

1-1 By: Toth, et al. (Senate Sponsor - Parker) H.B. No. 3928
 1-2 (In the Senate - Received from the House May 4, 2023;
 1-3 May 9, 2023, read first time and referred to Committee on
 1-4 Education; May 15, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 12, Nays 1;
 1-6 May 15, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16		X		
1-17	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			

1-22 COMMITTEE SUBSTITUTE FOR H.B. No. 3928 By: Flores

1-23 A BILL TO BE ENTITLED
 1-24 AN ACT

1-25 relating to dyslexia evaluations and services for public school
 1-26 students, the provision of services for students with dyslexia and
 1-27 related disorders, and certain parental notice regarding the rights
 1-28 of parents of public school students with disabilities.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. This Act may be cited as the Beckley Wilson Act.

1-31 SECTION 2. Section 7.102(c)(28), Education Code, is amended
 1-32 to read as follows:

1-33 (28) The board shall approve a program for testing
 1-34 students for dyslexia and related disorders as provided by Section
 1-35 38.003. The program may not include a distinction between standard
 1-36 protocol dyslexia instruction, as defined by the Dyslexia Handbook:
 1-37 Procedures Concerning Dyslexia and Related Disorders, as updated in
 1-38 2021 and adopted by the State Board of Education, and its subsequent
 1-39 amendments, and other types of direct dyslexia instruction,
 1-40 including specially designed instruction.

1-41 SECTION 3. Subchapter A, Chapter 29, Education Code, is
 1-42 amended by adding Sections 29.0031 and 29.0032 to read as follows:

1-43 Sec. 29.0031. DYSLEXIA AND RELATED DISORDERS. (a)
 1-44 Dyslexia is an example of and meets the definition of a specific
 1-45 learning disability under the Individuals with Disabilities
 1-46 Education Act (20 U.S.C. Section 1401(30)). If a district suspects
 1-47 or has a reason to suspect that a student may have dyslexia,
 1-48 including after evaluation or use of a reading diagnosis under
 1-49 Section 28.006 or 38.003, and that the student may be a child with a
 1-50 disability under the Individuals with Disabilities Education Act
 1-51 (20 U.S.C. Section 1401(3)), the district must:

1-52 (1) provide to the student's parent or a person
 1-53 standing in parental relation to the student a form developed by the
 1-54 agency explaining the rights available under the Individuals with
 1-55 Disabilities Education Act (20 U.S.C. Section 1400 et seq.) that
 1-56 may be additional to the rights available under Section 504,
 1-57 Rehabilitation Act of 1973 (29 U.S.C. Section 794);

1-58 (2) comply with all federal and state requirements,
 1-59 including the Dyslexia Handbook: Procedures Concerning Dyslexia
 1-60 and Related Disorders, as adopted by the State Board of Education,

2-1 and its subsequent amendments, regarding any evaluation of the
 2-2 student; and

2-3 (3) if the student is evaluated for dyslexia or a
 2-4 related disorder, also evaluate the student in any other areas in
 2-5 which the district suspects the student may have a disability.

2-6 (b) The multidisciplinary evaluation team and any
 2-7 subsequent team convened to determine a student's eligibility for
 2-8 special education and related services must include at least one
 2-9 member with specific knowledge regarding the reading process,
 2-10 dyslexia and related disorders, and dyslexia instruction. The
 2-11 member must:

2-12 (1) hold a licensed dyslexia therapist license under
 2-13 Chapter 403, Occupations Code;

2-14 (2) hold the most advanced dyslexia-related
 2-15 certification issued by an association recognized by the State
 2-16 Board of Education, and identified in, or substantially similar to
 2-17 an association identified in, the program and rules adopted under
 2-18 Sections 7.102 and 38.003; or

2-19 (3) if a person qualified under Subdivision (1) or (2)
 2-20 is not available, meet the applicable training requirements adopted
 2-21 by the State Board of Education pursuant to Sections 7.102 and
 2-22 38.003.

2-23 (c) A member of a multidisciplinary evaluation team and any
 2-24 subsequent team convened to determine a student's eligibility for
 2-25 special education and related services as described by Subsection
 2-26 (b) must sign a document describing the member's participation in
 2-27 the evaluation of a student described by that subsection and any
 2-28 resulting individualized education program developed for the
 2-29 student.

2-30 (d) At least once each grading period, and more often if
 2-31 provided for in a student's individualized education program, a
 2-32 school district shall provide the parent of or person standing in
 2-33 parental relation to a student receiving dyslexia instruction with
 2-34 information regarding the student's progress as a result of the
 2-35 student receiving that instruction.

