

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

No equivalent provision.

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;

SENATE VERSION (CS)

SECTION 1. Same as House version.

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.

No equivalent provision.

CONFERENCE

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
(C) reading instruments and accelerated reading instruction programs under Section 28.006; (D) accelerated instruction under Section 28.0211; (E) high school graduation requirements under Section 28.025; (F) special education programs under Subchapter A, Chapter 29; (G) bilingual education under Subchapter B, Chapter 29; (H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply; (I) extracurricular activities under Section 33.081; (J) discipline management practices or behavior management techniques under Section 37.0021; (K) health and safety under Chapter 38; (L) the provisions of Subchapter A, Chapter 39; (M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A; (N) the requirement under Section 21.006 to report an educator's misconduct; (O) intensive programs of instruction under Section 28.0213; (P) the right of a school employee to report a crime, as provided by Section 37.148; (Q) bullying prevention policies and procedures under Section 37.0832; (R) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student; (S) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or		

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
harassment; (T) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d); (U) establishment of residency under Section 25.001; (V) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071; (W) the early childhood literacy and mathematics proficiency plans under Section 11.185; (X) the college, career, and military readiness plans under Section 11.186; and <u>(Y) (X) parental options to retain a student under Section 28.02124; and</u> <u>(Z) the grievance policy and procedure regarding dyslexia intervention under Section 26.0111.</u>		
SECTION 3. Chapter 26, Education Code, is amended by adding Section 26.0111 to read as follows: <u>Sec. 26.0111. POLICY ON COMPLAINTS REGARDING DYSLEXIA INTERVENTION. (a) The board of trustees of each school district shall adopt a grievance procedure under which the board shall address each complaint that the board receives concerning:</u> <u>(1) a violation of a right related to the screening and intervention services for dyslexia or a related disorder under Sections 29.0031 and 29.0053; or</u> <u>(2) the implementation by the school district of the Texas Dyslexia Handbook, as published by the agency, and its subsequent amendments.</u> <u>(b) The board of trustees of a school district that receives a</u>	No equivalent provision.	

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

complaint described by Subsection (a) shall submit the complaint to the agency, in the manner prescribed by the agency, for investigation by the agency in a manner that would satisfy the requirements of 20 U.S.C. Section 1415(b)(6).
(c) The policy adopted under Subsection (a) may not interfere with a parent's due process rights under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION 4. Subchapter A, Chapter 29, Education Code, is amended by adding Sections 29.0031, 29.0032, and 29.0053 to read as follows:
Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS.
(a) In addition to the screening and testing for dyslexia and related disorders required under Section 38.003, a school district shall request consent from the parent of a student enrolled in kindergarten through grade 12 for a full individual and initial 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

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, including after evaluation or use of a reading diagnosis under Section 28.006 or 38.003, and that the student may be a child with a disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(3)), the district must:
(1) provide to the student's parent or a person standing in parental relation to the student a form developed by the agency explaining the rights available under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) that may be additional to the rights available under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(2) is provided appropriate tiered interventions.

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

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

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

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

SENATE VERSION (CS)

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

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

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

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

(2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003; or

CONFERENCE

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(B) a variety of writing and spelling components.

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

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

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

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

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

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

SENATE VERSION (CS)

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

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

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

CONFERENCE

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Subsection (g); and
(2) requirements for annual training and signed affidavits to ensure hearing officers and school district board of trustees are aware and understand changes to the law, commissioner rules, and any updated guidelines from the State Board of Education related to dyslexia or a related disorder.
Sec. 29.0032. DYSLEXIA SPECIALISTS. (a) A school district shall employ dyslexia therapists, practitioners, specialists, or interventionists to provide dyslexia intervention services to students with dyslexia and related disorders. A person employed under this subsection:
(1) must be fully trained in the district's adopted instructional materials for students with dyslexia; and
(2) is not required to hold a certificate or permit in special education issued under Subchapter B, Chapter 21.

