

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 27, 2017
Date

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1886 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Joan Huffman

OCampbellMS.
(Campbell)

Joe Rodriguez
(Rodriguez)

L. Taylor
(L. Taylor)

Judith Zaffirino
(Zaffirino) on the part of the Senate

Rick Upel

Scott Cooper

Dan Huberty

D. M. J.

Davis Bacon
On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 1886

A BILL TO BE ENTITLED

AN ACT

relating to dyslexia screening and testing in public schools, the employment of dyslexia specialists by regional education service centers, the development of a list of training opportunities for educators regarding dyslexia, and transition planning for students enrolled in a special education program.

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

SECTION 1. Subchapter B, Chapter 8, Education Code, is amended by adding Section 8.061 to read as follows:

Sec. 8.061. DYSLEXIA SPECIALIST. Each regional education service center shall employ as a dyslexia specialist a person licensed as a dyslexia therapist under Chapter 403, Occupations Code, to provide school districts served by the center with support and resources that are necessary to assist students with dyslexia and the families of students with dyslexia.

SECTION 2. Section 29.011, Education Code, is amended to read as follows:

Sec. 29.011. TRANSITION PLANNING. (a) The commissioner shall by rule adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs under this subchapter. The procedures must specify the manner in which a student's admission, review, and dismissal committee must consider, and if appropriate, address the following issues in the student's individualized

1 education program:

2 (1) appropriate student involvement in the student's
3 transition to life outside the public school system;

4 (2) if the student is younger than 18 years of age,
5 appropriate ~~[parental]~~ involvement in the student's transition by
6 the student's parents and other persons invited to participate by:

7 (A) the student's parents; or

8 (B) the school district in which the student is
9 enrolled;

10 (3) if the student is at least 18 years of age,
11 ~~[appropriate parental]~~ involvement in the student's transition and
12 future by the student's parents and other persons, if the parent or
13 other person:

14 (A) is invited to participate by the student or
15 the school district in which the student is enrolled; or

16 (B) has the student's consent to participate
17 pursuant to a supported decision-making agreement under Chapter
18 1357, Estates Code;

19 (4) appropriate ~~[any]~~ postsecondary education
20 options, including preparation for postsecondary-level coursework;

21 (5) an appropriate ~~[a]~~ functional vocational
22 evaluation;

23 (6) appropriate employment goals and objectives;

24 (7) if the student is at least 18 years of age, the
25 availability of age-appropriate instructional environments,
26 including community settings or environments that prepare the
27 student for postsecondary education or training, competitive

1 integrated employment, or independent living, in coordination with
2 the student's transition goals and objectives;

3 (8) appropriate independent living goals and
4 objectives; ~~and~~

5 (9) appropriate circumstances for facilitating a
6 referral of ~~[referring]~~ a student or the student's parents to a
7 governmental agency for services or public benefits, including a
8 referral to a governmental agency to place the student on a waiting
9 list for public benefits available to the student, such as a waiver
10 program established under Section 1915(c), Social Security Act (42
11 U.S.C. Section 1396n(c)); and

12 (10) the use and availability of appropriate:

13 (A) supplementary aids, services, curricula, and
14 other opportunities to assist the student in developing
15 decision-making skills; and

16 (B) supports and services to foster the student's
17 independence and self-determination, including a supported
18 decision-making agreement under Chapter 1357, Estates Code.

19 (a-1) A student's admission, review, and dismissal
20 committee shall annually review the issues described by Subsection
21 (a) and, if necessary, update the portions of the student's
22 individualized education program that address those issues.

23 (a-2) The commissioner shall develop and post on the
24 agency's Internet website a list of services and public benefits
25 for which referral may be appropriate under Subsection (a)(9).

