

SENATE AMENDMENTS

2nd Printing

By: Dutton, Huberty, Guillen, Toth, et al.

H.B. No. 3880

A BILL TO BE ENTITLED

1 AN ACT
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. Section 7.028(a), Education Code, is amended to
8 read as follows:

9 (a) Except as provided by Section 21.006(k), 22.093(1),
10 22.096, 28.006, 29.001(5), 29.010(a), [~~38-003~~] or 39.057, the
11 agency may monitor compliance with requirements applicable to a
12 process or program provided by a school district, campus, program,
13 or school granted charters under Chapter 12, including the process
14 described by Subchapter F, Chapter 11, or a program described by
15 Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A,
16 Chapter 37, only as necessary to ensure:

- 17 (1) compliance with federal law and regulations;
- 18 (2) financial accountability, including compliance
19 with grant requirements;
- 20 (3) data integrity for purposes of:
- 21 (A) the Public Education Information Management
22 System (PEIMS); and
- 23 (B) accountability under Chapters 39 and 39A; and
- 24 (4) qualification for funding under Chapter 48.

1 SECTION 3. Section 7.102(c)(28), Education Code, is amended
2 to read as follows:

3 (28) The board shall develop and update, as necessary,
4 guidance information for school districts on evidence-based
5 practices for intervention and instruction of students with
6 ~~[approve a program for testing students for]~~ dyslexia and related
7 disorders and incorporate in the information input from a
8 broad-based dialogue with educators and experts in the field of
9 reading and dyslexia and related disorders from across the state.
10 The guidance information may not address:

11 (A) the evaluation and identification of
12 students with dyslexia or a related disorder; or

13 (B) how intervention and instruction are to be
14 accessed by a student ~~[as provided by Section 38.003].~~

15 SECTION 4. Section 11.252(a), Education Code, is amended to
16 read as follows:

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

27 (1) a comprehensive needs assessment addressing

1 district student performance on the achievement indicators, and
2 other appropriate measures of performance, that are disaggregated
3 by all student groups served by the district, including categories
4 of ethnicity, socioeconomic status, sex, and populations served by
5 special programs, including students in special education programs
6 under Subchapter A, Chapter 29;

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

13 (3) strategies for improvement of student performance
14 that include:

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

17 (B) evidence-based practices that address the
18 needs of students for special programs, including:

19 (i) suicide prevention programs, in
20 accordance with Subchapter G, Chapter 38, which include a parental
21 or guardian notification procedure;

22 (ii) conflict resolution programs;

23 (iii) violence prevention programs; and

24 (iv) special education [~~dyslexia~~
25 ~~treatment~~] programs;

26 (C) dropout reduction;

27 (D) integration of technology in instructional

1 and administrative programs;

2 (E) positive behavior interventions and support,
3 including interventions and support that integrate best practices
4 on grief-informed and trauma-informed care;

5 (F) staff development for professional staff of
6 the district;

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

10 (H) accelerated education; and

11 (I) implementation of a comprehensive school
12 counseling program under Section 33.005;

13 (4) strategies for providing to elementary school,
14 middle school, junior high school, and high school students, those
15 students' teachers and school counselors, and those students'
16 parents information about:

17 (A) higher education admissions and financial
18 aid opportunities, including state financial aid opportunities
19 such as the TEXAS grant program and the Teach for Texas grant
20 program established under Chapter 56;

21 (B) the need for students to make informed
22 curriculum choices to be prepared for success beyond high school;
23 and

24 (C) sources of information on higher education
25 admissions and financial aid;

26 (5) resources needed to implement identified
27 strategies;

1 (6) staff responsible for ensuring the accomplishment
2 of each strategy;

3 (7) timelines for ongoing monitoring of the
4 implementation of each improvement strategy;

5 (8) formative evaluation criteria for determining
6 periodically whether strategies are resulting in intended
7 improvement of student performance;

8 (9) the policy under Section 38.0041 addressing sexual
9 abuse and other maltreatment of children; and

10 (10) the trauma-informed care policy required under
11 Section 38.036.

12 SECTION 5. Section 21.003, Education Code, is amended by
13 adding Subsection (b-1) to read as follows:

14 (b-1) A person may be employed by a school district to
15 provide services to students with dyslexia and related disorders,
16 including a therapist, practitioner, specialist, or
17 interventionist, without holding a certificate or permit issued
18 under Subchapter B in special education if the person:

19 (1) holds the appropriate license, including a license
20 issued under Chapter 403, Occupations Code;

21 (2) holds a certification issued by the appropriate
22 association or has received training from an appropriate training
23 provider, including an academic language practitioner or therapist
24 certified by the Academic Language Therapy Association; or

25 (3) meets the applicable training requirements for the
26 position adopted by the commissioner by rule.

27 SECTION 6. Section 28.006(g-2), Education Code, is amended

1 to read as follows:

2 (g-2) In accordance with a notification program developed
3 by the commissioner by rule, a school district shall notify the
4 parent or guardian of each student determined, on the basis of a
5 screening under Section 29.0031 [~~38.003~~] or other basis, to be at
6 risk for [~~have~~] dyslexia or a related disorder, or determined, on
7 the basis of reading instrument results, to be at risk for dyslexia
8 or other reading difficulties, of the program maintained by the
9 Texas State Library and Archives Commission providing students with
10 reading disabilities the ability to borrow audiobooks free of
11 charge.

