

SENATE AMENDMENTS

2nd Printing

By: Toth, Meyer, Dutton, Anderson, Burrows,
et al.

H.B. No. 3928

A BILL TO BE ENTITLED

AN ACT

relating to the screening of students for dyslexia and related disorders and 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 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

1 (C) reading instruments and accelerated reading
2 instruction programs under Section 28.006;

3 (D) accelerated instruction under Section
4 28.0211;

5 (E) high school graduation requirements under
6 Section 28.025;

7 (F) special education programs under Subchapter
8 A, Chapter 29;

9 (G) bilingual education under Subchapter B,
10 Chapter 29;

11 (H) prekindergarten programs under Subchapter E
12 or E-1, Chapter 29, except class size limits for prekindergarten
13 classes imposed under Section 25.112, which do not apply;

14 (I) extracurricular activities under Section
15 33.081;

16 (J) discipline management practices or behavior
17 management techniques under Section 37.0021;

18 (K) health and safety under Chapter 38;

19 (L) the provisions of Subchapter A, Chapter 39;

20 (M) public school accountability and special
21 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
22 39, and Chapter 39A;

23 (N) the requirement under Section 21.006 to
24 report an educator's misconduct;

25 (O) intensive programs of instruction under
26 Section 28.0213;

27 (P) the right of a school employee to report a

1 crime, as provided by Section 37.148;

2 (Q) bullying prevention policies and procedures
3 under Section 37.0832;

4 (R) the right of a school under Section 37.0052
5 to place a student who has engaged in certain bullying behavior in a
6 disciplinary alternative education program or to expel the student;

7 (S) the right under Section 37.0151 to report to
8 local law enforcement certain conduct constituting assault or
9 harassment;

10 (T) a parent's right to information regarding the
11 provision of assistance for learning difficulties to the parent's
12 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

13 (U) establishment of residency under Section
14 25.001;

15 (V) school safety requirements under Sections
16 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115,
17 37.207, and 37.2071;

18 (W) the early childhood literacy and mathematics
19 proficiency plans under Section 11.185;

20 (X) the college, career, and military readiness
21 plans under Section 11.186; ~~and~~

22 (Y) [~~(X)~~] parental options to retain a student
23 under Section 28.02124; and

24 (Z) the grievance policy and procedure regarding
25 dyslexia intervention under Section 26.0111.

26 SECTION 3. Chapter 26, Education Code, is amended by adding
27 Section 26.0111 to read as follows:

1 Sec. 26.0111. POLICY ON COMPLAINTS REGARDING DYSLEXIA
2 INTERVENTION. (a) The board of trustees of each school district
3 shall adopt a grievance procedure under which the board shall
4 address each complaint that the board receives concerning:

5 (1) a violation of a right related to the screening and
6 intervention services for dyslexia or a related disorder under
7 Sections 29.0031 and 29.0053; or

8 (2) the implementation by the school district of the
9 Texas Dyslexia Handbook, as published by the agency, and its
10 subsequent amendments.

11 (b) The board of trustees of a school district that receives
12 a complaint described by Subsection (a) shall submit the complaint
13 to the agency, in the manner prescribed by the agency, for
14 investigation by the agency in a manner that would satisfy the
15 requirements of 20 U.S.C. Section 1415(b)(6).

16 (c) The policy adopted under Subsection (a) may not
17 interfere with a parent's due process rights under the Individuals
18 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

19 SECTION 4. Subchapter A, Chapter 29, Education Code, is
20 amended by adding Sections 29.0031, 29.0032, and 29.0053 to read as
21 follows:

22 Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a) In
23 addition to the screening and testing for dyslexia and related
24 disorders required under Section 38.003, a school district shall
25 request consent from the parent of a student enrolled in
26 kindergarten through grade 12 for a full individual and initial
27 evaluation under Section 29.004 to evaluate the student for

dyslexia or a related disorder if the district:

(1) suspects that the student has dyslexia or a related disorder;

(2) identifies the student as at risk for reading difficulties, including dyslexia and related disorders, using quantitative and qualitative data indicating that the student exhibits characteristics of a student with dyslexia or a related disorder or other specific learning disability; or

(3) removes the student from the student's assigned campus and the student is exhibiting academic difficulties in reading, spelling, or written expression or complex conditions or behaviors that may result from an undiagnosed learning disability.

(b) A full individual and initial evaluation under Subsection (a) must:

(1) assess a student for dyslexia and related disorders using:

(A) best practices for identifying dyslexia and related disorders that are aligned with the knowledge and practice standards of the International Dyslexia Association; and

(B) the process outlined in the Texas Dyslexia Handbook, as published by the agency, and its subsequent amendments; and

(2) consider associated academic difficulties and other conditions that regularly affect students with dyslexia and related disorders.

