

By: Dutton

H.B. No. 950

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a student's eligibility for special education services
3 provided by a school district, including services for dyslexia and
4 related disorders.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as the Beckley Wilson Act.

7 SECTION 2. Section 7.028(a), Education Code, is amended to
8 read as follows:

9 (a) Except as provided by Section 21.006(k), 22.093(l),
10 22.096, 28.006, 29.001(5), 29.010(a), 33.006(h), [~~38.003~~] or
11 39.003, the agency may monitor compliance with requirements
12 applicable to a process or program provided by a school district,
13 campus, program, or school granted charters under Chapter 12,
14 including the process described by Subchapter F, Chapter 11, or a
15 program described by Subchapter B, C, D, E, F, H, or I, Chapter 29,
16 or Subchapter A, Chapter 37, only as necessary to ensure:

- 17 (1) compliance with federal law and regulations;
- 18 (2) financial accountability, including compliance
19 with grant requirements;
- 20 (3) data integrity for purposes of:
- 21 (A) the Public Education Information Management
22 System (PEIMS); and
- 23 (B) accountability under Chapters 39 and 39A; and
- 24 (4) qualification for funding under Chapter 48.

1 SECTION 3. Section 7.102(c)(28), Education Code, is amended
2 to read as follows:

3 (28) The board shall develop and update, as necessary,
4 guidance information for school districts on evidence-based
5 practices for intervention and instruction of students with
6 ~~[approve a program for testing students for]~~ dyslexia and related
7 disorders and incorporate in the information input from a
8 broad-based dialogue with educators and experts in the field of
9 reading and dyslexia and related disorders from across the state.
10 The guidance information may not address:

11 (A) the evaluation and identification of
12 students with dyslexia or a related disorder; or

13 (B) how intervention and instruction are to be
14 accessed by a student ~~[as provided by Section 38.003].~~

15 SECTION 4. Section 11.252(a), Education Code, is amended to
16 read as follows:

17 (a) Each school district shall have a district improvement
18 plan that is developed, evaluated, and revised annually, in
19 accordance with district policy, by the superintendent with the
20 assistance of the district-level committee established under
21 Section 11.251. The purpose of the district improvement plan is to
22 guide district and campus staff in the improvement of student
23 performance for all student groups in order to attain state
24 standards in respect to the achievement indicators adopted under
25 Section 39.053(c). The district improvement plan must include
26 provisions for:

27 (1) a comprehensive needs assessment addressing

1 district student performance on the achievement indicators, and
2 other appropriate measures of performance, that are disaggregated
3 by all student groups served by the district, including categories
4 of ethnicity, socioeconomic status, sex, and populations served by
5 special programs, including students in special education programs
6 under Subchapter A, Chapter 29;

7 (2) measurable district performance objectives for
8 all appropriate achievement indicators for all student
9 populations, including students in special education programs
10 under Subchapter A, Chapter 29, and other measures of student
11 performance that may be identified through the comprehensive needs
12 assessment;

13 (3) strategies for improvement of student performance
14 that include:

15 (A) instructional methods for addressing the
16 needs of student groups not achieving their full potential;

17 (B) evidence-based practices that address the
18 needs of students for special programs, including:

19 (i) suicide prevention programs, in
20 accordance with Subchapter G, Chapter 38, which include a parental
21 or guardian notification procedure;

22 (ii) conflict resolution programs;

23 (iii) violence prevention programs; and

24 (iv) special education [~~dyslexia~~
25 ~~treatment~~] programs;

26 (C) dropout reduction;

27 (D) integration of technology in instructional

1 and administrative programs;

2 (E) positive behavior interventions and support,
3 including interventions and support that integrate best practices
4 on grief-informed and trauma-informed care;

5 (F) staff development for professional staff of
6 the district;

7 (G) career education to assist students in
8 developing the knowledge, skills, and competencies necessary for a
9 broad range of career opportunities;

