

SENATE AMENDMENTS

2nd Printing

By: Miller, Bonnen of Brazoria, Zerwas,
Guillen, Fallon, et al.

H.B. No. 1886

A BILL TO BE ENTITLED

1 AN ACT

2 relating to dyslexia screening and testing, the employment of
3 dyslexia specialists by regional education service centers, and the
4 development by the Texas Education Agency of a list of training
5 opportunities for educators regarding dyslexia.

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

7 SECTION 1. Subchapter B, Chapter 8, Education Code, is
8 amended by adding Section 8.061 to read as follows:

9 Sec. 8.061. DYSLEXIA SPECIALIST. Each regional education
10 service center shall employ as a dyslexia specialist a person
11 licensed as a dyslexia therapist under Chapter 403, Occupations
12 Code, to provide school districts served by the center with support
13 and resources that are necessary to assist students with dyslexia
14 and the families of students with dyslexia.

15 SECTION 2. Sections 38.003(a) and (b-1), Education Code,
16 are amended to read as follows:

17 (a) Students enrolling in public schools in this state shall
18 be screened or tested, as appropriate, for dyslexia and related
19 disorders at appropriate times in accordance with a program
20 approved by the State Board of Education. The program must include
21 screening at the end of the school year of each student in
22 kindergarten and each student in the first grade.

23 (b-1) Unless otherwise provided by law, a student
24 determined to have dyslexia during screening or testing under

1 Subsection (a) or accommodated because of dyslexia may not be
2 rescreened or retested for dyslexia for the purpose of reassessing
3 the student's need for accommodations until the district
4 reevaluates the information obtained from previous screening or
5 testing of the student.

6 SECTION 3. Subchapter A, Chapter 38, Education Code, is
7 amended by adding Section 38.0032 to read as follows:

8 Sec. 38.0032. DYSLEXIA TRAINING OPPORTUNITIES. (a) The
9 agency shall annually develop a list of training opportunities
10 regarding dyslexia that satisfy the requirements of Section
11 21.054(b). The list of training opportunities must include at
12 least one opportunity that is available online.

13 (b) A training opportunity included in the list developed
14 under Subsection (a) must:

15 (1) comply with the knowledge and practice standards
16 of an international organization on dyslexia; and

17 (2) enable an educator to:

18 (A) understand and recognize dyslexia; and

19 (B) implement instruction that is systematic,
20 explicit, and evidence-based to meet the educational needs of a
21 student with dyslexia.

22 SECTION 4. Section 38.003, Education Code, as amended by
23 this Act, applies beginning with the 2017-2018 school year.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 1886

1 Act takes effect September 1, 2017.

ADOPTED

V V
MAY 24 2017

FLOOR AMENDMENT NO. 1

Leta Spaw
Secretary of the Senate

BY:

Jose Rodriguez

1 Amend H.B. No. 1886 (senate committee printing) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering SECTIONS of the bill accordingly:

4 SECTION __. Section 29.006, Education Code, is amended by
5 adding Subsections (d), (e), (f), (g), and (h) to read as
6 follows:

7 (d) Committee meetings must be conducted in compliance
8 with Chapter 551, Government Code.

9 (e) The committee shall provide a procedure for members of
10 the public to speak at committee meetings. The procedure may
11 not require a member of the public to register to speak earlier
12 than the day of the meeting.

13 (f) The agency must post on the agency's Internet website:

14 (1) contact information for each member of the
15 committee;

16 (2) notice of each open meeting of the committee;

17 (3) minutes of each open meeting of the committee;

18 and

19 (4) guidance concerning how to submit public comments
20 to the committee.

21 (g) The committee shall develop a policy to encourage
22 public participation with the committee.

23 (h) Not later than January 1 of each odd-numbered year,
24 the committee shall submit a report to the legislature with
25 recommended changes to state law and agency rules relating to
26 special education. The committee shall include the committee's
27 current policy on encouraging public participation, as required
28 by Subsection (g), in the report.

29 SECTION __. Section 29.006(d), Education Code, as added by

1 this Act, applies only to an open meeting of the special
2 education continuing advisory committee held on or after the
3 effective date of this Act.