2-36 Sec. 29.0032. PROVIDERS OF DYSLEXIA INSTRUCTION. (a) A
 2-37 provider of dyslexia instruction to students with dyslexia and
 2-38 related disorders:

2-39 (1) must be fully trained in the district's adopted
 2-40 instructional materials for students with dyslexia; and

2-41 (2) is not required to hold a certificate or permit in
 2-42 special education issued under Subchapter B, Chapter 21, unless the
 2-43 provider is employed in a special education position that requires
 2-44 the certification.

2-45 (b) The completion of a literacy achievement academy under
 2-46 Section 21.4552 by an educator who participates in the evaluation
 2-47 or instruction of students with dyslexia and related disorders does
 2-48 not satisfy the requirements of Subsection (a)(1).

2-49 SECTION 4. Section 37.006, Education Code, is amended by
 2-50 adding Subsection (p) to read as follows:

2-51 (p) On the placement of a student in a disciplinary
 2-52 alternative education program under this section, the school
 2-53 district shall provide information to the student's parent or
 2-54 person standing in parental relation to the student regarding the
 2-55 process for requesting a full individual and initial evaluation of
 2-56 the student under Section 29.004.

2-57 SECTION 5. Section 37.023(d), Education Code, is amended to
 2-58 read as follows:

2-59 (d) The assistance required by Subsection (c) must include a
 2-60 personalized transition plan for the student developed by the
 2-61 campus administrator. A personalized transition plan:

2-62 (1) must include:

2-63 (A) recommendations for the best educational
 2-64 placement of the student; and

2-65 (B) the provision of information to the student's
 2-66 parent or a person standing in parental relation to the student
 2-67 regarding the process to request a full individual and initial
 2-68 evaluation of the student for purposes of special education
 2-69 services under Section 29.004; and

3-1 (2) may include:
 3-2 (A) recommendations for counseling, behavioral
 3-3 management, or academic assistance for the student with a
 3-4 concentration on the student's academic or career goals;
 3-5 (B) recommendations for assistance for obtaining
 3-6 access to mental health services provided by the district or
 3-7 school, a local mental health authority, or another private or
 3-8 public entity; and
 3-9 (C) ~~[the provision of information to the~~
 3-10 ~~student's parent or a person standing in parental relation to the~~
 3-11 ~~student about the process to request a full individual and initial~~
 3-12 ~~evaluation of the student for purposes of special education~~
 3-13 ~~services under Section 29.004; and~~
 3-14 ~~[(D)]~~ a regular review of the student's progress
 3-15 toward the student's academic or career goals.

3-16 SECTION 6. Sections 38.003(b) and (c-1), Education Code,
 3-17 are amended to read as follows:

3-18 (b) In accordance with the program approved by the State
 3-19 Board of Education, the board of trustees of each school district
 3-20 shall:

3-21 (1) provide for the treatment of any student
 3-22 determined to have dyslexia or a related disorder; and

3-23 (2) adopt and implement a policy requiring the
 3-24 district to comply with all rules and standards adopted by the State
 3-25 Board of Education to implement the program, including:

3-26 (A) the Dyslexia Handbook: Procedures Concerning
 3-27 Dyslexia and Related Disorders, as adopted by the State Board of
 3-28 Education, and its subsequent amendments; and

3-29 (B) guidance published by the commissioner to
 3-30 assist the district in implementing the program.

3-31 (c-1) The agency by rule shall develop procedures designed
 3-32 to allow the agency to:

3-33 (1) effectively audit and monitor and periodically
 3-34 conduct site visits of all school districts to ensure that
 3-35 districts are complying with this section, including the program
 3-36 approved by the State Board of Education under this section;

3-37 (2) identify any problems school districts experience
 3-38 in complying with this section, including the program approved by
 3-39 the State Board of Education under this section; ~~and~~

3-40 (3) develop reasonable and appropriate remedial
 3-41 strategies to address school district noncompliance and ensure the
 3-42 purposes of this section are accomplished; and

3-43 (4) solicit input from parents of students enrolled in
 3-44 a school district during the auditing and monitoring of the
 3-45 district under Subdivision (1) regarding the district's
 3-46 implementation of the program approved by the State Board of
 3-47 Education under this section.

3-48 SECTION 7. Not later than June 30, 2024, the State Board of
 3-49 Education shall revise the Dyslexia Handbook: Procedures
 3-50 Concerning Dyslexia and Related Disorders, as adopted by the State
 3-51 Board of Education, to conform with Section 7.102, Education Code,
 3-52 as amended by this Act.

3-53 SECTION 8. This Act applies beginning with the 2023-2024
 3-54 school year.

3-55 SECTION 9. This Act takes effect immediately if it receives
 3-56 a vote of two-thirds of all the members elected to each house, as
 3-57 provided by Section 39, Article III, Texas Constitution. If this
 3-58 Act does not receive the vote necessary for immediate effect, this
 3-59 Act takes effect September 1, 2023.

3-60 * * * * *