

AN ACT

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.

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

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

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

(28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section 38.003. The program may not include 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, and its subsequent amendments, and other types of direct dyslexia instruction, including specially designed instruction.

SECTION 3. Subchapter A, Chapter 29, Education Code, is amended by adding Sections 29.0031 and 29.0032 to read as follows:

Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) 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)). If a district suspects or has a reason to suspect that a student may have dyslexia,

1 including after evaluation or use of a reading diagnosis under
2 Section 28.006 or 38.003, and that the student may be a child with a
3 disability under the Individuals with Disabilities Education Act
4 (20 U.S.C. Section 1401(3)), the district must:

5 (1) provide to the student's parent or a person
6 standing in parental relation to the student a form developed by the
7 agency explaining the rights available under the Individuals with
8 Disabilities Education Act (20 U.S.C. Section 1400 et seq.) that
9 may be additional to the rights available under Section 504,
10 Rehabilitation Act of 1973 (29 U.S.C. Section 794);

11 (2) comply with all federal and state requirements,
12 including the Dyslexia Handbook: Procedures Concerning Dyslexia
13 and Related Disorders, as adopted by the State Board of Education,
14 and its subsequent amendments, regarding any evaluation of the
15 student; and

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

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

25 (1) hold a licensed dyslexia therapist license under
26 Chapter 403, Occupations Code;

27 (2) hold the most advanced dyslexia-related

1 certification issued by an association recognized by the State
2 Board of Education, and identified in, or substantially similar to
3 an association identified in, the program and rules adopted under
4 Sections 7.102 and 38.003; or

5 (3) if a person qualified under Subdivision (1) or (2)
6 is not available, meet the applicable training requirements adopted
7 by the State Board of Education pursuant to Sections 7.102 and
8 38.003.

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

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

22 Sec. 29.0032. PROVIDERS OF DYSLEXIA INSTRUCTION. (a) A
23 provider of dyslexia instruction to students with dyslexia and
24 related disorders:

25 (1) must be fully trained in the district's adopted
26 instructional materials for students with dyslexia; and

27 (2) is not required to hold a certificate or permit in

1 special education issued under Subchapter B, Chapter 21, unless the
2 provider is employed in a special education position that requires
3 the certification.

4 (b) The completion of a literacy achievement academy under
5 Section 21.4552 by an educator who participates in the evaluation
6 or instruction of students with dyslexia and related disorders does
7 not satisfy the requirements of Subsection (a)(1).

8 SECTION 4. Section 37.006, Education Code, is amended by
9 adding Subsection (p) to read as follows:

10 (p) On the placement of a student in a disciplinary
11 alternative education program under this section, the school
12 district shall provide information to the student's parent or
13 person standing in parental relation to the student regarding the
14 process for requesting a full individual and initial evaluation of
15 the student under Section 29.004.

16 SECTION 5. Section 37.023(d), Education Code, is amended to
17 read as follows:

18 (d) The assistance required by Subsection (c) must include a
19 personalized transition plan for the student developed by the
20 campus administrator. A personalized transition plan:

21 (1) must include:

22 (A) recommendations for the best educational
23 placement of the student; and

24 (B) the provision of information to the student's
25 parent or a person standing in parental relation to the student
26 regarding the process to request a full individual and initial
27 evaluation of the student for purposes of special education

1 services under Section 29.004; and

2 (2) may include:

3 (A) recommendations for counseling, behavioral
4 management, or academic assistance for the student with a
5 concentration on the student's academic or career goals;

6 (B) recommendations for assistance for obtaining
7 access to mental health services provided by the district or
8 school, a local mental health authority, or another private or
9 public entity; and

10 (C) ~~[the provision of information to the~~
11 ~~student's parent or a person standing in parental relation to the~~
12 ~~student about the process to request a full individual and initial~~
13 ~~evaluation of the student for purposes of special education~~
14 ~~services under Section 29.004; and~~

15 ~~[(D)]~~ a regular review of the student's progress
16 toward the student's academic or career goals.

17 SECTION 6. Sections 38.003(b) and (c-1), Education Code,
18 are amended to read as follows:

19 (b) In accordance with the program approved by the State
20 Board of Education, the board of trustees of each school district
21 shall:

22 (1) provide for the treatment of any student
23 determined to have dyslexia or a related disorder; and

24 (2) adopt and implement a policy requiring the
25 district to comply with all rules and standards adopted by the State
26 Board of Education to implement the program, including:

27 (A) the Dyslexia Handbook: Procedures Concerning

1 Dyslexia and Related Disorders, as adopted by the State Board of
2 Education, and its subsequent amendments; and

3 (B) guidance published by the commissioner to
4 assist the district in implementing the program.

5 (c-1) The agency by rule shall develop procedures designed
6 to allow the agency to:

7 (1) effectively audit and monitor and periodically
8 conduct site visits of all school districts to ensure that
9 districts are complying with this section, including the program
10 approved by the State Board of Education under this section;

11 (2) identify any problems school districts experience
12 in complying with this section, including the program approved by
13 the State Board of Education under this section; ~~and~~

14 (3) develop reasonable and appropriate remedial
15 strategies to address school district noncompliance and ensure the
16 purposes of this section are accomplished; and

17 (4) solicit input from parents of students enrolled in
18 a school district during the auditing and monitoring of the
19 district under Subdivision (1) regarding the district's
20 implementation of the program approved by the State Board of
21 Education under this section.

22 SECTION 7. Not later than June 30, 2024, the State Board of
23 Education shall revise the Dyslexia Handbook: Procedures
24 Concerning Dyslexia and Related Disorders, as adopted by the State
25 Board of Education, to conform with Section 7.102, Education Code,
26 as amended by this Act.

27 SECTION 8. This Act applies beginning with the 2023-2024

1 school year.

2 SECTION 9. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3928 was passed by the House on May 3, 2023, by the following vote: Yeas 145, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3928 on May 19, 2023, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3928 was passed by the Senate, with amendments, on May 17, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor