



Senate Education Committee Hearing Thursday, April 23, 2009

The Senate Education Committee convened on Thursday, April 23, 2009 to hear testimony on four bills, two of which deal with certification requirements for teachers of visually impaired students and the eligibility of visually impaired students for a district's special education program. These bills, particularly **SB 2249** filed by **Sen. Zaffirini**, received considerable discussion by committee members due to a concern that additional certification requirements might exacerbate teacher shortages in this area. This bill was left pending in committee.

Pending bills included **Sen. Zaffirini's SB 21**, the pre-k expansion bill, and it remained pending due to a committee substitute introduced that **Chair Shapiro** requested additional time to review.

SB 2082 Shapiro

Relating to determining a student's eligibility for a school district's special education program on the basis of the student's visual impairment.

Remarks: As filed: To determine a child's eligibility for a school district's special education program on the basis of a visual impairment, the full individual and initial evaluation of the student must include an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist, and must be conducted during the day and at night in a variety of settings, including in the student's home, school, and community and in settings unfamiliar to the student. The evaluation must also provide for a person who is appropriately certified as an orientation and mobility specialist to participate, as part of the multidisciplinary team, in evaluating data on which the determination of the child's eligibility is based.

Testimony: **Sen. Shapiro** laid out the background and purpose of the bill.

Public testimony began with **Marty Murrell, Chair** of the **Alliance of and for Visually Impaired Texans**, gave invited testimony regarding the importance of having appropriately trained Orientation and Mobility specialists conduct student evaluations. She used her own expertise to illustrate the bill's importance and explained the ways in which it would benefit visually impaired (VI) students.

Invited testimony was also given by a VI student, **Sabra Ewing**, along with her mother, **Tanya Ewing**. The student, Sabra, explained the importance of orientation and mobility training to ensure her independence. Her mother, Tanya, also testified about the experience of trying to access orientation and mobility instruction and her experiences accessing resources through the public school system.

This testimony was followed by **Bill Carpenter** with the **Texas Council of Administrators of Special Education (TCASE)** spoke against the bill due to his concern with low-light and night evaluations which are specifically included in the bill's language. In response to a question from **Sen. Shapiro**, Mr. Carpenter changed his testimony to neutral, as Sen. Shapiro agreed to remove the language regarding low-light and night evaluations.

Several individuals registered in favor of this bill including **Holly Eaton** from the **Texas Classroom Teachers Association (TCTA)**.

Sen. Shapiro then amended the bill by striking the low-light and night language.

The bill was passed out of committee and placed on the local and uncontested calendar.

SB 2249 Zaffirini

Relating to a certification program for teachers of students with visual impairments.

Remarks: As filed: To become certified as a teacher of students with visual impairments, an educator must successfully complete all course work required by a State Board for Educator Certification-approved preparation program in that field and pass the State Board for Educator Certification-approved examinations in Braille and in visual impairments.

In order to teach students with visual impairments in this state, teachers certified in other states or territories must meet the requirements established by the State Board for Educator Certification.

Testimony: **Sen. Zaffirini** explained the purpose of the bill and the issues it seeks to address.

Testimony began with the mother of a visually impaired child who spoke in favor of the bill. She expressed concern with the manner in which current licensing occurs and explained that just having a teacher pass an exam is not sufficient for these students. The bill will ensure that appropriate teacher training occurs.

Marty Murrell, Chair of the **Alliance of and for Visually Impaired Texans** offered supportive testimony for the bill and explained the importance of ensuring that VI teachers receive the specific training necessary to teach VI students. In response to **Sen. Zaffirini's** question, she discussed that data for VI teachers is minimal and inadequate but it is known that the majority of these teachers are insufficiently trained.

Harley Federman, on his own behalf, is registered for the bill and is a young, VI student. He explained the importance of a teacher doing more than just taking a test in order to adequately and appropriately educate students like himself.

Holly Eaton, with **TCTA**, provided the next testimony for bill but spoke neutrally. She explained her concerns with requiring these teachers to potentially have to return to school at a high cost to receive additional training.

Sen. Patrick also raised concerns that the bill may create a teacher shortage in an already hard to staff area, and **Sen. Zaffirini** explained that appropriately educating VI students, is too important not to ensure on the basis of fear of exacerbating a shortage.

Jennifer Canaday with the **Association of Texas Professional Educators** (ATPE) echoed statements made previously by Ms. Eaton. She explained that SBEC declined, last year, to implement these changes because it might create an even deeper teacher shortage in this area. Ms. Canaday recommended that additional data be collected on this topic prior to changing current certification requirements.

Bill Carpenter of **TCASE** spoke in support of the bill and provided anecdotes to highlight the importance of increasing standards. He went on to state that his experiences working with and talking to special education teachers demonstrates that increased certification standards will not contribute to shortages. This bill will improve necessary, quality services for VI students.

Karen Loonam, a Deputy Associate Commissioner with **TEA**, was called on as a resource witness. In response to **Sen. Davis'** question, she explained that university coursework related to special education and Braille is required for teachers of VI students. She explained that a teacher equipped to teach students with special needs may go on to teach VI students without ever having worked with VI students. She also provided an overview of the tests required for VI teachers.

Jamail Hodges is high school student with a visual impairment and spoke on his own behalf in favor of the bill. He offered anecdotes as a visually impaired student regarding the obstacles faced when being taught by an inappropriately trained teacher.

