

## **BILL ANALYSIS**

C.S.H.B. 785  
By: Allen  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There have been calls to require a more frequent review of a student's behavior improvement plan or behavioral intervention plan to prevent behavior escalation that may lead to more severe disciplinary actions. This issue is of particular concern for students receiving special education services, who are subject to disciplinary action at a higher rate. C.S.H.B. 785 seeks to address this issue by requiring the annual review of those plans, and additional reviews as needed, and also provides for certain other changes relating to behavioral management for students enrolled in special education, including required parental notification when restraints are used on such students.

### **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. 785 amends the Education Code to revise certain provisions relating to behavioral management for students enrolled in special education. The bill requires the admission, review, and dismissal (ARD) committee for a student whose individualized education program includes a behavior improvement plan or a behavioral intervention plan to review the plan at least annually and more frequently if appropriate to address changes in a student's circumstances that may impact the student's behavior or to address the safety of the student or others. The bill requires a public school 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 do the following:

- not later than the 10th school day after the change in placement:
  - seek parental consent to conduct a functional behavioral assessment of the student, if such an assessment has never been conducted on the student or the student's most recent assessment is more than one year old; and
  - review any previously conducted functional behavioral assessment and any behavior improvement plan or behavioral intervention plan developed based on that previous assessment; and
- as necessary, develop or revise a behavior improvement plan or behavioral intervention plan for the student, as applicable.

C.S.H.B. 785 requires procedures adopted by the commissioner of education for the use of restraint and time-out for a student with a disability receiving special education services to

require a district to do the following:

- provide written notification to the parent of or person standing in parental relation to a student for each use of restraint, including certain information regarding the incident and the following:
  - whether the student's behavior improvement plan or behavioral intervention plan may need to be revised as a result of the behavior that led to the restraint; or
  - if the student does not have one of those plans, the procedures for requesting an ARD committee meeting to discuss the possibility of conducting a functional behavioral assessment and developing a plan for the student;
- include in a student's special education eligibility school records a copy of the written notification provided, contact information for the parent or person to whom the district sent the notification, and information on the delivery method for the notification; and
- document each use of time-out prompted by a behavior specified in the student's behavior improvement plan or behavioral intervention plan, if applicable.

C.S.H.B. 785 applies beginning with the 2021-2022 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.