



Special Education Legislation

May 2022

Recent Special Education Legislation



11 Special Education Bills from the 87th Legislative Session

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14 Special Education Bills from the 86th Legislative Session

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TEXAS LEGISLATURE

87th Legislative Session



Senate Bill 40



Relating to the provision of telehealth services by certain health professionals licensed by the Texas Department of Licensing and Regulation.

- As it pertains to public schools, SB 40 authorizes rules adopted by TDLR in accordance with this legislation to allow for the provision of remote education or distance learning for public and private schools.
- Additionally, SB 40 authorizes a licensed dyslexia practitioner to practice in, or provide telehealth services to a school, learning center, clinic, or private practice setting.



House Bill 159



Relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.

- Adds and amends educator preparation requirements related to the instruction of all students, with an emphasis on students with disabilities and prescribes techniques included in proactive and evidence-based inclusive instructional practices.
- Requires teachers to know how different disabilities impact student learning and development.
- Updates educator preparation program approval, curriculum, and accountability system requirements to implement legislation.
- Effective May 2022.



Relating to creating a bilingual special education certification to teach students of limited English proficiency with disabilities.

- Requires the development of bilingual special education educator standards and the development of a new bilingual special education teacher certification exam.
- The SBEC must propose rules to establish requirements and the certification examination for the bilingual special education certificate and establish standards that govern the initial and continuing approval for educator preparation programs (EPPs) to offer the bilingual special education certificate.



Senate Bill 1716



Relating to a supplemental special education services and instructional materials program for certain public-school students receiving special education services.

- In-Depth review of this bill will be provided to the House Public Education committee at their next meeting.
- [Information available on the TEA website](#)



Relating to public school finance system and public education.

- Created the Texas Commission on Special Education Funding
- Allocated \$100Million to be granted to LEAs to support innovative programs to serve students with Autism and to support training efforts in the area of dyslexia.



House Bill 785



Relating to behavior improvement plans and behavioral intervention plans for certain public-school students and notification and documentation requirements regarding certain behavior management techniques.

- Expands requirements for rules adopted by the Commissioner of Education regarding use of confinement, restraint, seclusion, and time-out, including written notification, a student’s special education eligibility school records, and documentation requirements within a behavior improvement plan or a behavioral intervention plan.
- Requires actions that must be taken if a student with a disability that receives special education services receives a disciplinary action that constitutes a change in placement. (This bill is applicable beginning with the 2021-2022 school year)
- Requires the individualized education programs (IEP) team to review the behavior improvement plan or behavioral intervention plan in students’ IEP at least once per year and specifies conditions that would require the behavior improvement plan or behavior intervention plan to be modified or changed.
- [FAQ is published](#) on TEA website



Senate Bill 89



Relating to supplemental information required for inclusion with a written statement of an individualized education program developed for certain public-school students who received special education services during the 2019-2020 or 2020-2021 school year.

- LEAs are providing assurances through TEA's Legal Framework that they have complied; and monitoring staff will incorporate those checks into cyclical monitoring of impacted students' folders on a go-forward basis.



House Bill 1252



Relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.

- Applies to a special education complaint filed and hearings requested on or after September 1, 2022.
- Bilingual Special Education Educator Standards Advisory Committee application is currently open and the committee will be presented to the SBEC for approval in July 2022.
- Rulemaking to implement the new certificate and establish the associated educator standards, certification exams, preparation requirements, and personnel assignments will begin post standards development. Rulemaking timeline: October 2023 – April 2024.
- Anticipated Effective Date: May 2024.



TEXAS LEGISLATURE

86th Legislative Session



House Bill 3



Relating to public school finance and public education.

- Major implications for SpEd funding:
 - Dyslexia Allotment
 - Increase in Mainstream weighting



House Bill 706



Relating to the eligibility of certain children with hearing impairments for audiology services under the school health and related services program.

- Adds §38.033 relating to audiology services eligibility under the school health and related services program and reimbursement requirements by the Health and Human Services Commission (HHSC) to providers for eligible children.



