

BILL ANALYSIS

Senate Research Center
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H.B. 159
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A majority of Texas students with special needs are served in classrooms with their non-special education peers. In addition to being an educational best practice, this arrangement is based on complying with federal law, which requires students with disabilities to be taught in their least restrictive environment. However, teachers without a special education certificate receive very little training in teaching to these students as a prerequisite to being certified. Without such training, educators will be unprepared to effectively meet the distinct needs of these students, leading to frustration for teachers and academic stagnation for students.

H.B. 159 provides the training educators need to teach all students by updating the requirements of educator preparation programs to integrate instruction on topics relating to special education. The practices and techniques required to be taught under the bill will provide teachers with the tools they need to teach to a diverse student body with differing learning styles and needs. By training teachers in methods that will satisfy the diverse learning needs of their students, H.B. 159 will better equip teachers to meet the challenges of educating every student who walks into a Texas classroom.

H.B. 159 amends current law relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Education on behalf of the State Board for Educator Certification is modified in SECTION 2 (Section 21.044, Education Code), SECTION 4 (Section 21.045, Education Code), and SECTION 8 (Section 21.051, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.001, Education Code, by adding Subdivision (4) to define "student with a disability" for Chapter 21 (Educators).

SECTION 2. Amends Section 21.044, Education Code, by amending Subsections (a), (b), (c-1), and (g) and adding Subsection (a-1), as follows:

(a) Requires the State Board for Educator Certification (SBEC) to propose certain rules, including rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities. Makes nonsubstantive changes.

(a-1) Requires that any training requirements for a certificate specified under Subsection (a) require that the person demonstrate:

(1) basic knowledge of:

(A) 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

(B) conditions that may be considered a disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and how a condition covered by that section can affect student learning and development;

(2) competence in the use of proactive instructional planning techniques that provide flexibility in certain ways, reduce barriers in instruction, provide appropriate accommodations, supports, and challenges, and maintain high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

(3) competence in the use of certain evidence-based inclusive instructional practices.

(b) Requires that the minimum qualifications for a certificate specified under Subsection (a) require that the person receive, rather than requiring that 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) Requires that the minimum qualifications for a certificate specified under Subsection (a), rather than requiring that 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.

(g) Requires that each educator preparation program provide information regarding certain issues, including the high expectations for all students, including students with disabilities, in this state.

SECTION 3. Amends Section 21.0443(b), Education Code, as follows:

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

(1) incorporate proactive instructional planning techniques throughout course work and across content areas using a framework that provides flexibility in certain ways, reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students with limited English proficiency;

(2) integrate inclusive practices for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experience, and student teaching;

(3) and (4) creates these subdivisions from existing text and makes no further changes.

SECTION 4. Amends Section 21.045(a), Education Code, to make conforming changes.

SECTION 5. Amends Section 21.0453(a), Education Code, to require that the information with which an educator preparation program is required to provide candidates for teacher certification include information concerning skills and responsibilities required of teachers with regard to all students, including students with disabilities, and expectations for student performance, including students with disabilities, based on state standards.

SECTION 6. Amends Section 21.046(b), Education Code, to require that the qualifications for certification as a principal emphasize certain qualities, including instructional leadership, including the ability to create an inclusive school environment and to foster parent involvement,

and curriculum and instruction management, including curriculum and instruction management for students with disabilities.

SECTION 7. Amends Section 21.047(c), Education Code, to require that the comprehensive field-based teacher program developed and implemented by a center for professional development of teachers to supplement the internship hours required in Section 21.050 (Academic Degree Required for Teaching Certificate; Field-Based Experience or Internship) be designed on the basis of current research into state-of-the-art teaching practices applicable to all students, including students with disabilities, curriculum theory and application within diverse student populations, evaluation of student outcomes, and the effective application of technology.

SECTION 8. Amends Sections 21.051(b) and (f), Education Code, as follows:

(b) Requires a candidate, before a school district is authorized to employ the candidate for certification as a teacher of record and, except as provided by Subsection (b-1) (relating to the ability of a candidate to satisfy a certain number required of field-based hours by serving as a long-term substitute teacher), after the candidate's admission to an educator preparation program, to complete least 15 hours of supervised, field-based experience in which the candidate is actively engaged in instructional or educational activities involving a diverse student population that, to the greatest extent practicable, includes students with disabilities.

(f) Requires that rules providing flexible options proposed by SBEC for persons for any field-based experience or internship required for certification include, to the greatest extent practicable, options that involve interaction with a diverse student population, including students with disabilities.

SECTION 9. Amends Section 21.451, Education Code, by adding Subsection (a-2) , as follows:

(a-2) Requires a school district, in designing the staff development described by Subsection (a) (relating to staff development provided to an educator other than a principal), to use procedures that, to the greatest extent possible, ensure the training included in the staff development:

(1) incorporates proactive instructional planning techniques using a framework that:

(A) provides flexibility in the ways information is presented, students respond or demonstrate knowledge and skills, and students are engaged;

(B) reduces barriers in instruction;

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

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

(2) integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

SECTION 10. Effective date: September 1, 2021.