

By: Parker

S.B. No. 2487

A BILL TO BE ENTITLED

AN ACT

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.

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), 33.006(h), ~~[38.003]~~ or 39.003, 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 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

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;

(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 school district shall employ a person who may be a therapist, practitioner, specialist, or interventionist to provide services to students with dyslexia and related disorders. The person hired under this subsection is not required to hold a certificate or permit issued under Subchapter B in special education but must:

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

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

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

position adopted by the commissioner by rule.

SECTION 6. Section 21.4552(b-1), Education Code, is amended to read as follows:

(b-1) The completion of a literacy achievement academy under this section by an educator who teaches students with dyslexia satisfies:

(1) the training requirement under Section 21.054(b); and

(2) a training requirement adopted ~~[by the State Board of Education]~~ pursuant to Section 29.0031 ~~[38.003]~~ related to the screening or treatment of a student for dyslexia or a related disorder.

SECTION 7. 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.

SECTION 8. Section 29.001, Education Code, is amended to read as follows:

Sec. 29.001. STATEWIDE PLAN. The agency shall develop, and

1 modify as necessary, a statewide design, consistent with federal  
2 law, for the delivery of services to children with disabilities in  
3 this state that includes rules for the administration and funding  
4 of the special education program so that a free appropriate public  
5 education is available to all of those children between the ages of  
6 three and 21. The statewide design shall include the provision of  
7 services primarily through school districts and shared services  
8 arrangements, supplemented by regional education service centers.  
9 The agency shall also develop and implement a statewide plan with  
10 programmatic content that includes procedures designed to:

11 (1) ensure state compliance with requirements for  
12 supplemental federal funding for all state-administered programs  
13 involving the delivery of instructional or related services to  
14 students with disabilities;

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

18 (3) periodically assess statewide personnel needs in  
19 all areas of specialization related to special education and pursue  
20 strategies to meet those needs through a consortium of  
21 representatives from regional education service centers, local  
22 education agencies, and institutions of higher education and  
23 through other available alternatives;

24 (4) ensure that regional education service centers  
25 throughout the state maintain a regional support function, which  
26 may include direct service delivery and a component designed to  
27 facilitate the placement of students with disabilities who cannot

1 be appropriately served in their resident districts;

2 (5) allow the agency to effectively monitor and  
3 periodically conduct site visits of all school districts to ensure  
4 that rules adopted under this section and Section 29.0031 are  
5 applied in a consistent and uniform manner, to ensure that  
6 districts are complying with those rules, and to ensure that annual  
7 statistical reports filed by the districts and not otherwise  
8 available through the Public Education Information Management  
9 System under Sections 48.008 and 48.009 are accurate and complete;

10 (6) ensure that appropriately trained personnel are  
11 involved in the diagnostic and evaluative procedures operating in  
12 all districts and that those personnel routinely serve on district  
13 admissions, review, and dismissal committees;

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

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

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

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

27 (A) complete a training program that complies

1 with minimum standards established by agency rule;

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

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

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

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

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

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

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

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

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

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

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

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

27 (13) ensure that training opportunities, including

1 continuing education that satisfies the requirements of Section  
2 21.054(b):

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

7 (B) assist an educator or dyslexia service  
8 provider in understanding and recognizing dyslexia and providing  
9 multisensory, structured instruction that is systematic, explicit,  
10 and evidence-based to meet the educational needs of students with  
11 dyslexia or a related disorder.

12 SECTION 9. Section 29.002, Education Code, is amended to  
13 read as follows:

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

16 (1) "Special [special] education" means specially  
17 designed instruction that is provided at no cost to the parent or  
18 person standing in parental relation to meet the unique needs of a  
19 student with a disability. ~~[, which may be provided by professional~~  
20 ~~and supported by paraprofessional personnel in the regular~~  
21 ~~classroom or in an instructional arrangement described by Section~~  
22 ~~48.102, and]~~

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

27 (A) an intellectual disability, a hearing

1 impairment including deafness, a visual impairment including  
2 blindness, a serious emotional disturbance, an orthopedic  
3 impairment, autism, a traumatic brain injury, a speech or language  
4 impairment, deaf-blindness, multiple disabilities, any other  
5 health impairment, or a specific learning disability and who, as a  
6 result of the disability, needs special education;

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

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

17 SECTION 10. Section 29.003(b), Education Code, is amended  
18 to read as follows:

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

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

26 (2) is at least three years of age but not more than 21  
27 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 11. 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

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

4           (b) On determining that a student is at risk for dyslexia or  
5 a related disorder, the school district shall implement a  
6 multisensory, structured reading instruction program as an  
7 intervention as part of the district's multitiered systems of  
8 support under Section 26.0081 that, to the extent possible,  
9 incorporates training provided to teachers under Section 21.4552.  
10 The district shall determine the form, content, and timing of a  
11 program provided under this subsection, subject to requirements for  
12 the program established by the commissioner by rule. The program  
13 adopted under this subsection may not be used to delay an evaluation  
14 for special education services under Section 29.004.