10 (H) accelerated education; and

11 (I) implementation of a comprehensive school
12 counseling program under Section [33.005](#);

13 (4) strategies for providing to elementary school,
14 middle school, junior high school, and high school students, those
15 students' teachers and school counselors, and those students'
16 parents information about:

17 (A) higher education admissions and financial
18 aid opportunities, including state financial aid opportunities
19 such as the TEXAS grant program and the Teach for Texas grant
20 program established under Chapter [56](#);

21 (B) the need for students to make informed
22 curriculum choices to be prepared for success beyond high school;
23 and

24 (C) sources of information on higher education
25 admissions and financial aid;

26 (5) resources needed to implement identified
27 strategies;

1 (6) staff responsible for ensuring the accomplishment
2 of each strategy;

3 (7) timelines for ongoing monitoring of the
4 implementation of each improvement strategy;

5 (8) formative evaluation criteria for determining
6 periodically whether strategies are resulting in intended
7 improvement of student performance;

8 (9) the policy under Section 38.0041 addressing sexual
9 abuse and other maltreatment of children; and

10 (10) the trauma-informed care policy required under
11 Section 38.036.

12 SECTION 5. Section 21.003, Education Code, is amended by
13 adding Subsection (b-1) to read as follows:

14 (b-1) A school district shall employ a person who may be a
15 therapist, practitioner, specialist, or interventionist to provide
16 services to students with dyslexia and related disorders. The
17 person hired under this subsection is not required to hold a
18 certificate or permit issued under Subchapter B in special
19 education but must:

20 (1) hold an appropriate license, including a license
21 issued under Chapter 403, Occupations Code;

22 (2) hold a certification issued by an appropriate
23 association or have received training from an appropriate training
24 provider, including an academic language practitioner or therapist
25 certified by the Academic Language Therapy Association; or

26 (3) if a person qualified under Subdivision (1) or (2)
27 is not available, meet the applicable training requirements for the

1 position adopted by the commissioner by rule.

2 SECTION 6. Section 21.4552(b-1), Education Code, is amended
3 to read as follows:

4 (b-1) The completion of a literacy achievement academy
5 under this section by an educator who teaches students with
6 dyslexia satisfies:

7 (1) the training requirement under Section 21.054(b);
8 and

9 (2) a training requirement adopted [~~by the State Board~~
10 ~~of Education~~] pursuant to Section 29.0031 [~~38.003~~] related to the
11 screening or treatment of a student for dyslexia or a related
12 disorder.

13 SECTION 7. Section 28.006(g-2), Education Code, is amended
14 to read as follows:

15 (g-2) In accordance with a notification program developed
16 by the commissioner by rule, a school district shall notify the
17 parent or guardian of each student determined, on the basis of a
18 screening under Section 29.0031 [~~38.003~~] or other basis, to be at
19 risk for [~~have~~] dyslexia or a related disorder, or determined, on
20 the basis of reading instrument results, to be at risk for dyslexia
21 or other reading difficulties, of the program maintained by the
22 Texas State Library and Archives Commission providing students with
23 reading disabilities the ability to borrow audiobooks free of
24 charge.

25 SECTION 8. Section 29.001, Education Code, is amended to
26 read as follows:

27 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and

1 modify as necessary, a statewide design, consistent with federal
2 law, for the delivery of services to children with disabilities in
3 this state that includes rules for the administration and funding
4 of the special education program so that a free appropriate public
5 education is available to all of those children between the ages of
6 three and 21. The statewide design shall include the provision of
7 services primarily through school districts and shared services
8 arrangements, supplemented by regional education service centers.
9 The agency shall also develop and implement a statewide plan with
10 programmatic content that includes procedures designed to:

11 (1) ensure state compliance with requirements for
12 supplemental federal funding for all state-administered programs
13 involving the delivery of instructional or related services to
14 students with disabilities;

