

By: Toth, Meyer, Anderson, Burrows, et al.

H.B. No. 3928

Substitute the following for H.B. No. 3928:

By: Buckley

C.S.H.B. No. 3928

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the screening of students for dyslexia and related
3 disorders and a student's eligibility for special education
4 services provided by a school district, including services for
5 dyslexia and related disorders.

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

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

8 SECTION 2. Chapter 26, Education Code, is amended by adding
9 Section 26.0111 to read as follows:

10 Sec. 26.0111. POLICY ON COMPLAINTS REGARDING DYSLEXIA
11 INTERVENTION. (a) The board of trustees of each school district
12 shall adopt a grievance procedure under which the board shall
13 address each complaint that the board receives concerning:

14 (1) a violation of a right related to the screening and
15 intervention services for dyslexia or a related disorder under
16 Sections 29.0031 and 29.0053; or

17 (2) the implementation by the school district of the
18 Texas Dyslexia Handbook, as published by the agency, and its
19 subsequent amendments.

20 (b) The policy adopted under Subsection (a) may not
21 interfere with a parent's due process rights under the Individuals
22 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

23 SECTION 3. Subchapter A, Chapter 29, Education Code, is
24 amended by adding Sections 29.0031, 29.0032, and 29.0053 to read as

1 follows:

2 Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) In
3 addition to the screening and testing for dyslexia and related
4 disorders required under Section 38.003, a school district shall
5 request consent from the parent of a student enrolled in
6 kindergarten through grade 12 for a full individual and initial
7 evaluation under Section 29.004 to evaluate the student for
8 dyslexia or a related disorder if the district:

9 (1) suspects that the student has dyslexia or a
10 related disorder;

11 (2) identifies the student as at risk for reading
12 difficulties, including dyslexia and related disorders, using
13 quantitative and qualitative data indicating that the student
14 exhibits characteristics of a student with dyslexia or a related
15 disorder or other specific learning disability; or

16 (3) removes the student from the student's assigned
17 campus and the student is exhibiting academic difficulties in
18 reading, spelling, or written expression or complex conditions or
19 behaviors that may result from an undiagnosed learning disability.

20 (b) A full individual and initial evaluation under
21 Subsection (a) must:

22 (1) assess a student for dyslexia and related
23 disorders using:

24 (A) best practices for identifying dyslexia and
25 related disorders that are aligned with the knowledge and practice
26 standards of the International Dyslexia Association; and

27 (B) the process outlined in the Texas Dyslexia

1 Handbook, as published by the agency, and its subsequent
2 amendments; and

3 (2) consider associated academic difficulties and
4 other conditions that regularly affect students with dyslexia and
5 related disorders.

6 (c) During an evaluation of a student under this section, a
7 school district shall ensure that the student:

8 (1) continues to receive grade-level appropriate,
9 evidence-based core reading instruction; and

10 (2) is provided appropriate tiered interventions.

11 (d) A school district may not delay the evaluation of a
12 student under this section based on the implementation of another
13 intervention process for the student.

14 (e) On determining that a student is at risk for dyslexia or
15 a related disorder, the student may be evaluated by a
16 multidisciplinary team that includes at least one member with
17 specific knowledge regarding the reading process, dyslexia and
18 related disorders, and dyslexia instruction. The member must:

19 (1) hold a licensed dyslexia therapist license under
20 Chapter 403, Occupations Code;

21 (2) hold the most advanced dyslexia-related
22 certification issued by an association accredited by the
23 International Multisensory Structured Language Education Council,
24 including an academic language practitioner or therapist with a
25 master's degree and certified by the Academic Language Therapy
26 Association; or

27 (3) if a person qualified under Subdivision (1) or (2)

1 is not available, meet the applicable training requirements for the
2 position adopted by commissioner rule.

3 (f) If a student is evaluated for dyslexia and related
4 disorders by a licensed specialist in school psychology or a
5 diagnostician for dyslexia or a related disorder, a determination
6 that a student has dyslexia or a related disorder must be made in
7 collaboration with a qualified person under Subsection (e)(1) or
8 (2). The qualified person shall sign the evaluation to affirm the
9 person's participation in the evaluation.

10 (g) If a student's parent declines to consent to a full
11 individual and initial evaluation of the student under Subsection
12 (a), the school district must submit a statement to the agency
13 documenting that the district has explained to the parent:

14 (1) the rights the parent is waiving under the
15 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
16 et seq.); and

17 (2) that the accommodations and dyslexia
18 interventions offered under a plan created under Section 504,
19 Rehabilitation Act of 1973 (29 U.S.C. Section 794) are available
20 under an individualized education program under Section 29.005.

