

House Bill 3880
Senate Amendments
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SECTION 1. This Act may be cited as the Beckley Wilson Act.

SECTION 2. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 21.006(k), 22.093(l), 22.096, 28.006, 29.001(5), 29.010(a), [38.003,] or 39.057, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as necessary to ensure:

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

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

(28) The board shall develop and update, as necessary, guidance information for school districts on evidence-based practices for intervention and instruction of students with ~~[approve a program for testing students for]~~ dyslexia and related disorders and incorporate in the information input from

SENATE VERSION (IE)

SECTION 1. Same as House version.

No equivalent provision. SECTION 2. [Deleted by FA1]

No equivalent provision. SECTION 3. [Deleted by FA1]

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a broad-based dialogue with educators and experts in the field of reading and dyslexia and related disorders from across the state. The guidance information may not address:
(A) the evaluation and identification of students with dyslexia or a related disorder; or
(B) how intervention and instruction are to be accessed by a student [as provided by Section 38.003].

SECTION 4. 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 achievement indicators adopted under Section 39.053(c). The district improvement plan must include provisions for:

- (1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;
- (2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student

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No equivalent provision. SECTION 4. [Deleted by FA1]

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performance that may be identified through the comprehensive needs assessment;

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

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

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

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

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) special education [dyslexia treatment] programs;

(C) dropout reduction;

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

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

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

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

(H) accelerated education; and

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

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

(A) higher education admissions and financial aid

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opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

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

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

(5) resources needed to implement identified strategies;

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

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

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

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

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

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

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

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

(2) holds a certification issued by the appropriate association or has received training from an appropriate training provider,

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including an academic language practitioner or therapist certified by the Academic Language Therapy Association; or (3) meets the applicable training requirements for the position adopted by the commissioner by rule.

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

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

No equivalent provision. SECTION 6. [Deleted by FA1]

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

Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and modify as necessary, a statewide design, consistent with federal law, for the delivery of services to children with disabilities in this state that includes rules for the administration and funding of the special education program so that a free appropriate public education is available to all of those children between the ages of three and 21. The statewide design shall include the provision of services primarily through school districts and shared services arrangements, supplemented by regional education service

No equivalent provision. SECTION 7. [Deleted by FA1]

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centers. The agency shall also develop and implement a statewide plan with programmatic content that includes procedures designed to:

- (1) ensure state compliance with requirements for supplemental federal funding for all state-administered programs involving the delivery of instructional or related services to students with disabilities;
- (2) facilitate interagency coordination when other state agencies are involved in the delivery of instructional or related services to students with disabilities;
- (3) periodically assess statewide personnel needs in all areas of specialization related to special education and pursue strategies to meet those needs through a consortium of representatives from regional education service centers, local education agencies, and institutions of higher education and through other available alternatives;
- (4) ensure that regional education service centers throughout the state maintain a regional support function, which may include direct service delivery and a component designed to facilitate the placement of students with disabilities who cannot be appropriately served in their resident districts;
- (5) allow the agency to effectively monitor and periodically conduct site visits of all school districts to ensure that rules adopted under this section and Section 29.0031 are applied in a consistent and uniform manner, to ensure that districts are complying with those rules, and to ensure that annual statistical reports filed by the districts and not otherwise available through the Public Education Information Management System under Sections 48.008 and 48.009 are accurate and complete;
- (6) ensure that appropriately trained personnel are involved in the diagnostic and evaluative procedures operating in all

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

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

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

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

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

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

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

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

(D) review the child's educational records;

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

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

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

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

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- (A) to request a review of the student's individualized education program;
- (B) to provide input in the development of the student's individualized education program;
- (C) that provides for a timely district response to the teacher's request; and
- (D) that provides for notification to the student's parent or legal guardian of that response;
- (12) ensure the integration of technology to accommodate students with dyslexia and related disorders; and
- (13) ensure that training opportunities, including continuing education that satisfies the requirements of Section 21.054(b):
 - (A) are accessible to school districts by developing a list of training opportunities regarding dyslexia and related disorders that comply with the knowledge and practice standards of an international organization on dyslexia; and
 - (B) assist an educator or dyslexia service provider in understanding and recognizing dyslexia and providing instruction that is systematic, explicit, and evidence-based to meet the educational needs of students with dyslexia.