15 (2) facilitate interagency coordination when other
16 state agencies are involved in the delivery of instructional or
17 related services to students with disabilities;

18 (3) periodically assess statewide personnel needs in
19 all areas of specialization related to special education and pursue
20 strategies to meet those needs through a consortium of
21 representatives from regional education service centers, local
22 education agencies, and institutions of higher education and
23 through other available alternatives;

24 (4) ensure that regional education service centers
25 throughout the state maintain a regional support function, which
26 may include direct service delivery and a component designed to
27 facilitate the placement of students with disabilities who cannot

1 be appropriately served in their resident districts;

2 (5) allow the agency to effectively monitor and
3 periodically conduct site visits of all school districts to ensure
4 that rules adopted under this section and Section 29.0031 are
5 applied in a consistent and uniform manner, to ensure that
6 districts are complying with those rules, and to ensure that annual
7 statistical reports filed by the districts and not otherwise
8 available through the Public Education Information Management
9 System under Sections 48.008 and 48.009 are accurate and complete;

10 (6) ensure that appropriately trained personnel are
11 involved in the diagnostic and evaluative procedures operating in
12 all districts and that those personnel routinely serve on district
13 admissions, review, and dismissal committees;

14 (7) ensure that an individualized education program
15 for each student with a disability is properly developed,
16 implemented, and maintained in the least restrictive environment
17 that is appropriate to meet the student's educational needs;

18 (8) ensure that, when appropriate, each student with a
19 disability is provided an opportunity to participate in career and
20 technology and physical education classes, in addition to
21 participating in regular or special classes;

22 (9) ensure that each student with a disability is
23 provided necessary related services;

24 (10) ensure that an individual assigned to act as a
25 surrogate parent for a child with a disability, as provided by 20
26 U.S.C. Section 1415(b), is required to:

27 (A) complete a training program that complies

1 with minimum standards established by agency rule;

2 (B) visit the child and the child's school;

3 (C) consult with persons involved in the child's
4 education, including teachers, caseworkers, court-appointed
5 volunteers, guardians ad litem, attorneys ad litem, foster parents,
6 and caretakers;

7 (D) review the child's educational records;

8 (E) attend meetings of the child's admission,
9 review, and dismissal committee;

10 (F) exercise independent judgment in pursuing
11 the child's interests; and

12 (G) exercise the child's due process rights under
13 applicable state and federal law; ~~and~~

14 (11) ensure that each district develops a process to
15 be used by a teacher who instructs a student with a disability in a
16 regular classroom setting:

17 (A) to request a review of the student's
18 individualized education program;

19 (B) to provide input in the development of the
20 student's individualized education program;

21 (C) that provides for a timely district response
22 to the teacher's request; and

23 (D) that provides for notification to the
24 student's parent or legal guardian of that response;

25 (12) ensure the integration of technology to
26 accommodate students with dyslexia and related disorders; and

27 (13) ensure that training opportunities, including

1 continuing education that satisfies the requirements of Section
2 21.054(b):

3 (A) are accessible to school districts by
4 developing a list of training opportunities regarding dyslexia and
5 related disorders that comply with the knowledge and practice
6 standards of an international organization on dyslexia; and

7 (B) assist an educator or dyslexia service
8 provider in understanding and recognizing dyslexia and providing
9 multisensory, structured instruction that is systematic, explicit,
10 and evidence-based to meet the educational needs of students with
11 dyslexia or a related disorder.