ADOPTED

✓✓
MAY 24 2017

BY:

Cafferrini

FLOOR AMENDMENT NO. 2

Leta Spaw
Secretary of the Senate

1 Amend H.B. 1886 (senate committee printing) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION __. Section 29.011, Education Code, is amended to
5 read as follows:

6 Sec. 29.011. TRANSITION PLANNING. (a) The commissioner
7 shall by rule adopt procedures for compliance with federal
8 requirements relating to transition services for students who
9 are enrolled in special education programs under this
10 subchapter. The procedures must specify the manner in which a
11 student's admission, review, and dismissal committee must
12 consider, and if appropriate, address the following issues in
13 the student's individualized education program:

14 (1) appropriate student involvement in the student's
15 transition to life outside the public school system;

16 (2) if the student is younger than 18 years of age,
17 appropriate ~~parental~~ involvement in the student's transition
18 by the student's parents and other persons invited to
19 participate by:

20 (A) the student's parents; or

21 (B) the school district in which the student is
22 enrolled;

23 (3) if the student is at least 18 years of age,
24 ~~appropriate parental~~ involvement in the student's transition
25 and future by the student's parents and other persons, if the
26 parent or other person:

27 (A) is invited to participate by the student or
28 the school district in which the student is enrolled; or

29 (B) has the student's consent to participate

1 pursuant to a supported decision-making agreement under Chapter
2 1357, Estates Code;

3 (4) appropriate [~~any~~] postsecondary education
4 options, including preparation for postsecondary-level
5 coursework;

6 (5) an appropriate [a] functional vocational
7 evaluation;

8 (6) appropriate employment goals and objectives;

9 (7) if the student is at least 18 years of age, the
10 availability of age-appropriate instructional environments,
11 including community settings or environments that prepare the
12 student for postsecondary education or training, competitive
13 integrated employment, or independent living, in coordination
14 with the student's transition goals and objectives;

15 (8) appropriate independent living goals and
16 objectives; [and]

17 (9) appropriate circumstances for facilitating a
18 referral of [~~referring~~] a student or the student's parents to a
19 governmental agency for services or public benefits, including a
20 referral to a governmental agency to place the student on a
21 waiting list for public benefits available to the student, such
22 as a waiver program established under Section 1915(c), Social
23 Security Act (42 U.S.C. Section 1396n(c)); and

24 (10) the use and availability of appropriate:

25 (A) supplementary aids, services, curricula, and
26 other opportunities to assist the student in developing
27 decision-making skills; and

28 (B) supports and services to foster the
29 student's independence and self-determination, including a
30 supported decision-making agreement under Chapter 1357, Estates
31 Code.

1 (a-1) A student's admission, review, and dismissal
2 committee shall annually review the issues described by
3 Subsection (a) and, if necessary, update the portions of the
4 student's individualized education program that address those
5 issues.

6 (a-2) The commissioner shall develop and post on the
7 agency's Internet website a list of services and public benefits
8 for which referral may be appropriate under Subsection (a)(9).

9 (b) The commissioner shall require each school district or
10 shared services arrangement to designate at least one employee
11 to serve as the district's or shared services arrangement's
12 designee on transition and employment services for students
13 enrolled in special education programs under this subchapter.
14 The commissioner shall develop minimum training guidelines for a
15 district's or shared services arrangement's designee. An
16 individual designated under this subsection must provide
17 information and resources about effective transition planning
18 and services, including each issue described by Subsection (a),
19 and interagency coordination to ensure that local school staff
20 communicate and collaborate with:

21 (1) students enrolled in special education programs
22 under this subchapter and the parents of those students; and

23 (2) as appropriate, local and regional staff of the:

24 (A) Health and Human Services Commission;

25 (B) Texas Workforce Commission [~~Department of~~
26 ~~Aging and Disability Services~~];

27 (C) [~~Department of Assistive and Rehabilitative~~
28 ~~Services~~];

29 [+D+] Department of State Health Services; and

30 (D) [~~+E~~] Department of Family and Protective
31 Services.

1 (c) The commissioner shall review and, if necessary,
2 update the minimum training guidelines developed under
3 Subsection (b) at least once every four years. In reviewing and
4 updating the guidelines, the commissioner shall solicit input
5 from stakeholders.