26 (b) The commissioner shall require each school district or
27 shared services arrangement to designate at least one employee to

1 serve as the district's or shared services arrangement's designee
2 on transition and employment services for students enrolled in
3 special education programs under this subchapter. The
4 commissioner shall develop minimum training guidelines for a
5 district's or shared services arrangement's designee. An
6 individual designated under this subsection must provide
7 information and resources about effective transition planning and
8 services, including each issue described by Subsection (a), and
9 interagency coordination to ensure that local school staff
10 communicate and collaborate with:

11 (1) students enrolled in special education programs
12 under this subchapter and the parents of those students; and

13 (2) as appropriate, local and regional staff of the:

14 (A) Health and Human Services Commission;

15 (B) Texas Workforce Commission [~~Department of~~
16 ~~Aging and Disability Services~~];

17 (C) [~~Department of Assistive and Rehabilitative~~
18 ~~Services~~];

19 [~~(D)~~] Department of State Health Services; and

20 (D) [~~(E)~~] Department of Family and Protective
21 Services.

22 (c) The commissioner shall review and, if necessary, update
23 the minimum training guidelines developed under Subsection (b) at
24 least once every four years. In reviewing and updating the
25 guidelines, the commissioner shall solicit input from
26 stakeholders.

27 SECTION 3. Sections 29.0112(b) and (e), Education Code, are

amended to read as follows:

(b) The transition and employment guide must be written in plain language and contain information specific to this state regarding:

(1) transition services;

(2) employment and supported employment services;

(3) social security programs;

(4) community and long-term services and support, including the option to place the student on a waiting list with a governmental agency for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c));

(5) postsecondary educational programs and services, including the inventory maintained by the Texas Higher Education Coordinating Board under Section 61.0663;

(6) information sharing with health and human services agencies and providers;

(7) guardianship and alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code;

(8) self-advocacy, person-directed planning, and self-determination; and

(9) contact information for all relevant state agencies.

(e) A school district shall:

(1) post the transition and employment guide on the district's website if the district maintains a website; ~~and~~

(2) provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:

(A) the first meeting of the student's admission, review, and dismissal committee at which transition is discussed; and ~~[or]~~

(B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and

(3) on request, provide a printed copy of the guide to a student or parent ~~[becomes available, if a student has already had an admission, review, and dismissal committee meeting discussing transition].~~

SECTION 4. Section 29.017, Education Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), (c-3), (e), and (f) to read as follows:

(c) Not later than one year before the 18th birthday of a student with a disability, the school district at which the student is enrolled shall:

(1) provide to the student and the student's parents:

(A) written notice regarding the transfer of rights under this section; and

(B) information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code, and other supports and services that may enable the student to live independently; and

1 (2) ensure that the student's individualized education
2 program includes a statement that the district provided the notice,
3 information, and resources required under Subdivision (1).

4 (c-1) In accordance with 34 C.F.R. Section 300.520
5 [300.517], the school district shall provide written notice to
6 [notify] the student and the student's parents of the transfer of
7 rights under this section. The notice must include the information
8 and resources provided under Subsection (c)(1)(B).

9 (c-2) If a student with a disability or the student's parent
10 requests information regarding guardianship or alternatives to
11 guardianship from the school district at which the student is
12 enrolled, the school district shall provide to the student or
13 parent information and resources on supported decision-making
14 agreements under Chapter 1357, Estates Code.

15 (c-3) The commissioner shall develop and post on the
16 agency's Internet website a model form for use by school districts
17 in notifying students and parents as required by Subsections (c)
18 and (c-1). The form must include the information and resources
19 described by Subsection (c). The commissioner shall review and
20 update the form, including the information and resources, as
21 necessary.

22 (d) The commissioner shall develop and post on the agency's
23 Internet website the information and resources described by
24 Subsections (c), (c-1), and (c-2).

25 (e) Nothing in this section prohibits a student from
26 entering into a supported decision-making agreement under Chapter
27 1357, Estates Code, after the transfer of rights under this

1 section.

2 (f) The commissioner shall adopt rules implementing the
3 provisions of 34 C.F.R. Section 300.520(b) [~~300.517(b)~~].

