

- SUBJECT:** Statewide plan for delivery of services to students with disabilities
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 9 ayes — Eissler, Hochberg, Allen, Aycock, Farias, Jackson, Patrick, Shelton, Weber
- 0 nays
- 2 absent — Dutton, Olivo
- WITNESSES:** For — Bill Carpenter, Texas Council of Administrators of Special Education; Paige Williams, Texas Classroom Teachers Association; (*Registered, but did not testify:* Portia Bosse, Texas State Teachers Association; Laura Buckner; Monty Exter, Association of Texas Professional Educators; Noelita Lugo, Texans Care for Children; Ted Melina Raab, Texas AFT; Jeff Miller, Advocacy Incorporated; Rona Statman, The Arc of Texas; Mary Jane Williams)
- Against — None
- BACKGROUND:** The federal Individuals with Disabilities Act requires a disabled student to be educated in the least restrictive environment appropriate for the student, often in a regular classroom taught by a regular classroom teacher who is not required to have special training to work with a student with special needs.
- DIGEST:** CSHB 3173 would require the statewide plan for the delivery of services to students with disabilities to ensure a school district provided to a teacher of a student with a disability:
- training in providing appropriate educational services;
 - assistance from appropriately trained personnel;
 - relevant information in the student's individualized education program; and
 - opportunity to request and participate in staffing and intervention team meetings and meetings of the student's admission, review, and dismissal committee.

The bill would require school districts to develop a process for responding to concerns raised by a teacher regarding the implementation of a student's individualized education program, as well as a procedure for notifying the student's parent of the teacher's concern.

The bill would require school health services for a student with a disability to be performed by a qualified school nurse or other qualified and trained personnel.

The bill would require a teacher to be trained on all necessary tasks the teacher would be required to perform related to a student's hygiene and care, including diapering needs. The bill would not allow a student to be removed from the regular classroom setting based solely on the student's hygiene and care needs.

The bill would direct the Texas Education Agency and the Health and Human Services Commission to establish and maintain a website to provide resources to teachers that teach students with special health needs. It would have to include information about the treatment and management of chronic illnesses and how an illness affects a student's well-being or ability to succeed in school.

The bill would apply beginning with the 2009-2010 school year and would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.