

# Mid-Session Update: Special Education Issues Before 87<sup>th</sup> Legislature

Partners Resource Network Statewide Webinar

March 3, 2021

# Today's Presentation

The 87th Texas Legislature began in January 2021 and runs until May 2021. This year state lawmakers will consider several topics that are important to students with disabilities. This webinar provides an update on the session, including the public participation procedures considering the COVID-19 pandemic. Parents and students will learn about key issues and how they can play an important role in the legislative process.

## Agenda

- Introduction
- Public Participation During COVID-19
- Special Education Legislation of Interest
- Special Education Resources
- Questions and Answers

# Introduction

First, a look back. The last legislative session was the 86<sup>th</sup> Legislature in 2019. Disability Rights Texas prepared a summary of key education bills for students with disabilities.

- [\*\*Disability Rights Texas Education Laws Summary, 2019\*\*](#)

# Introduction

In 2020, the interim legislative session did not go as planned due to the COVID-19 pandemic. Nonetheless, there was some legislative oversight of special education in Texas.

- The House Public Education Committee did not conduct any meetings but did issue a request for written comments on special education issues under **Interim Charge Number 3**.
  - [Formal Request for Information](#)
  - [Public Comments](#)

# Introduction

In 2020, the interim legislative session did not go as planned due to the COVID-19 pandemic. Nonetheless, there was some legislative oversight of special education in Texas.

- The Senate Education Committee conducted an interim hearing on November 13, 2020, which included special education.
  - [Senate Education Committee Interim Hearing Notice](#)
  - [Video Recording of Senate Education Committee Interim Hearing](#)

# Introduction

In addition to legislative oversight during the interim session, in 2020 state advisory committees also produced reports with legislative recommendations relevant to special education in Texas.

- TEA Special Education Allotment Advisory Committee
  - [SEAAC Report](#)
- Governor's Committee on People with Disabilities
  - [GCPD Report](#)
- TEA Special Education Continuing Advisory Committee
  - [CAC Report](#)

# Introduction

## **Texas Senate**

Lt. Governor Dan Patrick of Houston is the president of the Texas Senate.

The Chair of the **Senate Education Committee** is Senator Larry Taylor. The Vice-Chair is Senator Eddie Lucio, Jr. Other members of the Committee are: Senators Bettencourt, Hall, Hughes, Menendez, Paxton, Perry, Powell, Schwertner, and West.

First public hearing: Not yet scheduled

# Introduction

## **Texas House of Representatives**

The Texas House of Representatives has a new speaker for the 87<sup>th</sup> Legislature – Representative Dade Phelan of Beaumont.

The Chair of the **House Public Education Committee** is Representative Harold Dutton. The Vice-Chair is Representative J.M. Lozano. Other members of the Committee are: Representatives Allen, Allison, Bell, Bernal, Buckley, Mary Gonzalez, Huberty, King, Meza, Talarico, and VanDeaver.

First public hearing: Tuesday, March 2, 2021



# Public Participation During COVID-19

The Coronavirus outbreak and COVID-19 pandemic hit Texas in the spring of 2020 and continues to seriously affect all aspects of life. The 87<sup>th</sup> Legislature will be conducted in a manner different from previous sessions.

## **Texas Senate**

- COVID-19 test required to attend committee hearings
- Mask required to attend committee hearings
- Usual public participation process for written and oral testimony on bills
  - In-person

# Public Participation During COVID-19

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## **Texas House**

- Mask required to attend committee hearings
- Chair of committee may allow an invited witness to testify virtually
- Public may electronically submit public comments on a bill
  - Committee on House Administration established a [House Public Comment portal](#)

# Public Participation During COVID-19

To track bills and hearings during the 87<sup>th</sup> Legislature in 2021, the state legislative website is very helpful resource.

- [Texas Legislature Online website](#)

- Helpful information

- Bills (including all versions)

- Committees

- Hearings (including live stream and video recordings)

- Lawmakers (past and present)

- Other legislative information

# Special Education Legislation of Interest

Beginning on November 9, 2020, state lawmakers already in office are permitted to submit bills for consideration during the 87<sup>th</sup> Legislature. To date, there are some bills concerning special education already filed.

- [Senate Bill 54](#) (Senator Zaffirini). The bill would require a report by the Texas Higher Education Coordinating Board regarding best practices for assisting students with autism.
- [Senate Bill 88](#) (Senator Menendez). The bill would create a new local special education liaison program.
- [Senate Bill 89](#) (Senator Menendez)/[House Bill 144](#) (Representative Mary Gonzalez). The bill would require an individualized review for special education compensatory services due to school closures because of the COVID-19 pandemic.

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- [Senate Bill 180](#) (Senator Lucio)/[House Bill 159](#) (Representative Mary Gonzalez). The bill would improve educator development and training to serve students with disabilities.
- [Senate Bill 259](#) (Senator Menendez). The bill would create a local grant program for students with disabilities to apply for funding to purchase private learning resources or assistance for remote or virtual learning.