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

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

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

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~~described by Section 48.102; and]~~

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

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

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

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

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

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

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

No equivalent provision. SECTION 9. [Deleted by FA1]

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(2) is at least three years of age but not more than 21 years of age and has been identified as a student with a disability other than a visual or hearing impairment; ~~and has one~~ or
(3) is at least three years of age but not more than five years of age and the ~~following disabilities that prevents the~~ student is a student evaluated as having noncategorical early childhood developmental delays as described by Section 29.002(2)(B) ~~from being adequately or safely educated in public school without the provision of special services:~~
~~[(A) physical disability;~~
~~[(B) intellectual or developmental disability;~~
~~[(C) emotional disturbance;~~
~~[(D) learning disability;~~
~~[(E) autism;~~
~~[(F) speech disability; or~~
~~[(G) traumatic brain injury].~~

SECTION 10. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0031 to read as follows:
Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS.
(a) A school district shall:
(1) screen students for dyslexia and related disorders;
(2) notify the parent of or person standing in parental relation to each student who is determined to be at risk for dyslexia or a related disorder that the student is at risk; and
(3) make a good faith effort to ensure that the notice provided under Subdivision (2):
(A) is clear and easy to understand;
(B) is in the recipient's native language; and
(C) includes information about the student's data and measurements that led to the determination that the student is

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at risk for dyslexia or a related disorder.

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

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

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

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

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

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

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

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

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

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

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

- (1) identifying existing public or private educational and related services for children with disabilities in each region;
- (2) identifying and referring children with disabilities who cannot be appropriately served by the school district in which they reside to other appropriate programs;
- (3) assisting school districts to individually or cooperatively develop programs to identify and provide appropriate services for children with disabilities;
- (4) expanding and coordinating services provided by regional education service centers for children with disabilities; ~~and~~
- (5) providing for special education ~~[services]~~, including special seats, books, instructional media, and other supplemental supplies and services required for proper instruction; and
- (6) ensuring services provided for students with dyslexia and related disorders align with guidance on evidence-based practices developed by the State Board of Education under Section 7.102(c)(28).

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

(g) To facilitate implementation of this section, the commissioner shall develop a system to distribute from the foundation school fund to school districts or regional education service centers a special supplemental allowance for each student with a visual impairment and for each student with a serious visual disability and another medically

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diagnosed disability of a significantly limiting nature who is receiving special education services through any approved program. The supplemental allowance may be spent only for special education [services] uniquely required by the nature of the student's disabilities and may not be used in lieu of educational funds otherwise available under this code or through state or local appropriations.

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

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

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

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

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

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

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

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

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

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No equivalent provision. SECTION 13. [Deleted by FA1]

No equivalent provision. SECTION 14. [Deleted by FA1]

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- (A) an individualized education program developed for the student under Section 29.005; or
- (B) a plan developed for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
- (2) is receiving instruction that:
 - (A) meets applicable dyslexia intervention components [~~program criteria~~] established by the State Board of Education or agency; and
 - (B) is provided by a person with specific training in providing that instruction; or
 - (3) is permitted, on the basis of having dyslexia or a related disorder, to use modifications in the classroom or accommodations in the administration of assessment instruments under Section 39.023.
- (c) A school district shall: [~~may~~]
 - (1) receive funding for a student under this section and Section 48.102 if the student satisfies the requirements of both sections;
 - (2) allocate money received under Subdivision (1) to the district's special education budget; and
 - (3) prioritize the use of money received under Subdivision (1) for the employment and retention of district employees who are specially trained to evaluate, identify, and provide services for dyslexia and related disorders, including a person described by Section 21.003(b-1).
- (c-1) A school district may only use funding received under this section to supplement the district's special education budget and not to offset or deduct from the district's special education budget.

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SECTION 15. [Deleted by FA1]

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SECTION 15. The following provisions of the Education Code are repealed:

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

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

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

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

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

No equivalent provision.

SENATE VERSION (IE)

No equivalent provision. SECTION 16. [Deleted by FA1]

No equivalent provision. SECTION 17. [Deleted by FA1]

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

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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 English 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. [FA1]

SECTION 3. EXPIRATION. This Act expires September 1, 2023. [FA1]

No equivalent provision.

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

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No equivalent provision. SECTION 18. [Deleted by FA1]

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