4 SECTION 5. Sections 38.003(a) and (b-1), Education Code,
5 are amended to read as follows:

6 (a) Students enrolling in public schools in this state shall
7 be screened or tested, as appropriate, for dyslexia and related
8 disorders at appropriate times in accordance with a program
9 approved by the State Board of Education. The program must include
10 screening at the end of the school year of each student in
11 kindergarten and each student in the first grade.

12 (b-1) Unless otherwise provided by law, a student
13 determined to have dyslexia during screening or testing under
14 Subsection (a) or accommodated because of dyslexia may not be
15 rescreened or retested for dyslexia for the purpose of reassessing
16 the student's need for accommodations until the district
17 reevaluates the information obtained from previous screening or
18 testing of the student.

19 SECTION 6. Subchapter A, Chapter 38, Education Code, is
20 amended by adding Section 38.0032 to read as follows:

21 Sec. 38.0032. DYSLEXIA TRAINING OPPORTUNITIES. (a) The
22 agency shall annually develop a list of training opportunities
23 regarding dyslexia that satisfy the requirements of Section
24 21.054(b). The list of training opportunities must include at
25 least one opportunity that is available online.

26 (b) A training opportunity included in the list developed
27 under Subsection (a) must:

- 1 (1) comply with the knowledge and practice standards
2 of an international organization on dyslexia; and
3 (2) enable an educator to:
4 (A) understand and recognize dyslexia; and
5 (B) implement instruction that is systematic,
6 explicit, and evidence-based to meet the educational needs of a
7 student with dyslexia.

8 SECTION 7. Sections 29.011, 29.0112, and 29.017, Education
9 Code, as amended by this Act, apply beginning with the 2018-2019
10 school year.

11 SECTION 8. Section 38.003, Education Code, as amended by
12 this Act, applies beginning with the 2017-2018 school year.

13 SECTION 9. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2017.

House Bill 1886
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 1. Subchapter B, Chapter 8, Education Code, is amended by adding Section 8.061.	SECTION 1. Same as House version.	SECTION 1. Same as House version.
<i>No equivalent provision.</i>	SECTION __. Section 29.006, Education Code, is amended by adding Subsections (d), (e), (f), (g), and (h). [FA1]	Same as House version.
<i>No equivalent provision.</i>	SECTION __. Transition provision relating to Section 29.006(d), Education Code. [FA1]	Same as House version.
<i>No equivalent provision.</i>	SECTION __. Section 29.011, Education Code, is amended to read as follows: Sec. 29.011. TRANSITION PLANNING. (a) The commissioner shall by rule adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs under this subchapter. The procedures must specify the manner in which a student's admission, review, and dismissal committee must consider, and if appropriate, address the following issues in the student's individualized education program: (1) appropriate student involvement in the student's transition to life outside the public school system; (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transition <u>by the student's parents and other persons invited to participate by:</u> <u>(A) the student's parents; or</u> <u>(B) the school district in which the student is enrolled;</u> (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition <u>and future by the student's parents and other persons, if the parent or other person:</u> <u>(A) is invited to participate by the student or the school district in which the student is enrolled; or</u>	SECTION 2. Same as Senate version.

House Bill 1886
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(B) has the student's consent to participate pursuant to a supported decision-making agreement under Chapter 1357, Estates Code;

(4) appropriate [any] postsecondary education options, including preparation for postsecondary-level coursework;

(5) an appropriate [a] functional vocational evaluation;

(6) appropriate employment goals and objectives;

(7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;

(8) appropriate independent living goals and objectives; [and]

(9) appropriate circumstances for facilitating a referral of [referring] a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)); and

(10) the use and availability of appropriate:

(A) supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and

(B) supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Chapter 1357, Estates Code.

(a-1) A student's admission, review, and dismissal committee shall annually review the issues described by Subsection (a) and, if necessary, update the portions of the student's individualized education program that address those issues.