12 SECTION 7. Section 29.001, Education Code, is amended to
13 read as follows:

14 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and
15 modify as necessary, a statewide design, consistent with federal
16 law, for the delivery of services to children with disabilities in
17 this state that includes rules for the administration and funding
18 of the special education program so that a free appropriate public
19 education is available to all of those children between the ages of
20 three and 21. The statewide design shall include the provision of
21 services primarily through school districts and shared services
22 arrangements, supplemented by regional education service centers.
23 The agency shall also develop and implement a statewide plan with
24 programmatic content that includes procedures designed to:

25 (1) ensure state compliance with requirements for
26 supplemental federal funding for all state-administered programs
27 involving the delivery of instructional or related services to

1 students with disabilities;

2 (2) facilitate interagency coordination when other
3 state agencies are involved in the delivery of instructional or
4 related services to students with disabilities;

5 (3) periodically assess statewide personnel needs in
6 all areas of specialization related to special education and pursue
7 strategies to meet those needs through a consortium of
8 representatives from regional education service centers, local
9 education agencies, and institutions of higher education and
10 through other available alternatives;

11 (4) ensure that regional education service centers
12 throughout the state maintain a regional support function, which
13 may include direct service delivery and a component designed to
14 facilitate the placement of students with disabilities who cannot
15 be appropriately served in their resident districts;

16 (5) allow the agency to effectively monitor and
17 periodically conduct site visits of all school districts to ensure
18 that rules adopted under this section and Section 29.0031 are
19 applied in a consistent and uniform manner, to ensure that
20 districts are complying with those rules, and to ensure that annual
21 statistical reports filed by the districts and not otherwise
22 available through the Public Education Information Management
23 System under Sections 48.008 and 48.009 are accurate and complete;

24 (6) ensure that appropriately trained personnel are
25 involved in the diagnostic and evaluative procedures operating in
26 all districts and that those personnel routinely serve on district
27 admissions, review, and dismissal committees;

1 (7) ensure that an individualized education program
2 for each student with a disability is properly developed,
3 implemented, and maintained in the least restrictive environment
4 that is appropriate to meet the student's educational needs;

5 (8) ensure that, when appropriate, each student with a
6 disability is provided an opportunity to participate in career and
7 technology and physical education classes, in addition to
8 participating in regular or special classes;

9 (9) ensure that each student with a disability is
10 provided necessary related services;

11 (10) ensure that an individual assigned to act as a
12 surrogate parent for a child with a disability, as provided by 20
13 U.S.C. Section 1415(b), is required to:

14 (A) complete a training program that complies
15 with minimum standards established by agency rule;

16 (B) visit the child and the child's school;

17 (C) consult with persons involved in the child's
18 education, including teachers, caseworkers, court-appointed
19 volunteers, guardians ad litem, attorneys ad litem, foster parents,
20 and caretakers;

21 (D) review the child's educational records;

22 (E) attend meetings of the child's admission,
23 review, and dismissal committee;

24 (F) exercise independent judgment in pursuing
25 the child's interests; and

26 (G) exercise the child's due process rights under
27 applicable state and federal law; ~~and~~

1 (11) ensure that each district develops a process to
2 be used by a teacher who instructs a student with a disability in a
3 regular classroom setting:

4 (A) to request a review of the student's
5 individualized education program;

6 (B) to provide input in the development of the
7 student's individualized education program;

8 (C) that provides for a timely district response
9 to the teacher's request; and

10 (D) that provides for notification to the
11 student's parent or legal guardian of that response;

12 (12) ensure the integration of technology to
13 accommodate students with dyslexia and related disorders; and

14 (13) ensure that training opportunities, including
15 continuing education that satisfies the requirements of Section
16 21.054(b):

17 (A) are accessible to school districts by
18 developing a list of training opportunities regarding dyslexia and
19 related disorders that comply with the knowledge and practice
20 standards of an international organization on dyslexia; and

21 (B) assist an educator or dyslexia service
22 provider in understanding and recognizing dyslexia and providing
23 instruction that is systematic, explicit, and evidence-based to
24 meet the educational needs of students with dyslexia.

25 SECTION 8. Section 29.002, Education Code, is amended to
26 read as follows:

27 Sec. 29.002. DEFINITIONS [~~DEFINITION~~]. In this

1 subchapter[, "~~special services~~" means]:

2 (1) "Special [special] education" means specially
3 designed instruction that is provided at no cost to the parent or
4 person standing in parental relation to meet the unique needs of a
5 student with a disability. [~~which may be provided by professional~~
6 ~~and supported by paraprofessional personnel in the regular~~
7 ~~classroom or in an instructional arrangement described by Section~~
8 ~~48.102; and]~~

9 (2) "Student with a disability" means a student
10 evaluated in accordance with the Individuals with Disabilities
11 Education Act (20 U.S.C. Section 1400 et seq.) as having:

12 (A) an intellectual disability, a hearing
13 impairment including deafness, a visual impairment including
14 blindness, a serious emotional disturbance, an orthopedic
15 impairment, autism, a traumatic brain injury, a speech or language
16 impairment, deaf-blindness, multiple disabilities, any other
17 health impairment, or a specific learning disability and who, as a
18 result of the disability, needs special education;

19 (B) noncategorical early childhood developmental
20 delays that prevent the student from being adequately or safely
21 educated in a public school without receiving special education; or

22 (C) dyslexia or a related disorder and who, as a
23 result of the dyslexia or the related disorder, needs special
24 education [~~related services, which are developmental, corrective,~~
25 ~~supportive, or evaluative services, not instructional in nature,~~
26 ~~that may be required for the student to benefit from special~~
27 ~~education instruction and for implementation of a student's~~

1 ~~individualized education program~~].

