

By: Ellis

H.B. No. 1988

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to assessment of public school students with dyslexia and  
3 related disorders.

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

5 SECTION 1. Subchapter B, Chapter 39, Education Code, is  
6 amended by adding Section 39.0232 to read as follows:

7 Sec. 39.0232. ASSESSMENT OF STUDENTS WITH DYSLEXIA OR  
8 RELATED DISORDERS. (a) In this section, "dyslexia" and "related  
9 disorders" have the meanings assigned by Section 38.003.

10 (b) This section applies only to a student who:

11 (1) has been diagnosed as having dyslexia or a related  
12 disorder by:

13 (A) a physician or other qualified professional  
14 whose license or credentials are appropriate to make the diagnosis,  
15 as determined by the commissioner; or

16 (B) a school district employee who is trained in  
17 the recognition of the characteristics associated with dyslexia and  
18 related disorders, using tests for dyslexia and related disorders  
19 approved by the agency for purposes of Section 38.003;

20 (2) is an individual with a disability under 29 U.S.C.  
21 Section 705(20) and its subsequent amendments; and

22 (3) is not exempt under Section 39.027(a).

23 (c) This section does not apply to a student to the extent  
24 that the student is assessed using an assessment instrument adopted

1 or developed under Section 39.023(m), as added by Chapter 834, Acts  
2 of the 77th Legislature, Regular Session, 2001, that is  
3 specifically designed to assess the ability in reading or writing  
4 of a student with dyslexia or a related disorder.

5 (d) A student to whom this section applies shall take each  
6 assessment instrument required under Section 39.023(a), (c), or  
7 (l), but the student's performance is computed in the manner  
8 provided by Subsections (e) and (f). In addition, the student shall  
9 be provided additional time to complete any section in an  
10 assessment instrument on reading and shall be provided an oral  
11 examination for any section in an assessment instrument on math,  
12 science, or social studies.

13 (e) In computing a student's overall performance on an  
14 assessment instrument administered under Section 39.023(a), (c),  
15 or (l) that includes one or more sections on reading or writing, the  
16 agency shall exclude the student's performance on each reading or  
17 writing section and compute the student's overall performance based  
18 only on the remaining portions of the assessment instrument and a  
19 separate evaluation of the student's progress in reading or  
20 writing, as applicable, conducted in accordance with Subsection  
21 (f). In computing a student's performance on an assessment  
22 instrument administered under Section 39.023(a), (c), or (l) that  
23 assesses only reading or writing, the agency shall substitute a  
24 score based only on the separate evaluation of the student's  
25 progress in reading or writing, as applicable, conducted in  
26 accordance with Subsection (f).

27 (f) A student's progress in reading or writing shall be

1 evaluated for purposes of Subsection (e) by a panel composed of the  
2 student's teacher, the student's parent, and, as determined by the  
3 school principal, either the principal, the assistant principal, or  
4 the student's counselor. Using all available information relevant  
5 to an evaluation of a student's reading or writing ability, as  
6 applicable, including the student's progress in reading or writing  
7 from one year to the next, the panel shall evaluate the student's  
8 performance in reading or writing, as applicable, and assign a  
9 score to the student that may be used in computing the student's  
10 performance on an assessment instrument described by Subsection  
11 (e). A panel may not base its evaluation of a student's progress in  
12 reading or writing on the numerical score that the student would  
13 have received on an assessment instrument administered under  
14 Section 39.023(a), (c), or (l) before adjustment in accordance with  
15 this subsection and Subsection (e).

16 (g) Notwithstanding Section 28.0211 or 39.025 or any other  
17 law, a student who demonstrates adequate progress in reading or  
18 writing, as applicable, based on an evaluation conducted in  
19 accordance with Subsection (f), may not be denied promotion to the  
20 next grade level or receipt of a high school diploma on the basis of  
21 the student's performance, before adjustment in accordance with  
22 Subsections (e) and (f), on an assessment instrument administered  
23 under Section 39.023(a), (c), or (l) that assesses reading or  
24 writing, as applicable.

25 (h) A student to whom this section applies shall be provided  
26 any other accommodation in administration of the assessment  
27 instrument with which the student must be provided under other law,

1 rule, or regulation.

2 (i) Notwithstanding Subsections (e) and (f), a student's  
3 performance, before adjustment in accordance with those  
4 subsections, on an assessment instrument or a section of an  
5 assessment instrument administered under Section 39.023(a), (c),  
6 or (l), that assesses reading or writing shall be computed and  
7 recorded for future reference only.

8 (j) A student's performance, as adjusted in accordance with  
9 Subsections (e) and (f), on an assessment instrument administered  
10 under Section 39.023 (a), (c), or (l), shall be used for purposes of  
11 public school accountability under this chapter.

12 (k) The commissioner shall adopt rules implementing this  
13 section.

14 SECTION 2. This Act applies beginning with the 2003-2004  
15 school year.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2003.