6 SECTION __. Sections 29.0112(b) and (e), Education Code,
7 are amended to read as follows:

8 (b) The transition and employment guide must be written in
9 plain language and contain information specific to this state
10 regarding:

11 (1) transition services;

12 (2) employment and supported employment services;

13 (3) social security programs;

14 (4) community and long-term services and support,
15 including the option to place the student on a waiting list with
16 a governmental agency for public benefits available to the
17 student, such as a waiver program established under Section
18 1915(c), Social Security Act (42 U.S.C. Section 1396n(c));

19 (5) postsecondary educational programs and services,
20 including the inventory maintained by the Texas Higher Education
21 Coordinating Board under Section 61.0663;

22 (6) information sharing with health and human
23 services agencies and providers;

24 (7) guardianship and alternatives to guardianship,
25 including a supported decision-making agreement under Chapter
26 1357, Estates Code;

27 (8) self-advocacy, person-directed planning, and
28 self-determination; and

29 (9) contact information for all relevant state
30 agencies.

31 (e) A school district shall:

1 (1) post the transition and employment guide on the
2 district's website if the district maintains a website; ~~and~~

3 (2) provide written information and, if necessary,
4 assistance to a student or parent regarding how to access the
5 electronic version of the guide at:

6 (A) the first meeting of the student's
7 admission, review, and dismissal committee at which transition
8 is discussed; and ~~[or]~~

9 (B) the first committee meeting at which
10 transition is discussed that occurs after the date on which the
11 guide is updated; and

12 (3) on request, provide a printed copy of the guide
13 to a student or parent ~~[becomes available, if a student has~~
14 ~~already had an admission, review, and dismissal committee~~
15 ~~meeting discussing transition]~~.

16 SECTION __. Section 29.017, Education Code, is amended by
17 amending Subsections (c) and (d) and adding Subsections (c-1),
18 (c-2), (c-3), (e), and (f) to read as follows:

19 (c) Not later than one year before the 18th birthday of a
20 student with a disability, the school district at which the
21 student is enrolled shall:

22 (1) provide to the student and the student's parents:

23 (A) written notice regarding the transfer of
24 rights under this section; and

25 (B) information and resources regarding
26 guardianship, alternatives to guardianship, including a
27 supported decision-making agreement under Chapter 1357, Estates
28 Code, and other supports and services that may enable the
29 student to live independently; and

30 (2) ensure that the student's individualized
31 education program includes a statement that the district

1 provided the notice, information, and resources required under
2 Subdivision (1).

3 (c-1) In accordance with 34 C.F.R. Section 300.520
4 [300.517], the school district shall provide written notice to
5 [notify] the student and the student's parents of the transfer
6 of rights under this section. The notice must include the
7 information and resources provided under Subsection (c)(1)(B).

8 (c-2) If a student with a disability or the student's
9 parent requests information regarding guardianship or
10 alternatives to guardianship from the school district at which
11 the student is enrolled, the school district shall provide to
12 the student or parent information and resources on supported
13 decision-making agreements under Chapter 1357, Estates Code.

14 (c-3) The commissioner shall develop and post on the
15 agency's Internet website a model form for use by school
16 districts in notifying students and parents as required by
17 Subsections (c) and (c-1). The form must include the
18 information and resources described by Subsection (c). The
19 commissioner shall review and update the form, including the
20 information and resources, as necessary.

21 (d) The commissioner shall develop and post on the
22 agency's Internet website the information and resources
23 described by Subsections (c), (c-1), and (c-2).

24 (e) Nothing in this section prohibits a student from
25 entering into a supported decision-making agreement under
26 Chapter 1357, Estates Code, after the transfer of rights under
27 this section.

28 (f) The commissioner shall adopt rules implementing the
29 provisions of 34 C.F.R. Section 300.520(b) [300.517(b)].

30 SECTION __. Sections 29.011, 29.0112, and 29.017,
31 Education Code, as amended by this Act, apply beginning with the

1 2018-2019 school year.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1886 by Miller (Relating to dyslexia screening and testing, the employment of dyslexia specialists by regional education service centers, and the development by the Texas Education Agency of a list of training opportunities for educators regarding dyslexia.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require screening or testing of all students for dyslexia upon enrollment in kindergarten and testing each student in the first grade at the end of the school year. The bill would require each regional education service center to employ a dyslexia specialist and would specify persons eligible for the position. The bill would require TEA to annually develop a list of training opportunities that comply with the knowledge and practice standards of an international organization on dyslexia and enable an educator to understand and recognize dyslexia and implement certain evidence-based instruction. The bill would require at least one training opportunity to be available online.

