

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

1  
2 relating to special education-related requirements, including the  
3 provision of certain services, the composition of the State Board  
4 for Educator Certification, and certain educator requirements.

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

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

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

11 (1) training and assistance in:

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

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

16 (2) training and assistance in providing each program  
17 that qualifies for a funding allotment under Section 42.151,  
18 42.152, 42.153, or 42.156;

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

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

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

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

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

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

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

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

4           (2) two members must be public school administrators;

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

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

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

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

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

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

27           SECTION 4. Section 21.451, Education Code, is amended by

1 adding Subsections (d-4) and (d-5) and amending Subsection (e) to  
2 read as follows:

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

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

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

13 (3) be delivered in person;

14 (4) include at least four hours of instruction;

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

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

22 (d-5) The training relating to instruction of students with  
23 disabilities required under Subsection (d)(2) must require that the  
24 person demonstrate:

25 (1) basic knowledge of each disability category under  
26 the Individuals with Disabilities Education Act (20 U.S.C. Section  
27 1400 et seq.) and how each category can affect student learning and

1 development;

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

4 (A) provide flexibility in the ways:

5 (i) information is presented;

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

8 (iii) students are engaged;

9 (B) reduce barriers in instruction;

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

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

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

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

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

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

26 (D) appropriate adaptation strategies, including  
27 accommodations, modifications, and instruction in the use of

1 assistive technology for instruction.

2 (e) A school district is required to provide the training  
3 described by Subsection (d)(2) to an educator who works primarily  
4 outside the area of special education only if the educator has  
5 ~~[does]~~ not completed equivalent training approved by the agency  
6 ~~[possess the knowledge and skills necessary to implement the~~  
7 ~~individualized education program developed for a student receiving~~  
8 ~~instruction from the educator. A district may determine the time~~  
9 ~~and place at which the training is delivered].~~

10 SECTION 5. The change in law made by this Act to Section  
11 21.033(a)(1), Education Code, requiring that one member of the  
12 State Board for Educator Certification be a teacher who holds a  
13 certificate issued under Subchapter B, Chapter 21, Education Code,  
14 in special education does not affect the entitlement of teacher  
15 members serving on the board immediately before the effective date  
16 of this Act to continue to carry out the members' duties for the  
17 remainder of the members' terms. The governor shall appoint a  
18 teacher member who meets the requirements under Section  
19 21.033(a)(1), Education Code, as amended by this Act, on the first  
20 vacancy that occurs after the effective date of this Act of a board  
21 position held by a teacher member.

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

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

1 year.

2           SECTION 8. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2019.