2 SECTION 9. Section 29.003(b), Education Code, is amended to
3 read as follows:

4 (b) A student is eligible to participate in a school
5 district's special education program if the student:

6 (1) is not more than 21 years of age and is identified
7 as a student with [~~and has~~] a visual or hearing [~~auditory~~]
8 impairment [~~that prevents the student from being adequately or~~
9 ~~safely educated in public school without the provision of special~~
10 ~~services~~]; [~~or~~]

11 (2) is at least three years of age but not more than 21
12 years of age and has been identified as a student with a disability
13 other than a visual or hearing impairment; [~~and has one~~] or

14 (3) is at least three years of age but not more than
15 five years of age and the [~~following disabilities that prevents~~
16 ~~the~~] student is a student evaluated as having noncategorical early
17 childhood developmental delays as described by Section
18 29.002(2)(B) [~~from being adequately or safely educated in public~~
19 ~~school without the provision of special services~~]:

20 [~~(A) physical disability,~~

21 [~~(B) intellectual or developmental disability,~~

22 [~~(C) emotional disturbance,~~

23 [~~(D) learning disability,~~

24 [~~(E) autism,~~

25 [~~(F) speech disability, or~~

26 [~~(G) traumatic brain injury~~].

27 SECTION 10. Subchapter A, Chapter 29, Education Code, is

1 amended by adding Section 29.0031 to read as follows:

2 Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) A school
3 district shall:

4 (1) screen students for dyslexia and related
5 disorders;

6 (2) notify the parent of or person standing in
7 parental relation to each student who is determined to be at risk
8 for dyslexia or a related disorder that the student is at risk; and

9 (3) make a good faith effort to ensure that the notice
10 provided under Subdivision (2):

11 (A) is clear and easy to understand;

12 (B) is in the recipient's native language; and

13 (C) includes information about the student's
14 data and measurements that led to the determination that the
15 student is at risk for dyslexia or a related disorder.

16 (b) On determining that a student is at risk for dyslexia or
17 a related disorder, the school district shall implement an
18 evidence-based reading instruction program as an intervention as
19 part of the district's multi-tiered systems of support under
20 Section 26.0081 that, to the extent possible, incorporates training
21 provided to teachers under Section 21.4552. The district shall
22 determine the form, content, and timing of a program provided under
23 this subsection, subject to requirements for the program
24 established by the commissioner by rule. The program adopted under
25 this subsection may not be used to delay an evaluation for special
26 education services under Section 29.004.

27 (c) The commissioner shall adopt rules as necessary to

1 implement this section. The rules must:

2 (1) require a universal screening for each student for
3 dyslexia and related disorders:

4 (A) at the end of the school year in
5 kindergarten; and

6 (B) before the end of the school year in first
7 grade;

8 (2) establish, in coordination with experts and
9 educators in the field of reading and dyslexia and related
10 disorders from across the state, the screening requirements under
11 Subsection (a);

12 (3) establish the requirements for reading
13 instruction programs provided under Subsection (b); and

14 (4) establish the personnel required to administer
15 dyslexia intervention and specialized instruction support.

16 SECTION 11. Section 30.001(b), Education Code, is amended
17 to read as follows:

18 (b) The commissioner, with the approval of the State Board
19 of Education, shall develop and implement a plan for the
20 coordination of services to children with disabilities in each
21 region served by a regional education service center. The plan must
22 include procedures for:

23 (1) identifying existing public or private
24 educational and related services for children with disabilities in
25 each region;

26 (2) identifying and referring children with
27 disabilities who cannot be appropriately served by the school

1 district in which they reside to other appropriate programs;

2 (3) assisting school districts to individually or
3 cooperatively develop programs to identify and provide appropriate
4 services for children with disabilities;

5 (4) expanding and coordinating services provided by
6 regional education service centers for children with disabilities;
7 ~~and~~

8 (5) providing for special education ~~[services]~~,
9 including special seats, books, instructional media, and other
10 supplemental supplies and services required for proper
11 instruction; and

12 (6) ensuring services provided for students with
13 dyslexia and related disorders align with guidance on
14 evidence-based practices developed by the State Board of Education
15 under Section 7.102(c)(28).

16 SECTION 12. Section 30.002(g), Education Code, is amended
17 to read as follows:

18 (g) To facilitate implementation of this section, the
19 commissioner shall develop a system to distribute from the
20 foundation school fund to school districts or regional education
21 service centers a special supplemental allowance for each student
22 with a visual impairment and for each student with a serious visual
23 disability and another medically diagnosed disability of a
24 significantly limiting nature who is receiving special education
25 services through any approved program. The supplemental allowance
26 may be spent only for special education ~~[services]~~ uniquely
27 required by the nature of the student's disabilities and may not be

1 used in lieu of educational funds otherwise available under this
2 code or through state or local appropriations.

