

BILL ANALYSIS

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S.B. 1753
By: Lucio
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Special needs students who present disruptive behavior challenges in schools need to be redirected in a way that minimizes harm and leads to more positive behavior outcomes in the future. Positive Behavior Interventions and Supports (PBIS) is a research-based intervention framework that prevents or reduces the need for unproven, dangerous, and harmful interventions and disciplinary referrals through positive reinforcement, prevention of misbehavior, and corrective feedback. Unfortunately, without sufficient training in positive behavior management strategies, many teachers sometimes rely on unhelpful and often harmful discipline techniques, such as physical restraint and time-out. Research shows that using these negative techniques without reflection on their effectiveness does little to improve students' behavior. On the contrary, some of these current disciplinary practices can stigmatize and harm special needs students who are subject to them.

S.B. 1753 provides guidance on behavior management by requiring functional behavior assessments of all students who exhibit disruptive behavior, and directing educators to use the results of these assessments in the development of individualized behavior strategies specific to each student's needs. S.B. 1753 provides for training for all educators in PBIS strategies when necessary to implement behavior plans, and clarifies the limited situations in which restraint may be used. The guidance and resources S.B. 1753 provides will empower teachers with the tools they need to reduce behavior incidents so they can focus on teaching.

As proposed, S.B. 1753 amends current law relating to positive behavioral interventions and supports for students enrolled in public school who receive special education services.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency is modified in SECTION 1 (Section 21.451, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 21.451(d) and (f), Education Code, as follows:

(d) Provides that the staff development:

(1) is authorized to include training in positive behavioral intervention (PBIS) or related strategies, and protecting students from bullying, including preventing, identifying, responding to, and reporting incidents of bullying;

(2) is required, subject to Subsection (e) (relating to authorizing the commissioner of education (commissioner) in carrying out powers and duties to use only money available from private sources to be used for a certain purpose) and to Section 21.3541 (Appraisal and Professional Development System for Principals) and rules adopted under that section, to include training that is evidence-based as defined by Section 8101, Every Student Succeeds Act, rather than training based on scientifically based research, as defined by 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), and that includes certain training.

(f) Requires a school district, in developing or maintaining the training required by Subsection (d)(2), to consult with persons with expertise in evidence-based, rather than research-based, practices for students with disabilities. Authorizes persons who are to be consulted under this subsection to include colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and behavior specialist professionals, rather than any other person identified as qualified by the district. Provides that this subsection applies to all training required by Subsection (d)(2), regardless of whether the training is provided at the campus or district level. Defines "behavior specialist professional."

SECTION 2. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.021, as follows:

Sec. 29.021. POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS. (a) Defines "restraint" and "seclusion."

(b) Provides that it is the policy of this state that each school district to the maximum extent possible should provide functional behavioral assessments to a student whose behavior interferes with the ability of that student or of another student to learn. Requires that the result of student assessments be used to develop and provide PBIS or related strategies to enhance academic and social behavioral outcomes for students by:

(1) emphasizing the use of data to inform decisions regarding selecting, implementing, and monitoring the progress of evidence-based behavioral practices;

(2) organizing resources and systems to improve the faithful implementation and sustainability of PBIS or related strategies; and

(3) providing training to school district personnel who will be involved in implementing PBIS or related strategies.

(c) Requires a school district to provide PBIS or related strategies under this section in a manner that:

(1) ensures a student's freedom from restraint and seclusion except as provided by Section 37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out) and rules adopted by the commissioner under that section;

(2) respects human dignity and personal privacy and does not cause pain or trauma to a student;

(3) ensures a student's right to placement in the least restrictive educational environment; and

(4) focuses on the individual in order to determine the most appropriate strategy for each student.

(d) Requires the student's admission, review, and dismissal committee (ARD committee), if the committee determines that the creation or revision of a behavioral intervention plan (BIP) is necessary, to create or revise the plan to include PBIS or related evidence-based behavioral intervention strategies. Requires the district to offer training on PBIS or related strategies to all school district personnel involved in the implementation of BIP who have not received training on PBIS or related strategies within the preceding two years. Requires that the training offered under this subsection be:

(1) conducted by one or more persons who are authorized to be consulted under Section 21.451(f);and

(2) to the maximum extent possible, relevant to BIP.

(e) Requires the ARD committee to monitor the implementation and results of BIP and determine the need for any revision of the plan or any additional training for school district personnel.

SECTION 3. Amends Section 37.0021, Education Code, by adding Subsections (d-1), (d-2), and (d-3), as follows:

(d-1) Prohibits a school district or a school district employee or volunteer or an independent contractor of a school district from authorizing, ordering, consenting to, or paying for any of certain interventions.

(d-2) Provides that an intervention that denies the student academic instruction by a certified educator constitutes an intervention that precludes adequate supervision for purposes of Subsection (d-1)(11).

(d-3) Requires the commissioner, in adopting procedures under this section, to provide guidance to school district employees, volunteers, and independent contractors of school districts in avoiding a violation of Subsection (d-1).

SECTION 4. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 5. Effective date: upon passage or September 1, 2017.