

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 25, 2023

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2140 by Parker (Relating to a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2140, As Introduced : a negative impact of (\$1,172,888) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$446,489)
2025	(\$733,179)
2026	(\$298,948)
2027	(\$298,948)
2028	(\$298,948)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$446,489)	1.0
2025	(\$733,179)	1.0
2026	(\$298,948)	1.0
2027	(\$298,948)	1.0
2028	(\$298,948)	1.0

Fiscal Analysis

The bill would prohibit a school district from delaying an evaluation for a child suspected of having a disability because the student is suspected of having dyslexia, is at risk for reading difficulties, or exhibits academic difficulties.

When a Full Individual Initial Evaluation (FIIE) for dyslexia or related disorders is indicated, a school district would be required to seek parental consent and conduct an evaluation that meets specified criteria.

If a student is not found to have dyslexia, the evaluating licensed specialist in school psychology (LSSP) or

diagnostician must be included in the interpretation of the evaluation data and co-sign the evaluation.

If a student is eligible for an Individual Education Plan (IEP) but the parent declines the IEP, the district would be required to submit a statement to the Texas Education Agency (TEA) documenting that the parent fully understands the rights they are waiving under the Individuals with Disabilities Education Act (IDEA) before recommending accommodations under Section 504, Rehabilitation Act of 1973 without delay.

The bill would require districts to employ certain professionals for students with dyslexia and related disorders (e.g., Licensed Dyslexia Practitioners, Licensed Dyslexia Therapists, a therapist certified by the Academic Language Therapy Association). In addition, the district's board of trustees would be required to adopt a grievance procedure to allow parents to contest the district's implementation of the bill.

The bill would require TEA to adopt rules, including annual training requirements, and implement processes for districts to submit a statement to the TEA each time a parent declines an IEP.

Methodology

The agency estimates that this bill will require technology changes that will cost \$1,172,888 in the 2024-25 biennium from the General Revenue Fund.

The agency assumes the remaining duties and responsibilities associated with implementing provisions of the bill could be accomplished by utilizing existing agency resources.

Technology

This analysis assumes TEA would require a new application for districts to submit documentation to TEA each time a parent declines an IEP for dyslexia.

The cost estimate to develop and implement the new application would be \$253,300 in fiscal year 2024, \$542,987 in fiscal year 2025, and \$108,756 each subsequent year. This would include Data Center Service costs, as well as one-time and ongoing hardware and software costs.

This analysis also assumes TEA would require one Programmer V to provide ongoing support and maintenance for the application. The annual salary and benefits costs associated with this additional FTE is estimated to be \$186,209 in fiscal year 2024, and \$190,192 in fiscal year 2025 and each subsequent year.

Local Government Impact

Local Education Agencies (LEAs) would incur costs related to the notification of FIIE rights and benefits to the parent or person standing in parental relation to all students identified as having dyslexia or a related disorder who received dyslexia intervention and instructional support in accordance with Section 504, Rehabilitation Act of 1973, during the 2022-2023 school year. In addition, certain LEAs would be impacted by the requirement to employ certain licensed professionals for students with dyslexia as outlined in the bill.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, KSk, ASA, LGai, CMA