3 SECTION 13. Section 37.146(a), Education Code, is amended
4 to read as follows:

5 (a) A complaint alleging the commission of a school offense
6 must, in addition to the requirements imposed by Article 45.019,
7 Code of Criminal Procedure:

8 (1) be sworn to by a person who has personal knowledge
9 of the underlying facts giving rise to probable cause to believe
10 that an offense has been committed; and

11 (2) be accompanied by a statement from a school
12 employee stating:

13 (A) whether the child is eligible for or receives
14 special education [~~services~~] under Subchapter A, Chapter 29; and

15 (B) the graduated sanctions, if required under
16 Section 37.144, that were imposed on the child before the complaint
17 was filed.

18 SECTION 14. Section 48.103, Education Code, is amended by
19 amending Subsections (b) and (c) and adding Subsection (c-1) to
20 read as follows:

21 (b) A school district is entitled to an allotment under
22 Subsection (a) only for a student who:

23 (1) is receiving services for dyslexia or a related
24 disorder in accordance with:

25 (A) an individualized education program
26 developed for the student under Section 29.005; or

27 (B) a plan developed for the student under

1 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

2 (2) is receiving instruction that:

3 (A) meets applicable dyslexia intervention
4 components [~~program criteria~~] established by the State Board of
5 Education or agency; and

6 (B) is provided by a person with specific
7 training in providing that instruction; or

8 (3) is permitted, on the basis of having dyslexia or a
9 related disorder, to use modifications in the classroom or
10 accommodations in the administration of assessment instruments
11 under Section 39.023.

12 (c) A school district shall: [~~may~~]

13 (1) receive funding for a student under this section
14 and Section 48.102 if the student satisfies the requirements of
15 both sections;

16 (2) allocate money received under Subdivision (1) to
17 the district's special education budget; and

18 (3) prioritize the use of money received under
19 Subdivision (1) for the employment and retention of district
20 employees who are specially trained to evaluate, identify, and
21 provide services for dyslexia and related disorders, including a
22 person described by Section 21.003(b-1).

23 (c-1) A school district may only use funding received under
24 this section to supplement the district's special education budget
25 and not to offset or deduct from the district's special education
26 budget.

27 SECTION 15. The following provisions of the Education Code

1 are repealed:

- 2 (1) Section 38.003;
- 3 (2) Section 38.0031; and
- 4 (3) Section 38.0032.

5 SECTION 16. (a) This Act applies beginning with the
6 2021-2022 school year.

7 (b) As soon as is practicable after the effective date of
8 this Act, the commissioner of education shall adopt rules necessary
9 to implement this Act using a negotiated rulemaking process under
10 Chapter 2008, Government Code.

11 (c) As soon as is practicable after the effective date of
12 this Act, each school district shall notify the parent or person
13 standing in parental relation to a student who has been identified
14 as having dyslexia or a related disorder and who received dyslexia
15 intervention and instructional support in accordance with Section
16 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) during the
17 2020-2021 school year of the parent's or person's right to request a
18 full individual evaluation under Section 29.004, Education Code.

19 (d) Not later than September 1, 2021, the Texas Education
20 Agency shall provide informal guidance to school districts on the
21 evaluation and identification of students with dyslexia or a
22 related disorder in accordance with this Act.

23 SECTION 17. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2021.

ADOPTED

MAY 26 2021

Lacey Law
Secretary of the Senate

By: Dutton/Paxton

H.B. No. 3880

Substitute the following for H.B. No. 3890:

By: *Angela Paxton*

C.S. H.B. No. 3880

A BILL TO BE ENTITLED

AN ACT

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relating to a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.

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

SECTION 1. This Act may be cited as the Beckley Wilson Act.

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- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements;
- (3) data integrity for purposes of:
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 - (B) accountability under Chapters 39 and 39A; and
- (4) qualification for funding under Chapter 48.

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6 ~~[approve a program for testing students for]~~ dyslexia and related
7 disorders and incorporate in the information input from a
8 broad-based dialogue with educators and experts in the field of
9 reading and dyslexia and related disorders from across the state.
10 The guidance information may not address:

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22 guide district and campus staff in the improvement of student
23 performance for all student groups in order to attain state
24 standards in respect to the achievement indicators adopted under
25 Section 39.053(c). The district improvement plan must include
26 provisions for:

27 (1) a comprehensive needs assessment addressing

1 district student performance on the achievement indicators, and
2 other appropriate measures of performance, that are disaggregated
3 by all student groups served by the district, including categories
4 of ethnicity, socioeconomic status, sex, and populations served by
5 special programs, including students in special education programs
6 under Subchapter A, Chapter 29;

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

13 (3) strategies for improvement of student performance
14 that include:

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

17 (B) evidence-based practices that address the
18 needs of students for special programs, including:

19 (i) suicide prevention programs, in
20 accordance with Subchapter G, Chapter 38, which include a parental
21 or guardian notification procedure;

22 (ii) conflict resolution programs;

23 (iii) violence prevention programs; and

24 (iv) special education [~~dyslexia~~
25 ~~treatment~~] programs;

26 (C) dropout reduction;

27 (D) integration of technology in instructional

1 and administrative programs;