The bill would require special education continuing advisory committee (CAC) meetings to be conducted in compliance with Chapter 551, Government Code. The bill would specify the CAC to have certain procedures and would require the CAC to submit a report to the Legislature with recommended changes to laws and rules related to special education by January 1 of each odd-numbered year.

The bill would change the requirements related to transition planning for students with disabilities who receive special education services. The bill would expand the requirements for what must be provided to students and their families; update certain minimum training guidelines; amend requirements for the transition and employment guide; and amend information to be included in a required notice.

The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017. Provisions related to dyslexia services and special education continuing advisory committee (CAC) meetings would apply beginning school year 2017-18. Provisions related to transition planning would apply beginning school year 2018-19.

The Texas Education Agency would experience some administrative costs related to supporting the CAC in developing the legislative report; however, this analysis assumes the agency could absorb the cost within existing resources.

Local Government Impact

School districts and open-enrollment charter school would incur costs associated with the required screening or testing at kindergarten and first grade. Assuming that most districts would choose to screen students, the cost of a typical dyslexia screener ranges from \$2 to \$10 per student. According to TEA, there were 376,814 kindergarten students and 409,977 first grade students enrolled in school year 2015-16. Assuming a cost of \$5 per student, the statewide local cost to assess all kindergarten students would be \$1.8 million ($\$5 \text{ per student} \times 376,814 \text{ students}$), with additional cost of \$2 million ($\$5 \text{ per student} \times 409,977 \text{ students}$) to assess all first grade students. TEA indicates that many districts already use certain reading assessments that may also be used to as a dyslexia screener; therefore, these costs would vary among districts.

Additionally, districts and charters may opt to test students for dyslexia. The cost of a typical dyslexia test range from \$500 to \$1,000 per student. Cost related to testing would also vary among districts depending on the number of students tested.

Education Service Centers (ESCs) may incur additional costs related to employing a dyslexia specialist with the qualifications as specified in the bill; however, TEA indicates that each ESC already employs a dyslexia specialist so these costs would be minimal.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1886 by Miller (Relating to dyslexia screening and testing, the employment of dyslexia specialists by regional education service centers, and the development by the Texas Education Agency of a list of training opportunities for educators regarding dyslexia.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require screening or testing of all students for dyslexia upon enrollment in kindergarten and testing each student in the first grade at the end of the school year. The bill would require each regional education service center to employ a dyslexia specialist and would specify persons eligible for the position. The bill would require TEA to annually develop a list of training opportunities that comply with the knowledge and practice standards of an international organization on dyslexia and enable an educator to understand and recognize dyslexia and implement certain evidence-based instruction. The bill would require at least one training opportunity to be available online. The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017, and would apply beginning school year 2017-18.

The Texas Education Agency indicates the agency could implement the provisions of the bill using existing resources.

Local Government Impact

School districts and open-enrollment charter school would incur costs associated with the required screening or testing at kindergarten and first grade. Assuming that most districts would choose to screen students, the cost of a typical dyslexia screener ranges from \$2 to \$10 per student. According to TEA, there were 376,814 kindergarten students and 409,977 first grade students enrolled in school year 2015-16. Assuming a cost of \$5 per student, the statewide local cost to assess all kindergarten students would be \$1.8 million (\$5 per student x 376,814 students), with additional cost of \$2 million (\$5 per student X 409,977 students) to assess all first grade students. TEA indicates that many districts already use certain reading assessments that may also be used to as a dyslexia screener; therefore, these costs would vary among districts.

Additionally, districts and charters may opt to test students for dyslexia. The cost of a typical dyslexia test range from \$500 to \$1,000 per student. Cost related to testing would also vary among districts depending on the number of students tested.

