

BILL ANALYSIS

Senate Research Center
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S.B. 914
By: Lucio
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under federal law, a student with disabilities in a public school must be provided an individualized education program (IEP). Schools may separately develop a behavior improvement plan (BIP) for students with behavioral problems related to their disability. If a student has a behavior issue that is not dealt with according to the BIP, his or her behavior may escalate and result in the student being disciplined, although that student's behavior is not entirely his or her fault. S.B. 914 clarifies that under state law, BIPs must be provided to teachers as part of the IEP.

Section 300.323 of the Individuals with Disabilities Education Act provides that a child's IEP must be accessible to teachers, and that teachers be informed of specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. Texas Education Agency (TEA) rules require a school district to provide to each teacher "relevant sections of the student's current IEP and that each teacher be informed of specific responsibilities related to implementing the IEP, such as goals and benchmarks, and of needed accommodations, modifications, and supports for the child." It is not clear whether BIPs are considered part of IEPs at all.

The Texas Classroom Teachers Association reports that in many schools, teachers are not receiving access to their students' BIPs. This may lead to unnecessary conflict between teachers, administration, and parents. Parents have little recourse except to file grievances or send letters to principals and special education directors asking them to provide BIPs to teachers in order to avoid escalating behavioral issues from their children.

S.B. 914 makes explicit that if a school determines that a BIP is appropriate for a student for whom the school has developed an IEP, that BIP must be included in the IEP and provided to each of the student's teachers.

As proposed, S.B. 914 amends current law relating to a behavior improvement plan adopted for certain students with an individualized education program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.005, Education Code, by adding Subsection (g), as follows:

(g) Authorizes the committee required to develop a child's individualized education program before the child is enrolled in a special education program of a school district (committee) to determine that a behavior improvement plan is appropriate for a student for whom the committee has developed an individualized education program. Requires that the behavior improvement plan, if the committee makes that determination, be included as part of the student's individualized education program and provided to each teacher with responsibility for educating the student.

SECTION 2. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 3. Effective date: upon passage or September 1, 2013.