(c) During an evaluation of a student under this section, a school district shall ensure that the student:

1 (1) continues to receive grade-level appropriate,
2 evidence-based core reading instruction; and

3 (2) is provided appropriate tiered interventions.

4 (d) A school district may not delay the evaluation of a
5 student under this section based on the implementation of another
6 intervention process for the student.

7 (e) On determining that a student is at risk for dyslexia or
8 a related disorder, the student may be evaluated by a
9 multidisciplinary team that includes at least one member with
10 specific knowledge regarding the reading process, dyslexia and
11 related disorders, and dyslexia instruction. The member must:

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

14 (2) hold the most advanced dyslexia-related
15 certification issued by an association accredited by the
16 International Multisensory Structured Language Education Council,
17 including an academic language therapist with a master's degree and
18 certified by the Academic Language Therapy Association; or

19 (3) if a person qualified under Subdivision (1) or (2)
20 is not available in the school district at which the student is
21 enrolled, hold documentation evidencing completion of dyslexia
22 training regarding instructional strategies that are aligned with
23 strategies for dyslexia instruction as established by commissioner
24 rule, including the use of:

25 (A) individualized, intensive, multisensory,
26 phonetic methods; and

27 (B) a variety of writing and spelling components.

1 (f) If a student is evaluated for dyslexia and related
2 disorders by a licensed specialist in school psychology or a
3 diagnostician for dyslexia or a related disorder, a determination
4 that a student has dyslexia or a related disorder must be made in
5 collaboration with a qualified person under Subsection (e). The
6 qualified person shall sign the evaluation to affirm the person's
7 participation in the evaluation.

8 (g) If a student's parent declines to consent to a full
9 individual and initial evaluation of the student under Subsection
10 (a), the school district must submit a statement to the agency
11 documenting that the district has explained to the parent:

12 (1) the rights the parent is waiving under the
13 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
14 et seq.); and

15 (2) that the accommodations and dyslexia
16 interventions offered under a plan created under Section 504,
17 Rehabilitation Act of 1973 (29 U.S.C. Section 794) are available
18 under an individualized education program under Section 29.005.

19 (h) The commissioner shall adopt rules as necessary to
20 implement this section. The rules must include:

21 (1) a process by which a school district submits a
22 statement to the agency each time a student's parent declines to
23 consent to a full individual and initial evaluation of the student
24 under Subsection (g); and

25 (2) requirements for annual training and signed
26 affidavits to ensure hearing officers and school district board of
27 trustees are aware and understand changes to the law, commissioner

1 rules, and any updated guidelines from the State Board of Education
2 related to dyslexia or a related disorder.

3 Sec. 29.0032. DYSLEXIA SPECIALISTS. (a) A school district
4 shall employ dyslexia therapists, practitioners, specialists, or
5 interventionists to provide dyslexia intervention services to
6 students with dyslexia and related disorders. A person employed
7 under this subsection:

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

10 (2) is not required to hold a certificate or permit in
11 special education issued under Subchapter B, Chapter 21.

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

16 (c) A dyslexia therapist licensed under Chapter 403,
17 Occupations Code, is not required to hold a certificate or permit
18 issued under Subchapter B, Chapter 21, to provide dyslexia
19 intervention services or serve as a member of a multidisciplinary
20 evaluation team for a school district under Section 29.0031.

21 Sec. 29.0053. DYSLEXIA INTERVENTION. (a) If a student is
22 determined, as a result of dyslexia or a related disorder, to need
23 additional instruction that is not provided to students without
24 dyslexia or a related disorder or additional instruction to meet
25 the student's academic goals related to the required curriculum,
26 the committee established under Section 29.005 shall:

27 (1) develop an individualized education program for

1 the student under Section 29.005; and

2 (2) ensure that the individualized education program
3 aligns with the processes established in the Texas Dyslexia
4 Handbook, as published by the agency, and its subsequent amendments
5 while meeting the individual needs of the student.

6 (b) If a student's parent declines to consent to the
7 development of an individualized education program for the student
8 under this section, the school district must submit a statement to
9 the agency documenting that the district has explained to the
10 parent:

11 (1) the rights the parent is waiving under the
12 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
13 et seq.); and

14 (2) that the accommodations and dyslexia
15 interventions offered under a plan created under Section 504,
16 Rehabilitation Act of 1973 (29 U.S.C. Section 794) are available
17 under an individualized education program under Section 29.005.

18 (c) The commissioner shall adopt rules as necessary to
19 implement this section. The rules must include a process by which a
20 school district submits a statement to the agency each time a
21 student's parent declines to consent to the development of an
22 individualized education program for the student under Subsection
23 (b).

24 SECTION 5. Section 28.006(g-2), Education Code, is amended
25 to read as follows:

26 (g-2) In accordance with a notification program developed
27 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 or 38.003 or another ~~[other]~~ basis, to be at risk for or 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 6. Section 29.003(b), Education Code, is amended to read as follows:

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

(1) is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in public school without the provision of special services; or

(2) is at least three but not more than 21 years of age and has one or more of the following disabilities that prevents the student 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; or

1 (H) dyslexia or a related disorder.