(b) The completion of a literacy achievement academy under Section 21.4552 by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of Subsection (a)(1).
(c) A dyslexia therapist licensed under Chapter 403, Occupations Code, is not required to hold a certificate or permit issued under Subchapter B, Chapter 21, to provide dyslexia intervention services or serve as a member of a multidisciplinary evaluation team for a school district under Section 29.0031.
Sec. 29.0053. DYSLEXIA INTERVENTION. (a) If a student is determined, as a result of dyslexia or a related disorder, to need additional instruction that is not provided to students without dyslexia or a related disorder or additional

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

(1) must be fully trained in the district's adopted instructional materials for students with dyslexia; and
(2) is not required to hold a certificate or permit in special education issued under Subchapter B, Chapter 21, unless the provider is employed in a special education position that requires the certification.
(b) The completion of a literacy achievement academy under Section 21.4552 by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of Subsection (a)(1).

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<u>instruction to meet the student's academic goals related to the required curriculum, the committee established under Section 29.005 shall:</u> <u>(1) develop an individualized education program for the student under Section 29.005; and</u> <u>(2) ensure that the individualized education program aligns with the processes established in the Texas Dyslexia Handbook, as published by the agency, and its subsequent amendments while meeting the individual needs of the student.</u> <u>(b) If a student's parent declines to consent to the development of an individualized education program for the student under this section, the school district must submit a statement to the agency documenting that the district has explained to the parent:</u> <u>(1) the rights the parent is waiving under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and</u> <u>(2) that the accommodations and dyslexia interventions offered under a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) are available under an individualized education program under Section 29.005.</u> <u>(c) The commissioner shall adopt rules as necessary to implement this section. The rules must include a process by which a school district submits a statement to the agency each time a student's parent declines to consent to the development of an individualized education program for the student under Subsection (b).</u>		

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

No equivalent provision.

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(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 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
- (H) dyslexia or a related disorder.

No equivalent provision.

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

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

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

No equivalent provision.

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

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

(1) must include:

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

(B) the provision of information to the student's parent or a person standing in parental relation to the student regarding the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004; and

(2) may include:

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

(B) recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

entity; and
(C) ~~[the provision of information to the student's parent or a person standing in parental relation to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004; and~~
~~[(D)]~~ a regular review of the student's progress toward the student's academic or career goals.

SECTION 6. Sections 38.003(b) and (c-1), Education Code, are amended to read as follows:
(b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall:
(1) provide for the treatment of any student determined to have dyslexia or a related disorder; and
(2) adopt and implement a policy requiring the district to comply with all rules and standards adopted by the State Board of Education to implement the program, including:
(A) the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by the State Board of Education, and its subsequent amendments; and
(B) guidance published by the commissioner to assist the district in implementing the program.
(c-1) The agency by rule shall develop procedures designed to allow the agency to:
(1) effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section, including the program approved by the State Board of Education under this section;
(2) identify any problems school districts experience in

No equivalent provision.

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

complying with this section, including the program approved by the State Board of Education under this section; ~~and~~
(3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished; ~~and~~
(4) solicit input from parents of students enrolled in a school district during the auditing and monitoring of the district under Subdivision (1) regarding the district's implementation of the program approved by the State Board of Education under this section.

No equivalent provision.

No equivalent provision.

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

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

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

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

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections

House Bill 3928
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
in enacted codes.		
SECTION 9. Not later than September 1, 2023, the Texas Education Agency shall provide additional training materials to school districts regarding the evaluation and identification of students with dyslexia or a related disorder in accordance with this Act.	No equivalent provision.	
No equivalent provision.	SECTION 7. Not later than June 30, 2024, the State Board of Education shall revise the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by the State Board of Education, to conform with Section 7.102, Education Code, as amended by this Act.	
SECTION 10. This Act applies beginning with the 2023-2024 school year.	SECTION 8. Same as House version.	
SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.	SECTION 9. Same as House version.	