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3 including interventions and support that integrate best practices
4 on grief-informed and trauma-informed care;

5 (F) staff development for professional staff of
6 the district;

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

10 (H) accelerated education; and

11 (I) implementation of a comprehensive school
12 counseling program under Section 33.005;

13 (4) strategies for providing to elementary school,
14 middle school, junior high school, and high school students, those
15 students' teachers and school counselors, and those students'
16 parents information about:

17 (A) higher education admissions and financial
18 aid opportunities, including state financial aid opportunities
19 such as the TEXAS grant program and the Teach for Texas grant
20 program established under Chapter 56;

21 (B) the need for students to make informed
22 curriculum choices to be prepared for success beyond high school;
23 and

24 (C) sources of information on higher education
25 admissions and financial aid;

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27 strategies;

1 (6) staff responsible for ensuring the accomplishment
2 of each strategy;

3 (7) timelines for ongoing monitoring of the
4 implementation of each improvement strategy;

5 (8) formative evaluation criteria for determining
6 periodically whether strategies are resulting in intended
7 improvement of student performance;

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9 abuse and other maltreatment of children; and

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11 Section 38.036.

12 SECTION 5. Section 21.003, Education Code, is amended by
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14 (b-1) A school district shall employ a person to provide
15 services to students with dyslexia and related disorders who may be
16 a therapist, practitioner, specialist, or interventionist. The
17 person hired under this subsection is not required to hold a
18 certificate or permit issued under Subchapter B in special
19 education but must:

20 (1) hold an appropriate license, including a license
21 issued under Chapter 403, Occupations Code;

22 (2) hold a certification issued by an appropriate
23 association or have received training from an appropriate training
24 provider, including an academic language practitioner or therapist
25 certified by the Academic Language Therapy Association; or

26 (3) if a person qualified under Subdivision (1) or (2)
27 is not available, meet the applicable training requirements for the

1 position adopted by the commissioner by rule.

2 SECTION 6. Section 28.006(g-2), Education Code, is amended
3 to read as follows:

4 (g-2) In accordance with a notification program developed
5 by the commissioner by rule, a school district shall notify the
6 parent or guardian of each student determined, on the basis of a
7 screening under Section 29.0031 [~~38.003~~] or other basis, to be at
8 risk for [~~have~~] dyslexia or a related disorder, or determined, on
9 the basis of reading instrument results, to be at risk for dyslexia
10 or other reading difficulties, of the program maintained by the
11 Texas State Library and Archives Commission providing students with
12 reading disabilities the ability to borrow audiobooks free of
13 charge.

14 SECTION 7. Section 29.001, Education Code, is amended to
15 read as follows:

16 Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and
17 modify as necessary, a statewide design, consistent with federal
18 law, for the delivery of services to children with disabilities in
19 this state that includes rules for the administration and funding
20 of the special education program so that a free appropriate public
21 education is available to all of those children between the ages of
22 three and 21. The statewide design shall include the provision of
23 services primarily through school districts and shared services
24 arrangements, supplemented by regional education service centers.
25 The agency shall also develop and implement a statewide plan with
26 programmatic content that includes procedures designed to:

27 (1) ensure state compliance with requirements for

1 supplemental federal funding for all state-administered programs
2 involving the delivery of instructional or related services to
3 students with disabilities;

4 (2) facilitate interagency coordination when other
5 state agencies are involved in the delivery of instructional or
6 related services to students with disabilities;

7 (3) periodically assess statewide personnel needs in
8 all areas of specialization related to special education and pursue
9 strategies to meet those needs through a consortium of
10 representatives from regional education service centers, local
11 education agencies, and institutions of higher education and
12 through other available alternatives;

13 (4) ensure that regional education service centers
14 throughout the state maintain a regional support function, which
15 may include direct service delivery and a component designed to
16 facilitate the placement of students with disabilities who cannot
17 be appropriately served in their resident districts;

18 (5) allow the agency to effectively monitor and
19 periodically conduct site visits of all school districts to ensure
20 that rules adopted under this section and Section 29.0031 are
21 applied in a consistent and uniform manner, to ensure that
22 districts are complying with those rules, and to ensure that annual
23 statistical reports filed by the districts and not otherwise
24 available through the Public Education Information Management
25 System under Sections 48.008 and 48.009 are accurate and complete;

26 (6) ensure that appropriately trained personnel are
27 involved in the diagnostic and evaluative procedures operating in

1 all districts and that those personnel routinely serve on district
2 admissions, review, and dismissal committees;

3 (7) ensure that an individualized education program
4 for each student with a disability is properly developed,
5 implemented, and maintained in the least restrictive environment
6 that is appropriate to meet the student's educational needs;

7 (8) ensure that, when appropriate, each student with a
8 disability is provided an opportunity to participate in career and
9 technology and physical education classes, in addition to
10 participating in regular or special classes;

11 (9) ensure that each student with a disability is
12 provided necessary related services;

13 (10) ensure that an individual assigned to act as a
14 surrogate parent for a child with a disability, as provided by 20
15 U.S.C. Section 1415(b), is required to:

16 (A) complete a training program that complies
17 with minimum standards established by agency rule;

18 (B) visit the child and the child's school;

19 (C) consult with persons involved in the child's
20 education, including teachers, caseworkers, court-appointed
21 volunteers, guardians ad litem, attorneys ad litem, foster parents,
22 and caretakers;