12 SECTION 9. Section 29.002, Education Code, is amended to
13 read as follows:

14 Sec. 29.002. DEFINITIONS [~~DEFINITION~~]. In this
15 subchapter [~~,"special services" means~~]:

16 (1) "Special [~~special~~ education" means specially
17 designed instruction that is provided at no cost to the parent or
18 person standing in parental relation to meet the unique needs of a
19 student with a disability. [~~," which may be provided by professional~~
20 ~~and supported by paraprofessional personnel in the regular~~
21 ~~classroom or in an instructional arrangement described by Section~~
22 ~~48.102, and]~~

23 (2) "Student with a disability" means a student
24 evaluated in accordance with Section 29.004 and the Individuals
25 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) as
26 having:

27 (A) an intellectual disability, a hearing

1 impairment including deafness, a visual impairment including
2 blindness, a serious emotional disturbance, an orthopedic
3 impairment, autism, a traumatic brain injury, a speech or language
4 impairment, deaf-blindness, multiple disabilities, any other
5 health impairment, or a specific learning disability and who, as a
6 result of the disability, needs special education;

7 (B) noncategorical early childhood developmental
8 delays that prevent the student from being adequately or safely
9 educated in a public school without receiving special education; or

10 (C) dyslexia or a related disorder and who, as a
11 result of the dyslexia or the related disorder, needs special
12 education [~~related services, which are developmental, corrective,~~
13 ~~supportive, or evaluative services, not instructional in nature,~~
14 ~~that may be required for the student to benefit from special~~
15 ~~education instruction and for implementation of a student's~~
16 ~~individualized education program].~~

17 SECTION 10. Section 29.003(b), Education Code, is amended
18 to read as follows:

19 (b) A student is eligible to participate in a school
20 district's special education program if the student:

21 (1) is not more than 21 years of age and is identified
22 as a student with [~~and has~~] a visual or hearing [~~auditory~~]
23 impairment [~~that prevents the student from being adequately or~~
24 ~~safely educated in public school without the provision of special~~
25 ~~services]; [~~or~~]~~

26 (2) is at least three years of age but not more than 21
27 years of age and has been identified as a student with a disability

1 other than a visual or hearing impairment; [~~and has one~~] or
2 (3) is at least three years of age but not more than
3 five years of age and the [~~following disabilities that prevents~~
4 ~~the~~ student is a student evaluated as having noncategorical early
5 childhood developmental delays as described by Section
6 29.002(2)(B) [~~from being adequately or safely educated in public~~
7 school without the provision of special services:

- 8 [~~(A) physical disability;~~
- 9 [~~(B) intellectual or developmental disability;~~
- 10 [~~(C) emotional disturbance;~~
- 11 [~~(D) learning disability;~~
- 12 [~~(E) autism;~~
- 13 [~~(F) speech disability; or~~
- 14 [~~(G) traumatic brain injury].~~

15 SECTION 11. Subchapter A, Chapter 29, Education Code, is
16 amended by adding Section 29.0031 to read as follows:

17 Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) A school
18 district shall:

19 (1) screen students for dyslexia and related
20 disorders;

21 (2) notify the parent of or person standing in
22 parental relation to each student who is determined to be at risk
23 for dyslexia or a related disorder that the student is at risk; and

24 (3) make a good faith effort to ensure that the notice
25 provided under Subdivision (2):

26 (A) is clear and easy to understand;

27 (B) is in the recipient's native language; and

1 (C) includes information about the student's
2 data and measurements that led to the determination that the
3 student is at risk for dyslexia or a related disorder.

4 (b) On determining that a student is at risk for dyslexia or
5 a related disorder, the school district shall implement a
6 multisensory, structured reading instruction program as an
7 intervention as part of the district's multitiered systems of
8 support under Section 26.0081 that, to the extent possible,
9 incorporates training provided to teachers under Section 21.4552.
10 The district shall determine the form, content, and timing of a
11 program provided under this subsection, subject to requirements for
12 the program established by the commissioner by rule. The program
13 adopted under this subsection may not be used to delay an evaluation
14 for special education services under Section 29.004.

15 (c) Only a person who meets the qualifications for
16 employment by a school district to provide services to students
17 with dyslexia and related disorders under Section 21.003(b-1) may
18 perform screenings for dyslexia and related disorders and implement
19 reading instruction programs as required by this section.