21 (h) The commissioner shall adopt rules as necessary to
22 implement this section. The rules must include:

23 (1) a process by which a school district submits a
24 statement to the agency each time a student's parent declines to
25 consent to a full individual and initial evaluation of the student
26 under Subsection (g); and

27 (2) requirements for annual training and signed

1 affidavits to ensure hearing officers and school district board of
2 trustees are aware and understand changes to the law, commissioner
3 rules, and any updated guidelines from the State Board of Education
4 related to dyslexia or a related disorder.

5 Sec. 29.0032. DYSLEXIA SPECIALISTS. (a) A school district
6 shall employ dyslexia therapists, practitioners, specialists, or
7 interventionists to provide dyslexia intervention services to
8 students with dyslexia and related disorders. A person employed
9 under this subsection:

10 (1) must be fully trained in the district's adopted
11 instructional materials for students with dyslexia; and

12 (2) is not required to hold a certificate or permit in
13 special education issued under Subchapter B, Chapter 21.

14 (b) The completion of a literacy achievement academy under
15 Section 21.4552 by an educator who participates in the evaluation
16 or instruction of students with dyslexia and related disorders does
17 not satisfy the requirements of Subsection (a)(1).

18 Sec. 29.0053. DYSLEXIA INTERVENTION. (a) If a student is
19 determined, as a result of dyslexia or a related disorder, to need
20 additional instruction that is not provided to students without
21 dyslexia or a related disorder or additional instruction to meet
22 the student's academic goals related to the required curriculum,
23 the committee established under Section 29.005 shall:

24 (1) develop an individualized education program for
25 the student under Section 29.005; and

26 (2) ensure that the individualized education program
27 aligns with the processes established in the Texas Dyslexia

1 Handbook, as published by the agency, and its subsequent amendments
2 while meeting the individual needs of the student.

3 (b) If a student's parent declines to consent to the
4 development of an individualized education program for the student
5 under this section, the school district must submit a statement to
6 the agency documenting that the district has explained to the
7 parent:

8 (1) the rights the parent is waiving under the
9 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
10 et seq.); and

11 (2) that the accommodations and dyslexia
12 interventions offered under a plan created under Section 504,
13 Rehabilitation Act of 1973 (29 U.S.C. Section 794) are available
14 under an individualized education program under Section 29.005.

15 (c) The commissioner shall adopt rules as necessary to
16 implement this section. The rules must include a process by which a
17 school district submits a statement to the agency each time a
18 student's parent declines to consent to the development of an
19 individualized education program for the student under Subsection
20 (b).

21 SECTION 4. Section 21.4552(b-1), Education Code, is amended
22 to read as follows:

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

26 (1) the training requirement under Section 21.054(b);
27 and

1 (2) a training requirement adopted by the State Board
2 of Education pursuant to Section 29.0031 or 38.003 related to the
3 screening or treatment of a student for dyslexia or a related
4 disorder.

5 SECTION 5. Section 28.006(g-2), Education Code, is amended
6 to read as follows:

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

17 SECTION 6. Section 29.003(b), Education Code, is amended to
18 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 has a visual or
22 auditory impairment that prevents the student from being adequately
23 or safely educated in public school without the provision of
24 special services; or

25 (2) is at least three but not more than 21 years of age
26 and has one or more of the following disabilities that prevents the
27 student from being adequately or safely educated in public school

1 without the provision of special services:

- 2 (A) physical disability;
- 3 (B) intellectual or developmental disability;
- 4 (C) emotional disturbance;
- 5 (D) learning disability;
- 6 (E) autism;
- 7 (F) speech disability; ~~[or]~~
- 8 (G) traumatic brain injury; or
- 9 (H) dyslexia or a related disorder.

10 SECTION 7. As soon as practicable after the effective date
11 of this Act:

12 (1) the commissioner of education shall adopt rules
13 necessary to implement this Act using a negotiated rulemaking
14 process under Chapter 2008, Government Code;

15 (2) each school district shall notify the parent or
16 person standing in parental relation to a student who has been
17 identified as having dyslexia or a related disorder and who
18 received dyslexia and instructional support under Section 504,
19 Rehabilitation Act of 1973 (29. U.S.C. Section 794), during the
20 2022-2023 school year of the parent's or person's right to request a
21 full individual and initial evaluation under Section 29.004,
22 Education Code; and

23 (3) the commissioner of education shall develop and
24 make available a model notice that a school district may use to
25 provide the notice required by Subdivision (2) of this section.

26 SECTION 8. Not later than September 1, 2023, the Texas
27 Education Agency shall provide additional training materials to

1 school districts regarding the evaluation and identification of
2 students with dyslexia or a related disorder in accordance with
3 this Act.

4 SECTION 9. This Act applies beginning with the 2023-2024
5 school year.

6 SECTION 10. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2023.