23 (D) review the child's educational records;

24 (E) attend meetings of the child's admission,
25 review, and dismissal committee;

26 (F) exercise independent judgment in pursuing
27 the child's interests; and

1 (G) exercise the child's due process rights under
2 applicable state and federal law; ~~and~~

3 (11) ensure that each district develops a process to
4 be used by a teacher who instructs a student with a disability in a
5 regular classroom setting:

6 (A) to request a review of the student's
7 individualized education program;

8 (B) to provide input in the development of the
9 student's individualized education program;

10 (C) that provides for a timely district response
11 to the teacher's request; and

12 (D) that provides for notification to the
13 student's parent or legal guardian of that response;

14 (12) ensure the integration of technology to
15 accommodate students with dyslexia and related disorders; and

16 (13) ensure that training opportunities, including
17 continuing education that satisfies the requirements of Section
18 21.054(b):

19 (A) are accessible to school districts by
20 developing a list of training opportunities regarding dyslexia and
21 related disorders that comply with the knowledge and practice
22 standards of an international organization on dyslexia; and

23 (B) assist an educator or dyslexia service
24 provider in understanding and recognizing dyslexia and providing
25 multisensory, structured instruction that is systematic, explicit,
26 and evidence-based to meet the educational needs of students with
27 dyslexia.

1 SECTION 8. Section 29.002, Education Code, is amended to
2 read as follows:

3 Sec. 29.002. DEFINITIONS [~~DEFINITION~~]. In this
4 subchapter [~~,"special services" means~~]:

5 (1) "Special [~~special~~] education" means specially
6 designed instruction that is provided at no cost to the parent or
7 person standing in parental relation to meet the unique needs of a
8 student with a disability. [~~which may be provided by professional~~
9 ~~and supported by paraprofessional personnel in the regular~~
10 ~~classroom or in an instructional arrangement described by Section~~
11 ~~48.102, and]~~

12 (2) "Student with a disability" means a student
13 evaluated in accordance with Section 29.004 and the Individuals
14 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) as
15 having:

16 (A) an intellectual disability, a hearing
17 impairment including deafness, a visual impairment including
18 blindness, a serious emotional disturbance, an orthopedic
19 impairment, autism, a traumatic brain injury, a speech or language
20 impairment, deaf-blindness, multiple disabilities, any other
21 health impairment, or a specific learning disability and who, as a
22 result of the disability, needs special education;

23 (B) noncategorical early childhood developmental
24 delays that prevent the student from being adequately or safely
25 educated in a public school without receiving special education; or

26 (C) dyslexia or a related disorder and who, as a
27 result of the dyslexia or the related disorder, needs special

1 education [~~related services, which are developmental, corrective,~~
2 ~~supportive, or evaluative services, not instructional in nature,~~
3 ~~that may be required for the student to benefit from special~~
4 ~~education instruction and for implementation of a student's~~
5 ~~individualized education program].~~

6 SECTION 9. Section 29.003(b), Education Code, is amended to
7 read as follows:

8 (b) A student is eligible to participate in a school
9 district's special education program if the student:

10 (1) is not more than 21 years of age and is identified
11 as a student with [~~and has~~] a visual or hearing [~~auditory~~]
12 ~~impairment [that prevents the student from being adequately or~~
13 ~~safely educated in public school without the provision of special~~
14 ~~services]; [or]~~

15 (2) is at least three years of age but not more than 21
16 years of age and has been identified as a student with a disability
17 other than a visual or hearing impairment; [~~and has one~~] or

18 (3) is at least three years of age but not more than
19 five years of age and the [~~following disabilities that prevents~~
20 ~~the~~] student is a student evaluated as having noncategorical early
21 childhood developmental delays as described by Section
22 29.002(2)(B) [~~from being adequately or safely educated in public~~
23 ~~school without the provision of special services:~~

24 [~~(A) physical disability,~~

25 [~~(B) intellectual or developmental disability,~~

26 [~~(C) emotional disturbance,~~

27 [~~(D) learning disability,~~

1 [~~(E) autism,~~
2 [~~(F) speech disability, or~~
3 [~~(G) traumatic brain injury~~].

4 SECTION 10. Subchapter A, Chapter 29, Education Code, is
5 amended by adding Section 29.0031 to read as follows:

6 Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) A school
7 district shall:

8 (1) screen students for dyslexia and related
9 disorders;

10 (2) notify the parent of or person standing in
11 parental relation to each student who is determined to be at risk
12 for dyslexia or a related disorder that the student is at risk; and

13 (3) make a good faith effort to ensure that the notice
14 provided under Subdivision (2):

15 (A) is clear and easy to understand;

16 (B) is in the recipient's native language; and

17 (C) includes information about the student's
18 data and measurements that led to the determination that the
19 student is at risk for dyslexia or a related disorder.

20 (b) On determining that a student is at risk for dyslexia or
21 a related disorder, the school district shall implement a
22 multisensory, structured reading instruction program as an
23 intervention as part of the district's multi-tiered systems of
24 support under Section 26.0081 that, to the extent possible,
25 incorporates training provided to teachers under Section 21.4552.
26 The district shall determine the form, content, and timing of a
27 program provided under this subsection, subject to requirements for

1 the program established by the commissioner by rule. The program
2 adopted under this subsection may not be used to delay an evaluation
3 for special education services under Section 29.004.