20 (d) The commissioner shall adopt rules as necessary to
21 implement this section. The rules must:

22 (1) require a universal screening for each student for
23 dyslexia and related disorders:

24 (A) at the end of the school year in
25 kindergarten; and

26 (B) before the end of the school year in first
27 grade;

1 (2) establish, in coordination with experts and
2 educators in the field of reading and dyslexia and related
3 disorders from across the state, the screening requirements under
4 Subsection (a);

5 (3) establish the requirements for reading
6 instruction programs provided under Subsection (b); and

7 (4) establish the personnel required to deliver
8 dyslexia intervention in accordance with Section 21.003(b-1).

9 SECTION 12. Section 30.001(b), Education Code, is amended
10 to read as follows:

11 (b) The commissioner, with the approval of the State Board
12 of Education, shall develop and implement a plan for the
13 coordination of services to children with disabilities in each
14 region served by a regional education service center. The plan must
15 include procedures for:

16 (1) identifying existing public or private
17 educational and related services for children with disabilities in
18 each region;

19 (2) identifying and referring children with
20 disabilities who cannot be appropriately served by the school
21 district in which they reside to other appropriate programs;

22 (3) assisting school districts to individually or
23 cooperatively develop programs to identify and provide appropriate
24 services for children with disabilities;

25 (4) expanding and coordinating services provided by
26 regional education service centers for children with disabilities;

27 [~~and~~]

1 (5) providing for special education [~~services~~],
2 including special seats, books, instructional media, and other
3 supplemental supplies and services required for proper
4 instruction; and

5 (6) ensuring services provided for students with
6 dyslexia and related disorders align with guidance on
7 evidence-based practices developed by the State Board of Education
8 under Section 7.102(c)(28).

9 SECTION 13. Section 30.002(g), Education Code, is amended
10 to read as follows:

11 (g) To facilitate implementation of this section, the
12 commissioner shall develop a system to distribute from the
13 foundation school fund to school districts or regional education
14 service centers a special supplemental allowance for each student
15 with a visual impairment and for each student with a serious visual
16 disability and another medically diagnosed disability of a
17 significantly limiting nature who is receiving special education
18 services through any approved program. The supplemental allowance
19 may be spent only for special education [~~services~~] uniquely
20 required by the nature of the student's disabilities and may not be
21 used in lieu of educational funds otherwise available under this
22 code or through state or local appropriations.

23 SECTION 14. Section 37.146(a), Education Code, is amended
24 to read as follows:

25 (a) A complaint alleging the commission of a school offense
26 must, in addition to the requirements imposed by Article 45.019,
27 Code of Criminal Procedure:

1 (1) be sworn to by a person who has personal knowledge
2 of the underlying facts giving rise to probable cause to believe
3 that an offense has been committed; and

4 (2) be accompanied by a statement from a school
5 employee stating:

6 (A) whether the child is eligible for or receives
7 special education [~~services~~] under Subchapter A, Chapter 29; and

8 (B) the graduated sanctions, if required under
9 Section 37.144, that were imposed on the child before the complaint
10 was filed.

11 SECTION 15. Section 48.103, Education Code, is amended by
12 amending Subsections (b) and (c) and adding Subsection (c-1) to
13 read as follows:

14 (b) A school district is entitled to an allotment under
15 Subsection (a) only for a student who:

16 (1) is receiving services for dyslexia or a related
17 disorder in accordance with:

18 (A) an individualized education program
19 developed for the student under Section 29.005; or

20 (B) a plan developed for the student under
21 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

22 (2) is receiving instruction that:

23 (A) meets applicable dyslexia intervention
24 components [~~program criteria~~] established by the State Board of
25 Education or agency; and

26 (B) is provided by a person with specific
27 training in providing that instruction; or

1 (3) is permitted, on the basis of having dyslexia or a
2 related disorder, to use modifications in the classroom or
3 accommodations in the administration of assessment instruments
4 under Section 39.023.

