

BILL ANALYSIS

C.S.H.B. 1453
By: Bernal
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that current and projected shortages of special education teachers, along with a lack of relevant training for mainstream classroom teachers, may undermine a principle in federal law that requires special education students to be taught in the least restrictive appropriate environment. C.S.H.B. 1453 seeks to remedy this situation by requiring for all classroom teachers a minimum level of training relating to teaching students with disabilities.

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 rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 3 and the Texas Education Agency in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 1453 amends the Education Code to include among the core services each regional education service center is required to maintain for purchase by public school districts and campuses assistance provided through responsive remote coaching to guide teachers in rural areas through the delivery of instruction and services to students with disabilities as needed through existing Texas Education Agency (TEA) infrastructure. This provision applies beginning with the 2019-2020 school year.

C.S.H.B. 1453 requires one of the members of the State Board for Educator Certification (SBEC) who must be teachers employed in public schools to be a certified educator in special education who has classroom experience. This requirement does not affect the entitlement of such teacher members serving on the SBEC immediately before the bill's effective date to continue to carry out the members' duties for the remainder of the members' terms. The bill requires the governor to appoint a teacher member who meets the requirement for certification in special education on the first vacancy of a SBEC position held by a teacher member that occurs after the bill's effective date.

C.S.H.B. 1453 requires the SBEC to propose rules to establish a minimum requirement for field-based experience in which a candidate for initial teacher certification is actively engaged in instructional or educational activities to implement an individualized education program for a student with a disability. This requirement applies only to an initial certification issued on or after September 1, 2020, and expressly does not affect the validity of a certification issued before September 1, 2020, or 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 SBEC rule.

C.S.H.B. 1453 requires the training relating to instruction of students with disabilities and designed for educators who work primarily outside the area of special education that is a required component of staff development provided by a public school district to an educator other than a principal to meet the following criteria:

- be developed by TEA in collaboration with regional education service centers;
- be competency-based, interactive, and experiential;
- be delivered in person and include at least four hours of instruction;
- be provided on an annual basis as part of a new employee orientation to new district and open-enrollment charter school educators; and
- be provided on a schedule adopted by TEA by rule to existing district and charter school educators who are responsible for classroom implementation of a student's individualized education program.

The bill requires staff development training for such educators to require the person to demonstrate:

- basic knowledge of each disability category under the federal Individuals with Disabilities Education Act and how each category can affect student learning and development;
- competence in the use of certain proactive instructional planning techniques; and
- competence in the use of certain evidence-based inclusive instructional practices.

The bill requires the district to provide the training to an educator who works primarily outside the area of special education unless the educator has completed equivalent TEA-approved training. These provisions apply 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. 1453 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, with regard to staff development training relating to the instruction of students with disabilities designed for educators who work primarily outside the area of special education:

- includes a requirement for the training to be developed by TEA in collaboration with regional educational service centers;
- does not include a requirement for the training to be provided every five years after an educator initially completes it, but includes a requirement for the training to be provided on a schedule adopted by TEA by rule; and
- includes a requirement for the provision of the training to an educator who works primarily outside the area of special education unless the educator has completed equivalent TEA-approved training.

The substitute includes the following:

- provisions specifying that a requirement for certain field-based experience prescribed by the bill for initial educator certification does not affect the validity of a certification issued on or before September 1, 2020, or the eligibility of the certified person to renew

- such certification;
- a clarification that a requirement for the appointment of a certain teacher member to the SBEC is for such an appointment on the first appropriate vacancy and does not affect the service of previously appointed members;

The substitute limits application of the bill's provisions beginning with the 2019-2020 school year to its provisions relating to remote coaching offered by regional education service centers and relating to required staff development training.