Education Service Centers (ESCs) may incur additional costs related to employing a dyslexia specialist with the qualifications as specified in the bill; however, TEA indicates that each ESC already employs a dyslexia specialist so these costs would be minimal.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 24, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1886** by Miller (Relating to dyslexia screening and testing, the employment of dyslexia specialists by regional education service centers, and the development by the Texas Education Agency of a list of training opportunities for educators regarding dyslexia.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require screening or testing of all students for dyslexia upon enrollment in kindergarten and testing each student in the first grade at the end of the school year. The bill would require each regional education service center to employ a dyslexia specialist and would specify persons eligible for the position. The bill would require TEA to annually develop a list of training opportunities that comply with the knowledge and practice standards of an international organization on dyslexia and enable an educator to understand and recognize dyslexia and implement certain evidence-based instruction. The bill would require at least one training opportunity to be available online. The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017, and would apply beginning school year 2017-18.

The Texas Education Agency indicates the agency could implement the provisions of the bill using existing resources.

Local Government Impact

School districts and open-enrollment charter school would incur costs associated with the required screening or testing at kindergarten and first grade. Assuming that most districts would choose to screen students, the cost of a typical dyslexia screener ranges from \$2 to \$10 per student. According to TEA, there were 376,814 kindergarten students and 409,977 first grade students enrolled in school year 2015-16. Assuming a cost of \$5 per student, the statewide local cost to assess all kindergarten students would be \$1.8 million (\$5 per student x 376,814 students), with additional cost of \$2 million (\$5 per student X 409,977 students) to assess all first grade students. TEA indicates that many districts already use certain reading assessments that may also be used to as a dyslexia screener; therefore, these costs would vary among districts.

Additionally, districts and charters may opt to test students for dyslexia. The cost of a typical dyslexia test range from \$500 to \$1,000 per student. Cost related to testing would also vary among districts depending on the number of students tested.

Education Service Centers (ESCs) may incur additional costs related to employing a dyslexia specialist with the qualifications as specified in the bill; however, TEA indicates that each ESC already employs a dyslexia specialist so these costs would be minimal.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 3, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1886 by Miller (Relating to dyslexia testing, the designation by the Texas Education Agency of a dyslexia specialist, and the development by the agency of a list of training opportunities for educators regarding dyslexia.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1886, As Introduced: a negative impact of (\$222,888) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	(\$115,444)
2019	(\$107,444)
2020	(\$107,444)
2021	(\$107,444)
2022	(\$107,444)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2017
2018	(\$115,444)	1.0
2019	(\$107,444)	1.0
2020	(\$107,444)	1.0
2021	(\$107,444)	1.0
2022	(\$107,444)	1.0

Fiscal Analysis

The bill would amend the Education Code to require testing of all students for dyslexia on the enrollment of kindergarten and testing each student in the first grade at the end of the school year. The bill would require the Texas Education Agency (TEA) to designate a dyslexia specialist to

provide school districts with support and resources. The bill would require TEA to annually develop a list of training opportunities that comply with the knowledge and practice standards of an international organization on dyslexia, and enable an educator to understand and recognize dyslexia and implement certain evidence-based instruction. The bill would require at least one training opportunity to be available online.

The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017, and would apply beginning school year 2017-18.

Methodology

The Texas Education Agency (TEA) estimates one full-time equivalent (FTE) position would be required to serve as the dyslexia specialist and assisting with the required training development. The estimated cost of the FTE, including salary, benefits, and other operating expenses, would be \$115,444 in fiscal year 2018 and \$107,444 in subsequent years.

According to TEA, Education Service Center X (ESC 10) is currently designated as the state dyslexia center and annually produces resources for the state. The agency estimates ESC 10 would assist with the development of the list of training opportunities as required by the bill within existing resources.

Local Government Impact

School districts and open-enrollment charter school would incur costs associated with the required testing at kindergarten and first grade. According to TEA, districts and charters may use multiple assessments to test for dyslexia, with costs ranging from \$500 to \$1,000 per student. According to TEA, there were 376,814 kindergarten students and 409,977 first grade students enrolled in school year 2015-16. Assuming a cost of \$500 per student, the statewide local cost to assess all kindergarten students would be \$188 million (\$500 per student x 376,814 students), with additional cost of \$205 million (\$500 per student X 409,977 students) to assess all first grade students. This estimate includes the cost of the assessment, the cost to analyze the assessment, and the staff time to complete the assessment and related results. These costs would vary depending on district size and grade level composition.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW