

By: Dutton

H.B. No. 3583

A BILL TO BE ENTITLED

AN ACT

relating to reading instruction, assessment instruments, and interventions provided to public school students.

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

SECTION 1. Section 28.006, Education Code, is amended by amending Subsections (a), (b), (c-1), (c-3), (d), and (j) and adding Subsections (a-1), (b-2), (g-3), (g-4), (g-5), and (g-6) to read as follows:

(a) The commissioner shall adopt procedures ~~[develop recommendations]~~ for school districts and open-enrollment charter schools for:

(1) administering reading instruments to:

(A) ensure the validity and reliability of the results of the reading instruments;

(B) diagnose student reading development and comprehension; and

(C) identify students at risk for dyslexia or other reading difficulties;

(2) training educators in administering the reading instruments; and

(3) applying the results of the reading instruments to the instructional program and intervention practices.

(a-1) A school district or open-enrollment charter school may not administer a reading instrument to a student more than three

times during a school year.

(b) The commissioner shall adopt a list of reading instruments that a school district or open-enrollment charter school shall ~~may~~ use to diagnose student reading development and comprehension for students in kindergarten through grade three.

The reading instrument must include the foundational literacy components of phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension. For use in diagnosing the

reading development and comprehension of kindergarten students, the commissioner shall adopt a multidimensional assessment tool that includes a reading instrument and tests at least three developmental skills, including foundational literacy components.

A multidimensional assessment tool administered as provided by this subsection is considered to be a reading instrument for purposes of this section. ~~[A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in a grade level other than kindergarten in addition to the reading instruments on the commissioner's list.]~~

Each reading instrument adopted by the commissioner ~~[or a district-level committee]~~ must:

(1) be based on scientific research concerning reading skills development and reading comprehension;

(2) ~~[. A list of reading instruments adopted under this subsection must]~~ provide for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29;

(3) provide progress monitoring capabilities;

1           (4) provide a diagnostic tool to assist teachers in  
2 developing research-based targeted instruction;

3           (5) allow screening of students three times a year;

4           (6) assess only the foundational literacy components  
5 not already mastered by a student; and

6           (7) determine if a student needs reading instruction  
7 intervention.

8           (b-2) In adopting a reading instrument under this section,  
9 the commissioner shall prioritize selecting an instrument that:

10           (1) minimizes the impact of administration of the  
11 instrument on instructional time;

12           (2) provides timely reporting of results; and

13           (3) is able to be integrated into reading instruction.

14           (c-1) Each school district shall administer at the  
15 beginning of the seventh grade a reading instrument adopted by the  
16 commissioner to each student whose performance on the assessment  
17 instrument in reading administered under Section 39.023(a) to the  
18 student in grade six did not demonstrate reading proficiency, as  
19 determined by the commissioner. The district shall administer the  
20 reading instrument in accordance with the commissioner's  
21 recommendations for administering reading instruments that  
22 diagnose student reading development and comprehension [~~under~~  
23 ~~Subsection (a)(1)]~~.

24           (c-3) The commissioner by rule shall determine the  
25 performance on each applicable [~~the~~] reading instrument adopted  
26 under Subsection (b) that indicates kindergarten readiness.

27           (d) The superintendent of each school district or the person

1 who serves the function of superintendent in each open-enrollment  
2 charter school shall:

3 (1) ~~report [to the commissioner and the board of~~  
4 ~~trustees of the district]~~ the results of the reading instruments  
5 to:

6 (A) the board of trustees of a school district;  
7 or

8 (B) the governing body of an open-enrollment  
9 charter school, as defined by Section 12.1012(3);

10 (2) not later than the 30th ~~[60th]~~ calendar day after  
11 the date on which a reading instrument was administered report, in  
12 writing, to a student's parent or guardian the student's results on  
13 the instrument and any additional information required by the  
14 agency; and

15 (3) report to the agency any information required by  
16 the agency, including the results of the reading instrument and  
17 ~~[using the school readiness certification system provided to the~~  
18 ~~school district in accordance with Section 29.161(e), report~~  
19 ~~electronically]~~ each student's raw score on the reading instrument  
20 ~~[to the agency for use in the school readiness certification~~  
21 ~~system].~~

22 (g-3) A school district or open-enrollment charter school  
23 shall provide reading intervention to each student in kindergarten  
24 through grade three who is determined to need reading intervention  
25 using an assessment administered in accordance with Subsection (b).  
26 The school district shall continue to offer a student reading  
27 intervention until the student achieves satisfactory performance

1 on a reading instrument. A reading intervention program offered  
2 under this subsection must:

3 (1) include targeted instruction to improve the  
4 student's reading skills in the relevant areas identified through  
5 the assessment instrument;

6 (2) monitor the progress of the student's reading  
7 skills throughout the school year;

8 (3) be implemented during regular school hours and in  
9 addition to core instruction;

10 (4) use high-quality instructional materials,  
11 curricula, and curricular tools that are research based and  
12 effective for early childhood literacy intervention; and

13 (5) be provided by a teacher who has attended a  
14 literacy achievement academy provided under Section [21.4552](#).

15 (g-4) In providing reading intervention under Subsection  
16 (g-3), a school district or open-enrollment charter school may not  
17 remove a student, except under circumstances for which a student  
18 enrolled in the same grade level who is not receiving reading  
19 intervention would be removed, from:

20 (1) instruction in the foundation curriculum and  
21 enrichment curriculum adopted under Section [28.002](#) for the grade  
22 level in which the student is enrolled; or

23 (2) recess or other physical activity that is  
24 available to other students enrolled in the same grade level.

25 (g-5) In addition to the report required under Subsection  
26 (d)(2), a school district or open-enrollment charter school shall  
27 notify the parent or guardian of each student in kindergarten

through grade three who is determined to need reading intervention.

The notification must:

(1) be distributed not later than the 30th day after the date the result of the reading instrument indicating that the student needs intervention is available;

(2) describe the current reading services the district or school provides to the student;

(3) describe the reading interventions that will be provided to the student to ensure the student will meet or exceed grade-level reading standards; and

(4) include high-quality resources for the parent or guardian of the student to use at home to help the student succeed at reading.

(g-6) From money appropriated for the purpose, the commissioner may provide literacy coaching and technical assistance to kindergarten through grade three classroom teachers, or to individuals serving in that role, to implement this section. The commissioner shall prioritize providing technical assistance under this subsection in school districts with the highest rate of students performing below satisfactory levels on reading instruments administered under Subsection (b).

~~(j) [No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs.]~~

The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.301(c)(5) and may implement interventions or sanctions under Chapter 39A. ~~[The commissioner may audit the expenditures of funds appropriated for~~

~~purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.]~~

SECTION 2. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0063 to read as follows:

Sec. 28.0063. PRIVATE READING INSTRUCTION FOR CERTAIN STUDENTS. (a) A school district or open-enrollment charter school shall contract with and make available a private, third-party tutoring service to address a student's reading deficiency. The district or school must make the service available to a parent or guardian of a student who is determined to need reading intervention using an assessment administered under Section 28.006 on each of the reading assessments administered for two consecutive school years. The cost to a district or school for contracting for tutoring service under this subsection may not exceed \$1,000 per student.

(b) A parent or guardian of a student described by Subsection (a) may select a tutoring service not provided by the school district or open-enrollment charter school to address the student's reading deficiency. The district or school shall contract directly with that service to pay the lesser of the cost of the service or \$1,000 to provide tutoring services to the student. The district or school may not provide money under this subsection directly to a parent or guardian of a student.

(c) A school district or open-enrollment charter school that provides a tutoring service to a student under this section shall continue to provide the student any other reading support

1 required of the district or school.

2 (d) The commissioner may adopt rules as necessary to  
3 implement this section.

4 SECTION 3. Section 29.1543, Education Code, is amended to  
5 read as follows:

6 Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall  
7 produce and make available to the public on the agency's Internet  
8 website annual district and campus-level reports containing  
9 information from the previous school year on early education in  
10 school districts and open-enrollment charter schools. A report  
11 under this section must contain:

12 (1) the information required by Section 29.1532(c) to  
13 be reported through the Public Education Information Management  
14 System (PEIMS);

15 (2) a description of any ~~the~~ diagnostic reading  
16 instruments administered as provided by Section 28.006 ~~[in~~  
17 ~~accordance with Section 28.006(c) or (c-2)]~~;

18 (3) the number of students who were administered a  
19 diagnostic reading instrument administered as provided by Section  
20 28.006 ~~[in accordance with Section 28.006(c) or (c-2)]~~;

21 (4) the number of students whose scores from a  
22 diagnostic reading instrument administered as provided by Section  
23 28.006 ~~[in accordance with Section 28.006(c) or (c-2)]~~ indicate  
24 reading proficiency;

25 (5) the number of kindergarten students who were  
26 enrolled in a prekindergarten program in the previous school year  
27 in the same district or school as the district or school in which



1 the student attends kindergarten;

2 (6) the number and percentage of students who perform  
3 satisfactorily on the third grade reading or mathematics assessment  
4 instrument administered under Section 39.023, disaggregated by  
5 whether the student was eligible for free prekindergarten under  
6 Section 29.153;

7 (7) the number of students described by Subdivision  
8 (6) who attended kindergarten in the district, disaggregated by:

9 (A) whether the student met the kindergarten  
10 readiness standard on a ~~the~~ reading instrument adopted under  
11 Section 28.006;

12 (B) whether the student attended prekindergarten  
13 in the district; and

14 (C) the type of prekindergarten the student  
15 attended, if applicable; and

16 (8) the information described by Subdivisions (6) and  
17 (7) disaggregated by whether the student is educationally  
18 disadvantaged.

19 SECTION 4. Sections 28.006(c), (c-2), (i), and (k),  
20 Education Code, are repealed.

21 SECTION 5. This Act applies beginning with the 2025-2026  
22 school year.

23 SECTION 6. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2025.