4 (c) Only a person who meets the qualifications for
5 employment by a school district to provide services to students
6 with dyslexia and related disorders under Section 21.003(b-1) may
7 perform screenings for dyslexia and related disorders and implement
8 reading instruction programs as required by this section.

9 (d) The commissioner shall adopt rules as necessary to
10 implement this section. The rules must:

11 (1) require a universal screening for each student for
12 dyslexia and related disorders:

13 (A) at the end of the school year in
14 kindergarten; and

15 (B) before the end of the school year in first
16 grade;

17 (2) establish, in coordination with experts and
18 educators in the field of reading and dyslexia and related
19 disorders from across the state, the screening requirements under
20 Subsection (a);

21 (3) establish the requirements for reading
22 instruction programs provided under Subsection (b); and

23 (4) establish the personnel required to deliver
24 dyslexia intervention in accordance with Section 21.003(b-1).

25 SECTION 11. Section 30.001(b), Education Code, is amended
26 to read as follows:

27 (b) The commissioner, with the approval of the State Board

1 of Education, shall develop and implement a plan for the
2 coordination of services to children with disabilities in each
3 region served by a regional education service center. The plan must
4 include procedures for:

5 (1) identifying existing public or private
6 educational and related services for children with disabilities in
7 each region;

8 (2) identifying and referring children with
9 disabilities who cannot be appropriately served by the school
10 district in which they reside to other appropriate programs;

11 (3) assisting school districts to individually or
12 cooperatively develop programs to identify and provide appropriate
13 services for children with disabilities;

14 (4) expanding and coordinating services provided by
15 regional education service centers for children with disabilities;
16 [~~and~~]

17 (5) providing for special education [~~services~~],
18 including special seats, books, instructional media, and other
19 supplemental supplies and services required for proper
20 instruction; and

21 (6) ensuring services provided for students with
22 dyslexia and related disorders align with guidance on
23 evidence-based practices developed by the State Board of Education
24 under Section 7.102(c)(28).

25 SECTION 12. Section 30.002(g), Education Code, is amended
26 to read as follows:

27 (g) To facilitate implementation of this section, the

1 commissioner shall develop a system to distribute from the
2 foundation school fund to school districts or regional education
3 service centers a special supplemental allowance for each student
4 with a visual impairment and for each student with a serious visual
5 disability and another medically diagnosed disability of a
6 significantly limiting nature who is receiving special education
7 services through any approved program. The supplemental allowance
8 may be spent only for special education [~~services~~] uniquely
9 required by the nature of the student's disabilities and may not be
10 used in lieu of educational funds otherwise available under this
11 code or through state or local appropriations.

12 SECTION 13. Section 37.146(a), Education Code, is amended
13 to read as follows:

14 (a) A complaint alleging the commission of a school offense
15 must, in addition to the requirements imposed by Article 45.019,
16 Code of Criminal Procedure:

17 (1) be sworn to by a person who has personal knowledge
18 of the underlying facts giving rise to probable cause to believe
19 that an offense has been committed; and

20 (2) be accompanied by a statement from a school
21 employee stating:

22 (A) whether the child is eligible for or receives
23 special education [~~services~~] under Subchapter A, Chapter 29; and

24 (B) the graduated sanctions, if required under
25 Section 37.144, that were imposed on the child before the complaint
26 was filed.

27 SECTION 14. Section 48.103, Education Code, is amended by

1 amending Subsections (b) and (c) and adding Subsection (c-1) to
2 read as follows:

3 (b) A school district is entitled to an allotment under
4 Subsection (a) only for a student who:

5 (1) is receiving services for dyslexia or a related
6 disorder in accordance with:

7 (A) an individualized education program
8 developed for the student under Section 29.005; or

9 (B) a plan developed for the student under
10 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

11 (2) is receiving instruction that:

12 (A) meets applicable dyslexia intervention
13 components [~~program criteria~~] established by the State Board of
14 Education or agency; and

15 (B) is provided by a person with specific
16 training in providing that instruction; or

17 (3) is permitted, on the basis of having dyslexia or a
18 related disorder, to use modifications in the classroom or
19 accommodations in the administration of assessment instruments
20 under Section 39.023.

21 (c) A school district shall:

22 (1) [~~may~~] receive funding for a student under this
23 section and Section 48.102 if the student satisfies the
24 requirements of both sections;

25 (2) allocate money received under Subdivision (1) to
26 the district's special education budget; and

27 (3) prioritize the use of money received under

1 Subdivision (1) for the employment and retention of district
2 employees who are specially trained to evaluate, identify, and
3 provide services for dyslexia and related disorders, including a
4 person described by Section 21.003(b-1).

5 (c-1) A school district may only use funding received under
6 this section to supplement the district's special education budget
7 and not to offset or deduct from the district's special education
8 budget.

9 SECTION 15. (a) A joint interim committee is established to
10 study methods for screening and testing students for dyslexia and
11 the appropriate instruction for students with dyslexia and related
12 disorders.