5 (c) A school district shall:

6 (1) ~~may~~ receive funding for a student under this
7 section and Section 48.102 if the student satisfies the
8 requirements of both sections;

9 (2) allocate money received under Subdivision (1) to
10 the district's special education budget; and

11 (3) prioritize the use of money received under
12 Subdivision (1) for the employment and retention of district
13 employees who are specially trained to evaluate, identify, and
14 provide services for dyslexia and related disorders, including a
15 person described by Section 21.003(b-1).

16 (c-1) A school district may only use funding received under
17 this section to supplement the district's special education budget
18 and not to offset or deduct from the district's special education
19 budget.

20 SECTION 16. (a) A joint interim committee is established to
21 study methods for screening and testing students for dyslexia and
22 related disorders and the appropriate instruction for students with
23 dyslexia and related disorders.

24 (b) The committee shall assess:

25 (1) the method and efficiency with which programs for
26 dyslexia and related disorders are delivered to students;

27 (2) whether the screening process for dyslexia and

1 related disorders used by school districts correctly identifies
2 students with dyslexia or a related disorder and provides the
3 intervention and curriculum necessary for those students;

4 (3) whether the implementation of recommended
5 methodologies for students with dyslexia or a related disorder in
6 the elementary grades is successful and appropriate;

7 (4) methods to properly enforce and provide oversight
8 of programs for dyslexia and related disorders;

9 (5) parental rights related to screening and programs
10 for dyslexia and related disorders;

11 (6) methods to ensure federal funds received to
12 support special education instruction for students with dyslexia
13 and related disorders are used to provide students with the best
14 evidence-based multisensory systematic language therapy
15 intervention available; and

16 (7) the effectiveness of educator incentives for
17 programs for dyslexia and related disorders.

18 (c) The committee consists of the following eight members:

19 (1) four members of the house of representatives
20 appointed by the speaker of the house of representatives; and

21 (2) four members of the senate appointed by the
22 lieutenant governor.

23 (d) The speaker of the house of representatives and the
24 lieutenant governor shall each designate a co-chair from among the
25 committee members.

26 (e) The joint interim committee has all other powers and
27 duties provided to a special or select committee by the rules of the

1 senate and house of representatives by Subchapter B, Chapter 301,
2 Government Code, and by policies of the senate and house committees
3 on administration.

4 (f) Not later than December 1, 2024, the joint interim
5 committee shall report the committee's findings and
6 recommendations to the governor and the members of the legislature.

7 (g) The joint interim committee established under this
8 section is abolished and this section expires December 10, 2024.

9 SECTION 17. The following provisions of the Education Code
10 are repealed:

- 11 (1) Section 38.003;
- 12 (2) Section 38.0031; and
- 13 (3) Section 38.0032.

14 SECTION 18. (a) This Act applies beginning with the
15 2024-2025 school year.

16 (b) As soon as practicable after the effective date of this
17 Act, the commissioner of education shall adopt rules necessary to
18 implement this Act using a negotiated rulemaking process under
19 Chapter 2008, Government Code.

20 (c) As soon as practicable after the effective date of this
21 Act, each school district shall notify the parent or person
22 standing in parental relation to a student who has been identified
23 as having dyslexia or a related disorder and who received dyslexia
24 intervention and instructional support in accordance with Section
25 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), during the
26 2023-2024 school year of the parent's or person's rights to have the
27 student continue that support and to request a full individual

1 evaluation under Section [29.004](#), Education Code. The commissioner
2 of education shall develop and make available a model notice that a
3 school district shall use to provide the notice required by this
4 subsection.

5 (d) Not later than September 1, 2024, the Texas Education
6 Agency shall provide informal guidance to school districts on the
7 evaluation and identification of students with dyslexia or a
8 related disorder in accordance with this Act.

9 SECTION 19. This Act takes effect September 1, 2023.