2 SECTION 7. As soon as practicable after the effective date
3 of this Act:

4 (1) the commissioner of education shall adopt rules
5 necessary to implement this Act using a negotiated rulemaking
6 process under Chapter 2008, Government Code;

7 (2) each school district shall notify the parent or
8 person standing in parental relation to a student who has been
9 identified as having dyslexia or a related disorder and who
10 received dyslexia and instructional support under Section 504,
11 Rehabilitation Act of 1973 (29. U.S.C. Section 794), during the
12 2022-2023 school year of the parent's or person's right to request a
13 full individual and initial evaluation under Section 29.004,
14 Education Code; and

15 (3) the commissioner of education shall develop and
16 make available a model notice that a school district may use to
17 provide the notice required by Subdivision (2) of this section.

18 SECTION 8. To the extent of any conflict, this Act prevails
19 over another Act of the 88th Legislature, Regular Session, 2023,
20 relating to nonsubstantive additions to and corrections in enacted
21 codes.

22 SECTION 9. Not later than September 1, 2023, the Texas
23 Education Agency shall provide additional training materials to
24 school districts regarding the evaluation and identification of
25 students with dyslexia or a related disorder in accordance with
26 this Act.

27 SECTION 10. This Act applies beginning with the 2023-2024

1 school year.

2 SECTION 11. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2023.

ADOPTED

By: Parker

MAY 17 2023 H.B. No. 3928

Substitute the following for ____B. No.

By: Peter V. Stone

Attest: Spaw
Secretary of the Senate

C.S. ____B. No. ____

A BILL TO BE ENTITLED

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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 18, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3928 by Toth (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 15, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3928 by Toth (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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, KSk, ASA, LGai

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 12, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3928** by Toth (Relating to the screening of students for dyslexia and related disorders and a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3928, As Engrossed : 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>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2024	(\$439,709)
2025	(\$733,179)
2026	(\$298,948)
2027	(\$298,948)
2028	(\$298,948)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$439,709)	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 establish school district grievance procedures specific to dyslexia screening and intervention services. School districts and charter schools that receive a complaint under this procedure must submit it to the Texas Education Agency.

The bill would also establish processes for school districts to provide a Full Individual Initial Evaluation (FIIE) for students suspected of having dyslexia or related disorders.

The bill would require school districts to employ dyslexia therapists, practitioners, specialists, or interventionists to provide intervention services to students with dyslexia and related disorders. If such a qualified provider is not available, a person who has received specified training may substitute.

In addition, the bill would require school districts to implement certain dyslexia interventions, including the development of an Individualized Education Program (IEP) for eligible students. If a parent declines the IEP, the district would be required to submit a statement to the Texas Education Agency documenting that the parent fully understands the rights they are waiving under the Individuals with Disabilities Education Act and that accommodations are available under Section 504, Rehabilitation Act of 1973.

The bill would require the Commissioner of Education to adopt rules necessary to fulfill the intent of dyslexia intervention at school districts and open-enrollment charter schools.

Methodology

The agency estimates that this bill would 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 FIEE 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, some LEAs may be impacted by the requirement to employ dyslexia interventionists as outlined in the bill.

Source Agencies: 701 Texas Education Agency

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 26, 2023

TO: Honorable Brad Buckley, Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3928** by Toth (relating to the screening of students for dyslexia and related disorders and a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3928, Committee Report 1st House, Substituted : 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>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2024	(\$439,709)
2025	(\$733,179)
2026	(\$298,948)
2027	(\$298,948)
2028	(\$298,948)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$439,709)	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 establish school district grievance procedures specific to dyslexia screening and intervention services.

The bill would also establish processes for school districts to provide a Full Individual Initial Evaluation (FIIE) for students suspected of having dyslexia or related disorders.

The bill would require school districts to employ dyslexia therapists, practitioners, specialists, or

interventionists to provide intervention services to students with dyslexia and related disorders.

In addition, the bill would require school districts to implement certain dyslexia interventions, including the development of an Individualized Education Program for eligible students. If a parent declines the Individualized Education Program, 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) and that accommodations are available under Section 504, Rehabilitation Act of 1973.

The bill would require the Commissioner of Education to adopt rules.

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, some LEAs may be impacted by the requirement to employ certain professionals for students with dyslexia as outlined in the bill.

Source Agencies: 701 Texas Education Agency

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 20, 2023

TO: Honorable Brad Buckley, Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3928** by Toth (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 HB3928, 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>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$446,489)
2025	(\$733,179)
2026	(\$298,948)
2027	(\$298,948)
2028	(\$298,948)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from General Revenue Fund 1	<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.

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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

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