House Bill 2210



Relating to the consideration for public school accountability purposes of certain students receiving residential services in state hospitals.

- Students receiving residential services in a state hospital must be excluded from district and campus accountability rating evaluations. These students are not to be considered a student of the district or campus in which the program is physically located.



Senate Bill 54



Relating to the consideration for public school accountability purposes of certain students participating in regional day school programs for the deaf.

- Requires a study be conducted by the agency regarding methods and standards of evaluating students who attend regional day schools for the deaf and hard of hearing.
- [Link to report](#)



Senate Bill 139



Relating to a notice of educational rights and recovery by school districts and open-enrollment charter schools of costs for certain student evaluations.

- Requires the TEA to develop a notice by which school districts and charter schools provide to parents regarding their rights to a full and individual initial evaluation (FIE) for special education.
- Additionally, the agency is required to establish a cost recovery program for certain school districts and charter schools who experience a significant increase in the number of evaluations of students for special education.
- Codified the removal of the 8.5% indicator



Senate Bill 781



Relating to the regulation of residential treatment centers.

- Addresses regulations for residential treatment centers and applications regarding such centers. The bill requires that the Health and Human Services Commission collaborate with TEA to determine best practices for educational services in a general residential operation.



Senate Bill 2075



Relating to public school compliance with dyslexia screening and testing requirements.

- Requires TEA to audit and monitor school districts to ensure compliance with state statutory requirements related to serving students with dyslexia and related disorders.



Appendix



Senate Bill 776



Relating to the creation of an inclusive sports program by the University Interscholastic League to provide students with intellectual disabilities access to team sports.

- SB 776 requires the program, as established by UIL rule, to accommodate inclusive team sports for middle, junior high, and high school students. The program must establish eligibility requirements for participation in each inclusive team sport offered through the program; identify best practices for school districts to incorporate inclusive sports; and incorporate activities that promote bullying prevention, moral intelligence, character development, leadership development, physical fitness, and positive school culture. In adopting rules, the UIL must consider and incorporate federal guidance, guidance from national organizations that promote inclusion and acceptance among students with and without intellectual disabilities.



House Bill 375



Relating to the prosecution of the offense of continuous sexual abuse of young child or disabled individual; creating a criminal offense.

- Due to the changes in this legislation, there will be minor updates to the Texas Student Data System (TSDS). For local education agencies, there is no change to what is reported or the manner in which data is reported to the TEA, but there is a change to existing terminology in the data standards due to HB 375. Schools may also wish to update their student code of conduct as well as any of their local documentation or forms to reference the new terminology.



House Bill 165



Relating to providing for endorsements for public high school students enrolled in special education programs.

- Permits a student who is enrolled in a special education program to qualify for and earn an endorsement under the Foundation High School Program if the student meets existing requirements for an endorsement either with or without modification of the curriculum



House Bill 965



Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.

- Provides technical edits to several sections of the TEC to update terms and definitions from “mentally retarded” to persons with “intellectual disabilities” and related matters such as “state schools” to “state supported living centers.” Additionally, names of state agencies that have changed over the recent years have been updated.



Senate Bill 522



Relating to the development of an individualized education program for a public school student with a visual impairment.

- Replaces the term “functionally blind” with “visual impairment.”
- Also requires students with visual impairments to be provided with braille instruction unless their Individualized Educational Program (IEP) team determines it is not appropriate.



Senate Bill 712



Relating to prohibiting the use of certain behavioral interventions on students enrolled in public school who receive special education services.

- The legislation clearly defines aversive techniques
- The legislation prohibits a school district, school district employee, volunteer, or independent contract from applying, authorizing, ordering, or consenting to the use of an aversive technique on a student receiving special education services.



Senate Bill 1017



Relating to the creation of the advisory council on postsecondary education for persons with intellectual and developmental disabilities.

- The bill amends Texas Education Code (TEC) §61.0663(b) by requiring the Higher Education Coordinating Board (the board) to annually update its inventory of postsecondary educational programs and services provided by institutions of higher education for persons with intellectual and developmental disabilities.