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

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

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

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

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

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

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

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

9           SECTION 12. Section 30.001(b), Education Code, is amended  
10 to read as follows:

11           (b) The commissioner, with the approval of the State Board  
12 of Education, shall develop and implement a plan for the  
13 coordination of services to children with disabilities in each  
14 region served by a regional education service center. The plan must  
15 include procedures for:

16           (1) identifying existing public or private  
17 educational and related services for children with disabilities in  
18 each region;

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

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

25           (4) expanding and coordinating services provided by  
26 regional education service centers for children with disabilities;

27 [~~and~~]

1           (5) providing for special education [~~services~~],  
2 including special seats, books, instructional media, and other  
3 supplemental supplies and services required for proper  
4 instruction; and

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

9           SECTION 13. Section 30.002(g), Education Code, is amended  
10 to read as follows:

11           (g) To facilitate implementation of this section, the  
12 commissioner shall develop a system to distribute from the  
13 foundation school fund to school districts or regional education  
14 service centers a special supplemental allowance for each student  
15 with a visual impairment and for each student with a serious visual  
16 disability and another medically diagnosed disability of a  
17 significantly limiting nature who is receiving special education  
18 services through any approved program. The supplemental allowance  
19 may be spent only for special education [~~services~~] uniquely  
20 required by the nature of the student's disabilities and may not be  
21 used in lieu of educational funds otherwise available under this  
22 code or through state or local appropriations.

23           SECTION 14. Section 37.146(a), Education Code, is amended  
24 to read as follows:

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

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

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

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

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

11       SECTION 15. Section 48.103, Education Code, is amended by  
12 amending Subsections (b) and (c) and adding Subsection (c-1) to  
13 read as follows:

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

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

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

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

22           (2) is receiving instruction that:

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

26           (B) is provided by a person with specific  
27 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:

(1) ~~may~~ 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.

SECTION 16. (a) A joint interim committee is established to study methods for screening and testing students for dyslexia and related disorders and the appropriate instruction for students with dyslexia and related disorders.

(b) The committee shall assess:

(1) the method and efficiency with which programs for dyslexia and related disorders are delivered to students;

(2) whether the screening process for dyslexia and

1 related disorders used by school districts correctly identifies  
2 students with dyslexia or a related disorder and provides the  
3 intervention and curriculum necessary for those students;

4 (3) whether the implementation of recommended  
5 methodologies for students with dyslexia or a related disorder in  
6 the elementary grades is successful and appropriate;

7 (4) methods to properly enforce and provide oversight  
8 of programs for dyslexia and related disorders;

9 (5) parental rights related to screening and programs  
10 for dyslexia and related disorders;

11 (6) methods to ensure federal funds received to  
12 support special education instruction for students with dyslexia  
13 and related disorders are used to provide students with the best  
14 evidence-based multisensory systematic language therapy  
15 intervention available; and

16 (7) the effectiveness of educator incentives for  
17 programs for dyslexia and related disorders.

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

19 (1) four members of the house of representatives  
20 appointed by the speaker of the house of representatives; and

21 (2) four members of the senate appointed by the  
22 lieutenant governor.

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

26 (e) The joint interim committee has all other powers and  
27 duties provided to a special or select committee by the rules of the

1 senate and house of representatives by Subchapter B, Chapter 301,  
2 Government Code, and by policies of the senate and house committees  
3 on administration.

4 (f) Not later than December 1, 2024, the joint interim  
5 committee shall report the committee's findings and  
6 recommendations to the governor and the members of the legislature.

7 (g) The joint interim committee established under this  
8 section is abolished and this section expires December 10, 2024.

9 SECTION 17. The following provisions of the Education Code  
10 are repealed:

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

14 SECTION 18. (a) This Act applies beginning with the  
15 2024-2025 school year.

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

20 (c) As soon as practicable after the effective date of this  
21 Act, each school district shall notify the parent or person  
22 standing in parental relation to a student who has been identified  
23 as having dyslexia or a related disorder and who received dyslexia  
24 intervention and instructional support in accordance with Section  
25 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), during the  
26 2023-2024 school year of the parent's or person's rights to have the  
27 student continue that support and to request a full individual

1 evaluation under Section 29.004, Education Code. The commissioner  
2 of education shall develop and make available a model notice that a  
3 school district shall use to provide the notice required by this  
4 subsection.

5 (d) Not later than September 1, 2024, the Texas Education  
6 Agency shall provide informal guidance to school districts on the  
7 evaluation and identification of students with dyslexia or a  
8 related disorder in accordance with this Act.

9 SECTION 19. This Act takes effect September 1, 2023.