Witnesses not wishing to testify but registered in favor of bill included **David Duty** with the **Texas Association of Community Schools** and **Rona Statman** with the **ARC of Texas**.

The bill was left pending.

SB 2258 Zaffirini

Relating to intensive summer programs for public school students and to college readiness programs at public institutions of higher education.

Remarks: As filed: Removes the classification of intensive summer programs as a pilot program. Places the responsibility of awarding grants for this purpose solely in the hand of the Commissioner of Education (no longer shared with commissioner of higher education). Grants for these programs may no longer be used to fund a program administered by an institution of higher education to provide intensive academic instruction in English language arts, math, and science to facilitate the student's transition from high school to a postsecondary institution.

Testimony: **Sen. Zaffirini** introduced a committee substitute which clarifies that the Texas Higher Education Coordinating Board should not implement or provide funding for these programs. This language is meant to specify that TEA must administer all programs for public school students. **Sen. Shapiro** suggested that this be implemented as a pilot program before implementing it as a full blown program. Therefore, she will submit an amendment to make it a pilot program, to which **Sen. Zaffirini** was agreeable.

Although no oral testimony was offered for this bill, both **Julie Shields** with the **Texas Association of School Boards** (TASB) and **Casey McCreary** the **Texas Association of School Administrators** (TASA) registered in favor of the bill.

The bill was passed out of committee with a favorable recommendation to the full senate.

SB 2357 Gallegos

Relating to the curriculum that must be provided by a disciplinary alternative education program.

Remarks: As filed: Requires DAEP programs to provide structured courses that are equivalent in content and rigor to courses in the regular classroom setting. They must also provide an established curriculum for each grade level that provides students an opportunity to achieve promotion to the next grade level or to graduate from high school on the same schedule as students in the regular classroom setting.

Testimony: **Sen. Gallegos** introduced the bill and laid out its scope and purpose.

Although no oral testimony was offered for the bill, **Jessica Cassidy** with the **American Civil Liberties Union**, **Jennifer Canaday** with **ATPE**, and **Eric Tarrazas** with **Texas Appleseed** all registered for the bill.

The bill was passed out of committee and placed on the local and uncontested calendar.

Pending Bills

SB 21 Zaffirini

Relating to an enhanced quality full-day prekindergarten program provided by public school districts in conjunction with community providers.

Remarks: As filed: Provides additional funding for school districts that choose to operate an enhanced full day pre-kindergarten program.

Action: **Sen. Zaffirini** introduced a committee substitute which makes various changes to the original bill including: Changes the funding structure due the current budget that cannot sustain this program and turns it into a grant program through TEA and provides guidance for a priority funding order in the case that grant applications exceed available funds, and also creates a start date for the 2009-2010 school year.

At this time a quorum was no longer present and a vote could not occur. Additionally, **Sen. Shapiro** stated that as the substitute had just been submitted, she would require time to review the substitute before allowing a vote.

The bill was left pending.

SB 548 Zaffirini

Relating to public school accountability for bilingual education and English as a second language and other special language programs.

Remarks: As filed: This bill creates an extensive system of reviewing effectiveness of districts' and charters' delivery of Bilingual Education / English as a Second Language (BE/ESL) programs, using AEIS, PBMAS and other prescribed indicator measures. Agency staff conducting desk audits or monitoring visits must be fully BE/ESL certified. Districts identified as non-compliant must be notified within 30 days, and immediately upon receipt of such notice, districts must take corrective actions and establish goals. Failure to meet goals within a year triggers a required program audit, and the Agency must take corrective actions after

two consecutive years of missing annual improvement goals. The bill also requires TEA to disaggregate AEIS data for students identified as limited English proficient, and imposes substantial additional reporting requirements on districts, in PEIMS but not personally identifiable, when students transfer out of BE/ESL programs.

Action: **Sen. Zaffirini** introduced a new committee substitute which transfers the responsibility of data collection from school districts to TEA for LEP students. Implementation will occur in the 2010-2011 school year. Both of these changes occurred at the request of TEA.

Sen. Williams expressed concern that the bill may conflict with current bills and requested the opportunity for his staff to speak with **Sen. Zaffirini's** staff before a vote occurs. Therefore, no vote occurred on this bill.

The bill was left pending.

SB 1489 Watson

Relating to optional dispute resolution methods for school districts and parents seeking or receiving special education services.

Remarks: As filed: Adds a section to the education code that provides for optional dispute resolution methods for school districts and parents seeking special education services. A school district shall make available and provide information to parents regarding optional dispute resolution methods that may be used when a dispute arises between the district and a parent of a student with a disability regarding identification of the student as a student entitled to special education services, evaluation or educational placement of the student, or the provision of a free appropriate public education to the student. TEA shall develop an individualized education program facilitation process as a method of alternative dispute resolution. The agency shall develop a statewide network of impartial facilitators to be made available on request to school districts and parents that choose to use the facilitation process developed under this section. Facilitators must be provided at no cost to a school district or parent.

Action: **Sen. Watson** introduces a new committee substitute for the bill. The new substitute was written by legislative council and includes more clarified language to allow for additional pilot programs at the commissioner's discretion. Language has also been changed to reduce potential legal costs to parents and administrative costs to schools.

The bill was passed out of the committee with a favorable recommendation and was placed on the local and uncontested calendar.