House Bill 1886
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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(a-2) The commissioner shall develop and post on the agency's Internet website a list of services and public benefits for which referral may be appropriate under Subsection (a)(9).

(b) The commissioner shall require each school district or shared services arrangement to designate at least one employee to serve as the district's or shared services arrangement's designee on transition and employment services for students enrolled in special education programs under this subchapter. The commissioner shall develop minimum training guidelines for a district's or shared services arrangement's designee. An individual designated under this subsection must provide information and resources about effective transition planning and services, including each issue described by Subsection (a), and interagency coordination to ensure that local school staff communicate and collaborate with:

(1) students enrolled in special education programs under this subchapter and the parents of those students; and

(2) as appropriate, local and regional staff of the:

(A) Health and Human Services Commission;

(B) Texas Workforce Commission [~~Department of Aging and Disability Services~~];

(C) [~~Department of Assistive and Rehabilitative Services;~~

~~[(D)]~~ Department of State Health Services; and

(D) ~~[(E)]~~ Department of Family and Protective Services.

(c) The commissioner shall review and, if necessary, update the minimum training guidelines developed under Subsection (b) at least once every four years. In reviewing and updating the guidelines, the commissioner shall solicit input from stakeholders. [FA2]

No equivalent provision.

SECTION __. Sections 29.0112(b) and (e), Education Code,

SECTION 3. Same as Senate version.

House Bill 1886
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

are amended to read as follows:

(b) The transition and employment guide must be written in plain language and contain information specific to this state regarding:

- (1) transition services;
 - (2) employment and supported employment services;
 - (3) social security programs;
 - (4) community and long-term services and support, including the option to place the student on a waiting list with a governmental agency for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c));
 - (5) postsecondary educational programs and services, including the inventory maintained by the Texas Higher Education Coordinating Board under Section 61.0663;
 - (6) information sharing with health and human services agencies and providers;
 - (7) guardianship and alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code;
 - (8) self-advocacy, person-directed planning, and self-determination; and
 - (9) contact information for all relevant state agencies.
- (e) A school district shall:
- (1) post the transition and employment guide on the district's website if the district maintains a website; ~~and~~
 - (2) provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
 - (A) the first meeting of the student's admission, review, and dismissal committee at which transition is discussed; and ~~or~~
 - (B) the first committee meeting at which transition is

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discussed that occurs after the date on which the guide is updated; and

(3) on request, provide a printed copy of the guide to a student or parent ~~[becomes available, if a student has already had an admission, review, and dismissal committee meeting discussing transition].~~ [FA2]

No equivalent provision.

SECTION __. Section 29.017, Education Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), (c-3), (e), and (f) to read as follows:

(c) Not later than one year before the 18th birthday of a student with a disability, the school district at which the student is enrolled shall:

(1) provide to the student and the student's parents:

(A) written notice regarding the transfer of rights under this section; and

(B) information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code, and other supports and services that may enable the student to live independently; and

(2) ensure that the student's individualized education program includes a statement that the district provided the notice, information, and resources required under Subdivision (1).

(c-1) In accordance with 34 C.F.R. Section 300.520 [300.517], the school district shall provide written notice to [notify] the student and the student's parents of the transfer of rights under this section. The notice must include the information and resources provided under Subsection (c)(1)(B).

(c-2) If a student with a disability or the student's parent requests information regarding guardianship or alternatives to

SECTION 4. Same as Senate version.

House Bill 1886
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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CONFERENCE

guardianship from the school district at which the student is enrolled, the school district shall provide to the student or parent information and resources on supported decision-making agreements under Chapter 1357, Estates Code.

(c-3) The commissioner shall develop and post on the agency's Internet website a model form for use by school districts in notifying students and parents as required by Subsections (c) and (c-1). The form must include the information and resources described by Subsection (c). The commissioner shall review and update the form, including the information and resources, as necessary.

