

BILL ANALYSIS

S.B. 867
By: Deuell
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that state law is in need of clarification that a person with dyslexia qualifies for reasonable accommodations under the federal Americans with Disabilities Act when taking a written examination, which may include extra time to take the examination or the authorization to use an electronic device. According to those parties, every indication suggests that Texas state agencies are complying with the federal law when administering licensing examinations, but S.B. 867 seeks to prevent any confusion on the matter by codifying the requirement that a state agency administering a licensing examination provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to state agencies administering licensing examinations in SECTIONS 2 and 3 of this bill.

ANALYSIS

S.B. 867 amends the Occupations Code to require a state agency, for each licensing examination administered by the agency, to provide reasonable examination accommodations to an examinee diagnosed as having dyslexia. The bill requires each state agency to adopt rules necessary to implement the bill's provisions, including rules to establish the eligibility criteria an examinee must meet for accommodation under those provisions. The bill provides for the meaning of "dyslexia" by reference to the Education Code.

S.B. 867 requires each state agency that offers a licensing examination to adopt rules to implement the bill's provisions not later than December 1, 2011. The bill makes its provisions applicable only to a licensing examination offered by a state agency on or after January 1, 2012.

EFFECTIVE DATE

September 1, 2011.