

By: Dutton

H.B. No. 2162

Substitute the following for H.B. No. 2162:

By: Buckley

C.S.H.B. No. 2162

A BILL TO BE ENTITLED

AN ACT

relating to reading instruction, assessment instruments, and interventions provided to public school students.

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

SECTION 1. Section 21.044, Education Code, is amended by adding Subsection (h) to read as follows:

(h) An educator preparation program may not include instruction in using the reading instruction method of three-cueing, as defined by Section 28.0062(a-1).

SECTION 2. Section 28.006, Education Code, is amended by amending Subsections (a), (b), (c-1), (c-3), (d), and (j) and adding Subsections (a-1), (b-2), (b-3), (g-3), (g-4), (g-5), and (g-6) to read as follows:

(a) The commissioner shall adopt procedures ~~[develop recommendations]~~ for school districts and open-enrollment charter schools for:

(1) administering reading instruments to:

(A) ensure the validity and reliability of the results of the reading instruments;

(B) diagnose student reading development and comprehension; and

(C) identify students at risk for dyslexia or other reading difficulties;

(2) training educators in administering the reading

1 instruments; and

2 (3) applying the results of the reading instruments to
3 the instructional program and intervention practices.

4 (a-1) A school district or open-enrollment charter school
5 may not administer a reading instrument to a student more than three
6 times during a school year.

7 (b) The commissioner shall adopt a list of reading
8 instruments that a school district or open-enrollment charter
9 school shall ~~[may]~~ use to diagnose student reading development and
10 comprehension for students in kindergarten through grade three.
11 The reading instrument must include the foundational literacy
12 components of phonemic and phonological awareness, phonics,
13 vocabulary, fluency, and comprehension. For use in diagnosing the

14 reading development and comprehension of kindergarten students,
15 the commissioner shall adopt a multidimensional assessment tool
16 that includes a reading instrument and tests at least three
17 developmental skills, including foundational literacy components.

18 A multidimensional assessment tool administered as provided by this
19 subsection is considered to be a reading instrument for purposes of
20 this section. ~~[A district-level committee established under~~
21 ~~Subchapter F, Chapter 11, may adopt a list of reading instruments~~
22 ~~for use in the district in a grade level other than kindergarten in~~
23 ~~addition to the reading instruments on the commissioner's list.]~~

24 Each reading instrument adopted by the commissioner ~~[or a~~
25 ~~district-level committee]~~ must:

26 (1) be based on scientific research concerning reading
27 skills development and reading comprehension;

1 (2) [~~. A list of reading instruments adopted under~~
2 ~~this subsection must]~~ provide for diagnosing the reading
3 development and comprehension of students participating in a
4 program under Subchapter B, Chapter 29;

5 (3) provide progress monitoring capabilities;

6 (4) provide a diagnostic tool to assist teachers in
7 developing research-based targeted instruction;

8 (5) allow screening of students three times a year;

9 (6) assess only the foundational literacy components
10 not already mastered by the student; and

11 (7) determine if a student needs reading instruction
12 intervention.

13 (b-2) In adopting a reading instrument under this section,
14 the commissioner shall prioritize selecting an instrument that:

15 (1) minimizes the impact of administration of the
16 instrument on instructional time;

17 (2) provides timely reporting of results; and

18 (3) is able to be integrated into reading instruction.

19 (b-3) The commissioner shall adopt a process for soliciting
20 new reading instruments and updating the list of adopted reading
21 instruments, including multidimensional assessment tools, for
22 kindergarten through grade three under Subsection (b) at least once
23 every four years.

24 (c-1) Each school district shall administer at the
25 beginning of the seventh grade a reading instrument adopted by the
26 commissioner to each student whose performance on the assessment
27 instrument in reading administered under Section 39.023(a) to the

1 student in grade six did not demonstrate reading proficiency, as
2 determined by the commissioner. The district shall administer the
3 reading instrument in accordance with the commissioner's
4 recommendations for administering reading instruments that
5 diagnose student reading development and comprehension ~~[under~~
6 ~~Subsection (a)(1)]~~.

7 (c-3) The commissioner by rule shall determine the
8 performance on each applicable ~~[the]~~ reading instrument adopted
9 under Subsection (b) that indicates kindergarten readiness.

10 (d) The superintendent of each school district or the person
11 who serves the function of superintendent in each open-enrollment
12 charter school shall:

13 (1) report ~~[to the commissioner and the board of~~
14 ~~trustees of the district]~~ the results of the reading instruments
15 to:

16 (A) the board of trustees of a school district;
17 or

18 (B) the governing body of an open-enrollment
19 charter school, as defined by Section 12.1012(3);

20 (2) not later than the 30th ~~[60th]~~ calendar day after
21 the date on which a reading instrument was administered report, in
22 writing, to a student's parent or guardian the student's results on
23 the instrument and any additional information required by the
24 agency; and

25 (3) report to the agency any information required by
26 the agency, including the results of the reading instrument and
27 ~~[using the school readiness certification system provided to the~~

~~1 school district in accordance with Section 29.161(e), report~~
~~2 electronically]~~ each student's raw score on the reading instrument
~~3 [to the agency for use in the school readiness certification~~
~~4 system].~~

5 (g-3) A school district or open-enrollment charter school
6 shall provide reading intervention to each student in kindergarten
7 through grade three who is determined to need reading intervention
8 using an assessment administered in accordance with Subsection (b).
9 The school district shall continue to offer a student reading
10 intervention until the student achieves satisfactory performance
11 on a reading instrument. A reading intervention program offered
12 under this subsection must:

13 (1) include targeted instruction to improve the
14 student's reading skills in the relevant areas identified through
15 the assessment instrument;

16 (2) monitor the progress of the student's reading
17 skills throughout the school year;

18 (3) be implemented during regular school hours and in
19 addition to core instruction;

20 (4) use high-quality instructional materials,
21 curricula, and curricular tools that are research based and
22 effective for early childhood literacy intervention; and

23 (5) be provided by a teacher who has attended a
24 literacy achievement academy provided under Section 21.4552.