(d) The commissioner shall develop and post on the agency's Internet website the information and resources described by Subsections (c), (c-1), and (c-2).

(e) Nothing in this section prohibits a student from entering into a supported decision-making agreement under Chapter 1357, Estates Code, after the transfer of rights under this section.

(f) The commissioner shall adopt rules implementing the provisions of 34 C.F.R. Section 300.520(b) [~~300.517(b)~~].
[FA2]

No equivalent provision.

SECTION __. Sections 29.011, 29.012, and 29.017, Education Code, as amended by this Act, apply beginning with the 2018-2019 school year. [FA2]

SECTION 7. Same as Senate version.

SECTION 2. Sections 38.003(a) and (b-1), Education Code, are amended.

SECTION 2. Same as House version.

SECTION 5. Same as House version.

SECTION 3. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0032.

SECTION 3. Same as House version.

SECTION 6. Same as House version.

House Bill 1886
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 4. Transition provision.	SECTION 4. Same as House version.	SECTION 8. Same as House version.
SECTION 5. Effective date.	SECTION 5. Same as House version.	SECTION 9. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1886 by Miller (Relating to dyslexia screening and testing in public schools, the employment of dyslexia specialists by regional education service centers, the development of a list of training opportunities for educators regarding dyslexia, and transition planning for students enrolled in a special education program.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require screening or testing of all students for dyslexia upon enrollment in kindergarten and testing each student in the first grade at the end of the school year. The bill would require each regional education service center to employ a dyslexia specialist and would specify persons eligible for the position. The bill would require TEA to annually develop a list of training opportunities that comply with the knowledge and practice standards of an international organization on dyslexia and enable an educator to understand and recognize dyslexia and implement certain evidence-based instruction. The bill would require at least one training opportunity to be available online.

The bill would change the requirements related to transition planning for students with disabilities who receive special education services. The bill would expand the requirements for what must be provided to students and their families; update certain minimum training guidelines; amend requirements for the transition and employment guide; and amend information to be included in a required notice.

The bill would take effect immediately if passed with necessary voting margins, or September 1, 2017. Provisions related to dyslexia services would apply beginning school year 2017-18. Provisions related to transition planning would apply beginning school year 2018-19.

Local Government Impact

School districts and open-enrollment charter school would incur costs associated with the required screening or testing at kindergarten and first grade. Assuming that most districts would choose to screen students, the cost of a typical dyslexia screener ranges from \$2 to \$10 per student. According to TEA, there were 376,814 kindergarten students and 409,977 first grade students enrolled in school year 2015-16. Assuming a cost of \$5 per student, the statewide local cost to assess all kindergarten students would be \$1.8 million (\$5 per student x 376,814 students), with additional cost of \$2 million (\$5 per student X 409,977 students) to assess all first

grade students. TEA indicates that many districts already use certain reading assessments that may also be used to as a dyslexia screener; therefore, these costs would vary among districts.

Additionally, districts and charters may opt to test students for dyslexia. The cost of a typical dyslexia test range from \$500 to \$1,000 per student. Cost related to testing would also vary among districts depending on the number of students tested.

Education Service Centers (ESCs) may incur additional costs related to employing a dyslexia specialist with the qualifications as specified in the bill; however, TEA indicates that each ESC already employs a dyslexia specialist so these costs would be minimal.

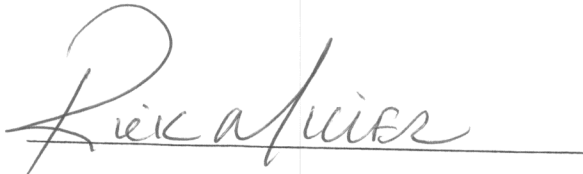
Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

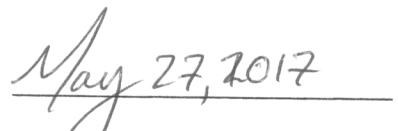
Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on HB1886 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.


(name)

17R337(3)


(date)