

By: Toth

H.B. No. 3928

A BILL TO BE ENTITLED

AN ACT

1  
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. Subchapter A, Chapter 29, Education Code, is  
8 amended by adding Section 29.0031 to read as follows:

9 Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) A school  
10 district may not delay an evaluation of a child suspected of having  
11 a disability because of the implementation of an intervention  
12 process where the school district:

13 (1) suspects that a K-12 student has dyslexia or a  
14 related disorder;

15 (2) identifies a student as at risk for reading  
16 difficulties, including dyslexia and related disorders, with  
17 quantitative and qualitative data showing that the student exhibits  
18 characteristics of dyslexia or other specific learning  
19 disabilities; or

20 (3) removes a student from their assigned campus who  
21 Exhibits academic difficulties in reading, spelling, written  
22 expression, or complex conditions and behaviors that could result  
23 from undiagnosed learning disabilities.

24 (a-1) A school district shall seek parental consent for a

1 Full Individual Initial Evaluation (FIIE) that:

2 (1) assesses for dyslexia and related disorders using  
3 the best practices for identifying dyslexia aligned with knowledge  
4 and practice standards of an international organization on dyslexia  
5 and other recognized professional organizations, including the  
6 process outlined in the Texas Dyslexia Handbook (Figure: 19 TAC  
7 §74.28(c));

8 (2) assesses for associated academic difficulties and  
9 other conditions that commonly affect students with dyslexia;

10 (3) includes at least one member on the  
11 multidisciplinary evaluation team with specific knowledge  
12 regarding the reading process, dyslexia and related disorders, and  
13 dyslexia instruction; and

14 (4) continues to provide grade level, evidence-based  
15 core reading instruction (Tier 1) and providing appropriate tiered  
16 interventions.

17 (a-2) When a student is evaluated by an LSSP or  
18 diagnostician for dyslexia or a related disorder under this section  
19 and is indicated not to have dyslexia or a related disorder, an  
20 individual defined in subsection (d) must be included in the  
21 interpretation of the evaluation data and co-sign the evaluation.

22 (b) The identification of dyslexia based on a preponderance  
23 of data in the evaluation process in subsection (a):

24 (1) satisfies the criteria for a student to meet the  
25 first prong of eligibility under IDEA. The state of Texas  
26 acknowledges that dyslexia is a condition included within the  
27 Specific Learning Disability category, thus dyslexia itself is a

1 Specific Learning Disability and can be listed in the IEP as  
2 dyslexia, without the need to insert the broader term 'Specific  
3 Learning Disability; and

4 (2) does not require a variance among specific areas  
5 of cognitive function or between specific areas of cognitive  
6 function and academic achievement.

7 (c) If as a result of dyslexia, a student needs any  
8 additional instruction not provided to students without dyslexia,  
9 or additional instruction to access and progress in the general  
10 curriculum, then the ARD committee must:

11 (1) consider the student is eligible for an  
12 Individualized Education Plan (IEP) as a student with a disability;  
13 and

14 (2) document the instruction in the Individualized  
15 Education Plan (IEP) that aligns with the Texas Dyslexia Handbook  
16 (Figure: 19 TAC §74.28(c)) ensuring it is delivered with fidelity  
17 to program descriptors, grouping formats, and training and skill of  
18 the most qualified teacher while meeting the individual needs of  
19 the student; or

20 (3) if a parent or guardian declines the IEP, the  
21 school district must submit a statement to TEA documenting that the  
22 parent fully understands the rights they are waiving under the IDEA  
23 before recommending accommodations via a 504 without delay.

24 (d) Districts shall employ persons who may be a therapist,  
25 practitioner, specialist, or interventionist for students with  
26 dyslexia and related disorders. The person hired under this  
27 subsection is not required to hold a certificate or permit issued

1 under Subchapter B in special education or a teaching certificate  
2 but must:

3 (1) when dyslexia is suspected, be prioritized as a  
4 member of the multidisciplinary evaluation team under subsection  
5 (a) with specific knowledge regarding the reading process, dyslexia  
6 and related disorders, and dyslexia instruction;

7 (2) be fully trained in the district's adopted  
8 dyslexia instructional material; and

9 (3) hold an appropriate license, including a license  
10 issued under Chapter 403, Occupations Code; or

11 (4) hold a certification issued by an appropriate  
12 association or have received training from an appropriate training  
13 provider, including an academic language practitioner or therapist  
14 certified by the Academic Language Therapy Association.

15 (d-1) The completion of a literacy achievement academy  
16 under Section 21.4552 by an educator who participates in the  
17 evaluation or instruction of students with dyslexia does not  
18 satisfy the requirements of this subsection.

19 (e) The board of trustees of each school district shall  
20 adopt a policy consistent with the grievance procedure adopted  
21 under Section 26.011, which does not interfere with parents due  
22 process rights under IDEA, to allow a parent to contest the school  
23 district's implementation of this section and the Texas Dyslexia  
24 Handbook (Figure: 19 TAC §74.28(c)).

25 (f) The commissioner shall adopt rules as necessary to  
26 implement this section. The rules must:

27 (1) include a process for school districts to submit a

1 statement to the TEA each time a parent declines an Individualized  
2 Education Plan that attests that the parent fully understands the  
3 rights they are waiving under the IDEA; and

4 (2) include annual training requirements and signed  
5 affidavits to ensure Hearing Officers and School Board Trustees are  
6 aware and understand changes in legislation, commissioner rules,  
7 and any updated guidelines from the State Board of Education.

8 SECTION 3. This Act applies beginning with the 2023-2024  
9 school year.

10 SECTION 4. As soon as practicable after the effective date  
11 of this Act, the commissioner of education shall adopt rules  
12 necessary to implement this Act using a negotiated rulemaking  
13 process under Chapter 2008, Government Code.

14 SECTION 5. As soon as practicable after the effective date  
15 of this Act, each school district shall notify the parent or person  
16 standing in parental relation to a student who has been identified  
17 as having dyslexia or a related disorder and who received dyslexia  
18 intervention and instructional support in accordance with Section  
19 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), during the  
20 2022-2023 school year of the parent's or person's rights and  
21 benefits to request a full individual evaluation under Section  
22 29.004, Education Code. The commissioner of education shall develop  
23 and make available a model notice that a school district shall use  
24 to provide the notice required by this subsection.

25 SECTION 6. Not later than September 1, 2023, the Texas  
26 Education Agency shall provide additional training materials to  
27 school districts on the evaluation and identification of students

H.B. No. 3928

1 with dyslexia or a related disorder in accordance with this Act.

2 SECTION 7. This Act takes effect September 1, 2023.