25 (g-4) In providing reading intervention under Subsection
26 (g-3), a school district or open-enrollment charter school may not
27 remove a student, except under circumstances for which a student

enrolled in the same grade level who is not receiving reading intervention would be removed, from:

(1) instruction in the foundation curriculum and enrichment curriculum adopted under Section 28.002 for the grade level in which the student is enrolled; or

(2) recess or other physical activity that is available to other students enrolled in the same grade level.

(g-5) In addition to the report required under Subsection (d)(2), a school district or open-enrollment charter school shall notify the parent or guardian of each student in kindergarten through grade three who is determined to need reading intervention.

The notification must:

(1) be distributed not later than the 30th day after the date the result of the reading instrument indicating that the student needs intervention is available;

(2) describe the current reading services the district or school provides to the student;

(3) describe the reading interventions that will be provided to the student to ensure the student will meet or exceed grade-level reading standards; and

(4) include high-quality resources for the parent or guardian of the student to use at home to help the student succeed at reading.

(g-6) From funds appropriated for teacher literacy achievement academies developed under Section 21.4552, the commissioner may, in collaboration with regional education service centers, provide assistance to school districts and

open-enrollment charter schools in complying with the requirements of Section 28.0062. The commissioner shall prioritize providing assistance under this subsection in school districts with the highest rate of students performing below satisfactory levels on reading instruments administered under Subsection (b).

~~(j) [No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs.]~~

The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.301(c)(5) and may implement interventions or sanctions under Chapter 39A. ~~[The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.]~~

SECTION 3. Section 28.0062, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In this subsection, "three-cueing" means any model, including the model referred to as meaning, structure, and visual cues (MSV), of teaching a student to read based on meaning, structure and syntax, and visual cues or memory. A school district or open-enrollment charter school may not include any instruction that incorporates three-cueing in the foundational skills reading curriculum for kindergarten through third grade.

SECTION 4. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0063 to read as follows:

Sec. 28.0063. PRIVATE READING INSTRUCTION FOR CERTAIN STUDENTS. (a) A school district or open-enrollment charter school

1 shall make available a tutoring service provider to address a
2 student's reading deficiency. The district or school must make the
3 service provider available to a parent or guardian of a student who
4 is determined to need reading intervention using an assessment
5 administered under Section 28.006 on each of the reading
6 assessments administered for two consecutive school years. The
7 cost to a district or school for making available the tutoring
8 service provider under this subsection may not exceed \$1,000.

9 (b) A parent or guardian of a student described by
10 Subsection (a) may select a tutoring service provider from a list of
11 high-quality providers approved by the agency to address the
12 student's reading deficiency. The district or school shall
13 contract directly with that service provider to pay the lesser of
14 the cost of the service or \$1,000 to provide tutoring services to
15 the student. The district or school may not provide money under
16 this subsection directly to a parent or guardian of a student.

17 (c) A school district or open-enrollment charter school
18 that provides a tutoring service to a student under this section
19 shall continue to provide the student any other reading support
20 required of the district or school.

21 (d) The commissioner may adopt rules as necessary to
22 implement this section.

23 SECTION 5. Section 29.1543, Education Code, is amended to
24 read as follows:

25 Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall
26 produce and make available to the public on the agency's Internet
27 website annual district and campus-level reports containing

1 information from the previous school year on early education in
2 school districts and open-enrollment charter schools. A report
3 under this section must contain:

4 (1) the information required by Section 29.1532(c) to
5 be reported through the Public Education Information Management
6 System (PEIMS);

7 (2) a description of any ~~[the]~~ diagnostic reading
8 instruments administered as provided by Section 28.006 ~~[in~~
9 ~~accordance with Section 28.006(c) or (c-2)]~~;

10 (3) the number of students who were administered a
11 diagnostic reading instrument administered as provided by Section
12 28.006 ~~[in accordance with Section 28.006(c) or (c-2)]~~;

13 (4) the number of students whose scores from a
14 diagnostic reading instrument administered as provided by Section
15 28.006 ~~[in accordance with Section 28.006(c) or (c-2)]~~ indicate
16 reading proficiency;

17 (5) the number of kindergarten students who were
18 enrolled in a prekindergarten program in the previous school year
19 in the same district or school as the district or school in which
20 the student attends kindergarten;

21 (6) the number and percentage of students who perform
22 satisfactorily on the third grade reading or mathematics assessment
23 instrument administered under Section 39.023, disaggregated by
24 whether the student was eligible for free prekindergarten under
25 Section 29.153;

26 (7) the number of students described by Subdivision
27 (6) who attended kindergarten in the district, disaggregated by:

1 (A) whether the student met the kindergarten
2 readiness standard on a ~~[the]~~ reading instrument adopted under
3 Section 28.006;

4 (B) whether the student attended prekindergarten
5 in the district; and

6 (C) the type of prekindergarten the student
7 attended, if applicable; and

8 (8) the information described by Subdivisions (6) and
9 (7) disaggregated by whether the student is educationally
10 disadvantaged.

11 SECTION 6. Sections 28.006(c), (c-2), (i), and (k),
12 Education Code, are repealed.

13 SECTION 7. This Act applies beginning with the 2023-2024
14 school year.

15 SECTION 8. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2023.