

By: Fletcher

H.B. No. 402

A BILL TO BE ENTITLED

AN ACT

relating to public school students who have dyscalculia.

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

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

(28) The board shall approve a program for testing students for dyslexia and related disorders and for dyscalculia as provided by Section 38.003.

SECTION 2. Section 11.252(a), Education Code, is amended to read as follows:

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

(1) a comprehensive needs assessment addressing district student performance on the student achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district,

1 including categories of ethnicity, socioeconomic status, sex, and  
2 populations served by special programs, including students in  
3 special education programs under Subchapter A, Chapter 29;

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

10 (3) strategies for improvement of student performance  
11 that include:

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

14 (B) methods for addressing the needs of students  
15 for special programs, such as suicide prevention, conflict  
16 resolution, violence prevention, or dyslexia or dyscalculia  
17 treatment programs;

18 (C) dropout reduction;

19 (D) integration of technology in instructional  
20 and administrative programs;

21 (E) discipline management;

22 (F) staff development for professional staff of  
23 the district;

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

27 (H) accelerated education;

1           (4) strategies for providing to middle school, junior  
2 high school, and high school students, those students' teachers and  
3 counselors, and those students' parents information about:

4           (A) higher education admissions and financial  
5 aid opportunities;

6           (B) the TEXAS grant program and the Teach for  
7 Texas grant program established under Chapter 56;

8           (C) the need for students to make informed  
9 curriculum choices to be prepared for success beyond high school;  
10 and

11           (D) sources of information on higher education  
12 admissions and financial aid;

13           (5) resources needed to implement identified  
14 strategies;

15           (6) staff responsible for ensuring the accomplishment  
16 of each strategy;

17           (7) timelines for ongoing monitoring of the  
18 implementation of each improvement strategy; and

19           (8) formative evaluation criteria for determining  
20 periodically whether strategies are resulting in intended  
21 improvement of student performance.

22           SECTION 3. Section 12.012(c), Education Code, is amended to  
23 read as follows:

24           (c) This section does not permit a home-rule school district  
25 to discriminate against a student who has been diagnosed as having a  
26 learning disability, including dyslexia, dyscalculia, or attention  
27 deficit/hyperactivity disorder. Discrimination prohibited by this

1 subsection includes denial of placement in a gifted and talented  
2 program if the student would otherwise be qualified for the program  
3 but for the student's learning disability. This section does not  
4 permit a home-rule school district to, on the basis of race,  
5 socioeconomic status, learning disability, or family support  
6 status, place a student in a program other than the highest-level  
7 program necessary to ensure the student's success.

8 SECTION 4. Section 21.0482(c), Education Code, is amended  
9 to read as follows:

10 (c) To be eligible for a master mathematics teacher  
11 certificate, a person must:

12 (1) hold a teaching certificate issued under this  
13 subchapter;

14 (2) have at least three years of teaching experience;

15 (3) satisfactorily complete a knowledge-based course  
16 of instruction on the science of teaching children mathematics that  
17 includes training in:

18 (A) mathematics instruction;

19 (B) identification of dyscalculia and effective  
20 mathematics instruction techniques for students with dyscalculia;

21 and

22 (C) professional peer mentoring techniques that,  
23 through scientific testing, have been proven effective;

24 (4) perform satisfactorily on the appropriate master  
25 mathematics teacher certification examination prescribed by the  
26 board; and

27 (5) satisfy any other requirements prescribed by the

1 board.

2 SECTION 5. The heading to Section 38.003, Education Code,  
3 is amended to read as follows:

4 Sec. 38.003. SCREENING AND TREATMENT FOR DYSLEXIA AND  
5 RELATED DISORDERS AND FOR DYSCALCULIA.

6 SECTION 6. Sections 38.003(a), (b), and (d), Education  
7 Code, are amended to read as follows:

8 (a) Students enrolling in public schools in this state shall  
9 be tested for dyslexia and related disorders and for dyscalculia at  
10 appropriate times in accordance with a program approved by the  
11 State Board of Education.

12 (b) In accordance with the program approved by the State  
13 Board of Education, the board of trustees of each school district  
14 shall provide for the treatment of any student determined to have  
15 dyslexia or a related disorder or dyscalculia.

16 (d) In this section:

17 (1) "Dyscalculia" means a specific learning  
18 disability or difficulty involving innate difficulty in learning or  
19 comprehending mathematics.

20 (2) "Dyslexia" means a disorder of constitutional  
21 origin manifested by a difficulty in learning to read, write, or  
22 spell, despite conventional instruction, adequate intelligence,  
23 and sociocultural opportunity.

24 (3) [~~2~~] "Related disorders" includes disorders  
25 similar to or related to dyslexia, such as developmental auditory  
26 imperception, dysphasia, specific developmental dyslexia,  
27 developmental dysgraphia, and developmental spelling disability.

1           SECTION 7. Section 42.152(c-1), Education Code, is amended  
2 to read as follows:

3           (c-1) Notwithstanding Subsection (c), funds allocated under  
4 this section may be used to fund in proportion to the percentage of  
5 students served by the program that meet the criteria in Section  
6 29.081(d) or (g):

7           (1) an accelerated reading instruction program under  
8 Section 28.006(g); or

9           (2) a program for treatment of students who have  
10 dyslexia or a related disorder or dyscalculia, as required by  
11 Section 38.003.

12          SECTION 8. Section 21.0482(c), Education Code, as amended  
13 by this Act, applies only to eligibility for a master mathematics  
14 teacher certificate issued on or after January 1, 2013.

15          SECTION 9. This Act applies beginning with the 2011-2012  
16 school year.

17          SECTION 10. This Act takes effect immediately if it  
18 receives a vote of two-thirds of all the members elected to each  
19 house, as provided by Section 39, Article III, Texas Constitution.  
20 If this Act does not receive the vote necessary for immediate  
21 effect, this Act takes effect September 1, 2011.