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- [Senate Bill 414](#) (Senator Lucio). The bill would revise the Texas Penal Code regarding the justified use of force by an educator on a student.
- [Senate Bill 688](#) (Senator Lucio). The bill would require the Texas Education Agency to create a procedure to determine the special education service intensity level of a student with a disability for the purpose of allocation of state special education aid.

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- [Senate Bill 776](#) (Senator Lucio). The bill would create an adaptive sports program through the University Interscholastic League to provide students with disabilities access to team sports.

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- [House Bill 24](#) (Representative Alex Dominguez)/[Senate Bill 520](#) (Senator Lucio). The bill would create a grant program for school districts for inclusive and accessible school playgrounds.



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- [House Bill 168](#) (Representative Mary Gonzalez). The bill would ensure that early childhood intervention service providers have access to children with disabilities who are attending child care facilities to provide services while the children are at the facility. The bill would also expand training requirements of child care facility staff to include awareness of the needs of children with disabilities. The bill would also require child care facilities to share information with families on early childhood intervention and special education programs.

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- [House Bill 411](#) (Representative Julie Johnson). The bill would update terminology used in the special education field.
- [House Bill 742](#) (Representative DeWayne Burns). The bill would establish a process to allow school districts to develop an alternate assessment method for certain students with disabilities who are exempt from the alternative STAAR tests. The bill would also change state accountability for self-contained special education campuses.

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- [House Bill 785](#) (Representative Alma Allen). The bill would require an annual review of a behavioral intervention plan (BIP) for a student with a disability by the admission, review, and dismissal committee. The bill would also require schools to review or consider recommending a BIP for a student with a disability in certain disciplinary actions. Additionally, the bill would require new notifications of the use of restraint, time-out, or certain disciplinary actions regarding a student with a disability.

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- [House Bill 807](#) (Representative Gina Hinojosa). The bill would change state accountability for self-contained special education campuses.
- [House Bill 828](#) (Representative Mary Gonzalez). The bill would require the State Board of Education to create a disability studies course curriculum and addition of disability studies to the Texas Essential Knowledge and Skills curriculum standards.
- [House Bill 843](#) (Representative Ray Lopez)/ [House Bill 908](#) (Representative Julie Johnson). The bill would require certain health benefit plan coverage for early childhood intervention services.

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- [House Bill 855](#) (Representative Mary Gonzalez). The bill would require a joint study and report by the Texas Education Agency and the Texas Higher Education Coordinating Board regarding the transition of public school students with disabilities to higher education.
- [House Bill 877](#) (Representative Mary Gonzalez). The bill would establish a process for districts to appoint an educational representative to make special education decisions for an adult student with a disability who needs assistance but does not have a court-appointed guardian.

# Special Education Legislation of Interest

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- [House Bill 1015](#) (Representative Steve Toth). The bill would create a grant program for certain public school students residing in Houston, including students with disabilities. Eligible students with disabilities would receive funding to pay for private school tuition, postsecondary courses, and learning supplies and resources. Applied behavioral analysis is included as an eligible expense.

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- [House Bill 1163](#) (Representative Mary Gonzalez). The bill would prohibit the use of prone and supine restraints of students with disabilities.
- [House Bill 1252](#) (Representative Joe Moody). The bill would increase the state's statute of limitations period for requesting a special education due process hearing from one year to two years.
- [House Bill 1602](#) (Representative Mary Gonzalez). The bill would require school districts to focus on career and employment skills development for transition-age students with disabilities.

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- [House Bill 1675](#) (Representative Steve Allison). The bill would streamline the process for appointment of a guardian for a child with an intellectual and developmental disability.
- [House Bill 2125](#) (Representative Mary Gonzalez). The bill would temporarily extend the age eligibility for special education to 22 years of age, through the 2022-2023 school year.



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- [House Bill 2256](#) (Representative Bobby Guerra). The bill would create a bilingual special education certification to teach students of limited English proficiency with disabilities.
- [House Bill 2297](#) (Representative Alma Allen). The bill would prohibit school districts from contacting parents to pick-up and remove their child from campus as a form of discipline or behavior management.

# Special Education Resources

- Disability Rights Texas
  - <https://www.disabilityrightstx.org/en/home/>
  - <https://www.disabilityrightstx.org/en/category/education/>
- Partners Resource Network
  - <https://prntexas.org/>
- Texas Special Education Information Center
  - <https://www.spedtex.org/>

# Questions

Question and Answer Session as Time Permits

*This presentation is for informational purposes and not intended to provide legal advice. Please note that the compilation of selected legislation is for informational purposes only. If you believe that you are directly affected by violations of law or have questions about your specific rights, we encourage you to seek legal counsel as soon as possible.*

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