13 (b) The committee shall assess:

14 (1) the method and efficiency with which dyslexia
15 programs are delivered to students;

16 (2) whether the dyslexia screening process used by
17 school districts correctly identifies students with dyslexia and
18 provides the intervention and curriculum necessary for those
19 students;

20 (3) whether the implementation of recommended
21 methodologies for students with dyslexia in the elementary grades
22 is successful and appropriate;

23 (4) methods to properly enforce and provide oversight
24 of dyslexia programs;

25 (5) parental rights related to dyslexia screening and
26 programs;

27 (6) methods to ensure federal funds received to

1 support special education instruction for students with dyslexia
2 are used to provide students with the best evidence-based
3 multisensory systematic language therapy intervention available;
4 and

5 (7) the effectiveness of educator incentives for
6 dyslexia programs.

7 (c) The committee consists of the following eight members:

8 (1) four members of the house of representatives
9 appointed by the speaker of the house of representatives; and

10 (2) four members of the senate appointed by the
11 lieutenant governor.

12 (d) The speaker of the house of representatives and the
13 lieutenant governor shall each designate a co-chair from among the
14 committee members.

15 (e) The joint interim committee has all other powers and
16 duties provided to a special or select committee by the rules of the
17 senate and house of representatives by Subchapter B, Chapter 301,
18 Government Code, and by policies of the senate and house committees
19 on administration.

20 (f) Not later than December 1, 2022, the joint interim
21 committee shall report the committee's findings and
22 recommendations to the governor and the members of the legislature.

23 (g) The joint interim committee established under this
24 section is abolished and this section expires December 10, 2022.

25 SECTION 16. The following provisions of the Education Code
26 are repealed:

27 (1) Section 38.003;

1 (2) Section 38.0031; and

2 (3) Section 38.0032.

3 SECTION 17. (a) This Act applies beginning with the
4 2022-2023 school year.

5 (b) As soon as is practicable after the effective date of
6 this Act, the commissioner of education shall adopt rules necessary
7 to implement this Act using a negotiated rulemaking process under
8 Chapter 2008, Government Code.

9 (c) As soon as is practicable after the effective date of
10 this Act, each school district shall notify the parent or person
11 standing in parental relation to a student who has been identified
12 as having dyslexia or a related disorder and who received dyslexia
13 intervention and instructional support in accordance with Section
14 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), during the
15 2021-2022 school year of the parent's or person's rights to have the
16 student continue that support and to request a full individual
17 evaluation under Section 29.004, Education Code. The commissioner
18 of education shall develop and make available a model notice that a
19 school district shall use to provide the notice required by this
20 subsection.

21 (d) Not later than September 1, 2022, the Texas Education
22 Agency shall provide informal guidance to school districts on the
23 evaluation and identification of students with dyslexia or a
24 related disorder in accordance with this Act.

25 SECTION 18. This Act takes effect September 1, 2021.

FLOOR AMENDMENT NO. 1

ADOPTED

VI
MAY 26 2021

BY:

Angela Paxton

Lately Spaw
Secretary of the Senate
Amend C.S.H.B. No. 3880 (senate committee printing) by striking SECTIONS 2-17 of the bill (page 1, line 28, through page 8, line 54), substituting the following SECTIONS of the bill, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2. STUDY OF STATE STATUTES AND RULES REGARDING STUDENTS WITH DYSLEXIA AND RELATED DISORDERS. (a) Not later than September 30, 2021, the State Board of Education shall review and revise board rules adopted under the Texas Administrative Code relating to diagnosing and instructing students with dyslexia and related disorders, the effectiveness of those rules, and the methods of providing assistance and support to those students under those rules.

(b) The State Board of Education, in consultation with the Texas Education Agency, shall consider, in reviewing and revising rules under Subsection (b):

(1) the method for school districts to provide in plain language the procedures, timelines, processes, and rights for parents of students with special needs; and

(2) the right of parents to request a screening for dyslexia and related disorders under Section 38.003 or a full individual and initial evaluation for special education services under Section 29.004.

(c) The Texas Education Agency shall assist the State Board of Education in conducting the study under this section.

(d) The State Board of Education may conduct public hearings to gain feedback from educators, stakeholders, and parents and guardians of students diagnosed with dyslexia and related disorders regarding the effectiveness of current statutes and rules.

(e) Not later than December 31, 2022, the State Board of Education shall submit a report to each standing committee of the legislature with jurisdiction over public education that includes the results of the study and any recommendations of the board related to the study, statutory changes, and changes to the rules relating to students with dyslexia and other related disorders.

SECTION 3. EXPIRATION. This Act expires September 1, 2023.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3880 by Dutton (Relating to a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to a student's eligibility for special education services provided by a school district could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, CMA, SL, THO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 24, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3880 by Dutton (relating to a student 's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to a student's eligibility for special education services provided by a school district could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, THO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3880** by Dutton (Relating to a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **As Engrossed**

No fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to a student's eligibility for special education services provided by a school district could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, THO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

Revision 1

May 4, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3880** by Dutton (relating to a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to a student's eligibility for special education services provided by a school district could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, THO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 4, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3880** by Dutton (relating to a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **Committee Report 1st House, As Amended**

No fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to a student's eligibility for special education services provided by a school district could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, THO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 10, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3880 by Dutton (Relating to a student's eligibility for special education services provided by a school district.), **As Introduced**

No fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to a student's eligibility for special education services provided by a school district could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, THO