

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3928
By: Toth et al. (Parker)
Education
5/11/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 3928 seeks to require school districts in Texas to screen students for dyslexia and related disorders, following federal and state requirements including The Dyslexia Handbook. Furthermore, the committee substitute specifies that the multidisciplinary evaluation team determining eligibility for special education and related services must include at least one member with specific knowledge of dyslexia and related disorders. Additionally, school districts must inform parents of students receiving direct dyslexia instruction of their progress. The committee substitute also requires school districts to provide information to parents about the process to request a full individual and initial evaluation of a student for special education services, and how their rights may differ between a 504 Plan and an IEP.

C.S.H.B. 3928 amends current law relating to dyslexia evaluations and services for public school students, the provision of services for students with dyslexia and related disorders, and certain parental notice regarding the rights of parents of public school students with disabilities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency is modified in SECTION 6 (Section 38.003, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Beckley Wilson Act.

SECTION 2. Amends Section 7.102(c)(28), Education Code, to prohibit the program for testing students for dyslexia and related disorders from including a distinction between standard protocol dyslexia instruction, as defined by the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as updated in 2021 and adopted by the State Board of Education (SBOE), and its subsequent amendments, and other types of direct dyslexia instruction, including specially designed instruction.

SECTION 3. Amends Subchapter A, Chapter 29, Education Code, by adding Sections 29.0031 and 29.0032, as follows:

Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) Provides that dyslexia is an example of and meets the definition of a specific learning disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(30)). Requires the district, if a district suspects or has a reason to suspect that a student may have dyslexia, including after evaluation or use of a reading diagnosis under Section 28.006 (Reading Diagnosis) or 38.003 (Screening and Treatment for Dyslexia and Related Disorders), and that the student may be a child with a disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(3)), to:

(1) provide to the student's parent or a person standing in parental relation to the student a form developed by the Texas Education Agency (TEA) explaining the rights available under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) that are authorized to be

additional to the rights available under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

(2) comply with all federal and state requirements, including the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by SBOE, and its subsequent amendments, regarding any evaluation of the student; and

(3) if the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.

(b) Requires the multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services to include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. Requires the member to:

(1) hold a licensed dyslexia therapist license under Chapter 403 (Licensed Dyslexia Practitioners and Licensed Dyslexia Therapists), Occupations Code;

(2) hold the most advanced dyslexia-related certification issued by an association recognized by SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 (State Board of Education Powers and Duties) and 38.003; or

(3) if a person qualified under Subdivision (1) or (2) is not available, meet the applicable training requirements adopted by SBOE pursuant to Sections 7.102 and 38.003.

(c) Requires a member of a multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services as described by Subsection (b) to sign a document describing the member's participation in the evaluation of a student described by that subsection and any resulting individualized education program developed for the student.

(d) Requires a school district, at least once each grading period, and more often if provided for in a student's individualized education program, to provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction.

Sec. 29.0032. PROVIDERS OF DYSLEXIA INSTRUCTION. (a) Provides that a provider of dyslexia instruction to students with dyslexia and related disorders:

(1) is required to be fully trained in the district's adopted instructional materials for students with dyslexia; and

(2) is not required to hold a certificate or permit in special education issued under Subchapter B (Certification of Educators), Chapter 21, unless the provider is employed in a special education position that requires the certification.

(b) Provides that the completion of a literacy achievement academy under Section 21.4552 (Teacher Literacy Achievement Academies) by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of Subsection (a)(1).

SECTION 4. Amends Section 37.006, Education Code, by adding Subsection (p) to require the school district, on the placement of a student in a disciplinary alternative education program under Section 37.006 (Removal for Certain Conduct), to provide information to the student's parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student under Section 29.004 (Full Individual and Initial Evaluation).

SECTION 5. Amends Section 37.023(d), Education Code, as follows:

(d) Provides that a personalized transition plan is required to include certain information, including the provision of information to the student's parent or a person standing in parental relation to the student regarding the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004. Deletes existing text providing that a personalized transition plan is authorized to include the provision of information to the student's parent or a person standing in parental relation to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004. Makes nonsubstantive changes.

SECTION 6. Amends Sections 38.003(b) and (c-1), Education Code, as follows:

(b) Requires the board of trustees of each school district, in accordance with the program approved by SBOE, to:

(1) creates this subdivision from existing text; and

(2) adopt and implement a policy requiring the district to comply with all rules and standards adopted by SBOE to implement the program, including:

(A) the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by SBOE, and its subsequent amendments; and

(B) guidance published by the commissioner of education to assist the district in implementing the program.

(c-1) Requires TEA by rule to develop procedures designed to allow TEA to take certain actions, including solicit input from parents of students enrolled in a school district during the auditing and monitoring of the district under Subdivision (1) regarding the district's implementation of the program approved by SBOE under this section.

SECTION 7. Requires SBOE, not later than June 30, 2024, to revise the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by SBOE, to conform with Section 7.102, Education Code, as amended by this Act.

SECTION 8. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 9. Effective date: upon passage or September 1, 2023.