the five years preceding appointment, been employed by a public school district or by an educator preparation program in an institution of higher education and one of whom is not and has not been employed by a public school district or by an educator preparation program in an institution of higher education.

SECTION 3.  Section 21.051, Education Code, is amended by adding Subsection (g) to read as follows:

(g)  The board shall propose rules to establish a minimum requirement for field-based experience in which a candidate is actively engaged in instructional or educational activities to implement an individualized education program for a student with a disability. The requirement under this subsection applies only to an initial certification issued on or after September 1, 2020. This requirement does not affect:

(1)  the validity of a certification issued before September 1, 2020; or

(2)  the eligibility of a person who holds a certification issued before September 1, 2020, to obtain a subsequent renewal of the certification in accordance with board rule.

SECTION 4.  Section 21.451, Education Code, is amended by adding Subsections (d-4) and (d-5) and amending Subsection (e) to read as follows:

(d-4)  Subject to Subsection (e), the training relating to instruction of students with disabilities required under Subsection (d)(2) must:

(1)  be developed by the agency in collaboration with regional education service centers;

(2)  be competency-based, interactive, and experiential, including providing educators the opportunity to integrate learned skills through demonstration, observation, collaboration, fieldwork, and reflection in different instructional contexts;

(3)  be delivered in person;

(4)  include at least four hours of instruction;

(5)  be provided on an annual basis, as part of new educator orientation to new school district and open-enrollment charter school educators; and

(6)  be provided on a schedule adopted by the agency by rule to existing school district and open-enrollment charter school educators who are responsible for classroom implementation of a student's individualized education program.

(d-5)  The training relating to instruction of students with disabilities required under Subsection (d)(2) 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;

(2)  competence in the use of proactive instructional planning techniques that:

(A)  provide flexibility in the ways:

(i)  information is presented;

(ii)  students respond or demonstrate knowledge and skills; and

(iii)  students are engaged;

(B)  reduce barriers in instruction;

(C)  provide appropriate accommodations, supports, and challenges; and

(D)  maintain high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

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

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

(B)  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;

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

(D)  appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction.

(e)  A school district is required to provide the training described by Subsection (d)(2) to an educator who works primarily outside the area of special education only if the educator has [~~does~~] not completed equivalent training approved by the agency [~~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 5.  The change in law made by this Act to Section 21.033(a)(1), Education Code, requiring that one member of the State Board for Educator Certification be a teacher who holds a certificate issued under Subchapter B, Chapter 21, Education Code, in special education does not affect the entitlement of teacher members serving on the board immediately before the effective date of this Act to continue to carry out the members' duties for the remainder of the members' terms. The governor shall appoint a teacher member who meets the requirements under Section 21.033(a)(1), Education Code, as amended by this Act, on the first vacancy that occurs after the effective date of this Act of a board position held by a teacher member.

SECTION 6.  The State Board for Educator Certification shall propose rules as required by Section 21.051(g), Education Code, as added by this Act, as soon as practicable following the effective date of this Act.

SECTION 7.  Sections 8.051 and 21.451, Education Code, as amended by this Act, apply beginning with the 2019-2020 school year.

SECTION 8.  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, 2019.