

- SUBJECT:** Student eligibility for special education services for dyslexia
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 8 ayes — Dutton, Allen, K. Bell, Buckley, M. González, Meza, Talarico, VanDeaver
- 0 nays
- 5 absent — Lozano, Allison, Bernal, Huberty, K. King
- WITNESSES:** For — Scott Moore, Conroe Independent School District; Robbi Cooper, Decoding Dyslexia Texas; Steven Aleman, Disability Rights Texas; Amy Traynor, National Center for Learning Disabilities; Kristin McGuire, TCASE; Ashley Roberts, The Dyslexia Initiative; and 12 individuals; (*Registered, but did not testify*: Julia Grizzard, Bexar County Education Coalition; Eddie Conger, International Leadership of Texas Public Charter Schools; Charles Johnson, Pastors for Texas Children; Starlee Coleman, Texas Public Charter Schools Association; and 12 individuals)
- Against — Mike Meroney, Academic Language Therapy Association; Shannon Meroney, Impact Dyslexia
- On — Audrey Young, State Board of Education Committee on Instruction; Justin Porter, Texas Education Agency; (*Registered, but did not testify*: Carrie Griffith, Texas State Teachers Association)
- BACKGROUND:** Education Code sec. 29.004 contains requirements for a full individual and initial evaluation of a student for purposes of special education services.
- Interested parties contend that Texas students who are suspected of struggling with dyslexia may be denied a full evaluation, which can lead to denial of services and protections required by state and federal law.
- DIGEST:** CSHB 3880 would revise and add requirements related to school district

screening of students for dyslexia and related disorders.

Screening and programs. CSHB 3880 would require a school district to:

- screen students for dyslexia and related disorders;
- notify the parent of or person standing in parental relation to each student who was determined to be at risk for dyslexia or a related disorder; and
- make a good faith effort to ensure that the notice was clear and easy to understand, in the recipient's native language, and included information about the student's data and measurements that led to the determination.

On determining that a student was at risk for dyslexia, a district would have to implement an evidence-based reading instruction program as an intervention as part of the district's multi-tiered systems of support that, to the extent possible, incorporated training provided to teachers. A district would have to determine the form, content, and timing of the program, subject to requirements established by the education commissioner. The instruction program could not be used to delay an evaluation for special education services.

The commissioner would have to require a universal screening for each student for dyslexia and related disorders at the end of the school year in kindergarten and before the end of the school year in first grade. The commissioner would have to establish the screening requirements and reading instruction program requirements in coordination with experts and educators in the field of reading and dyslexia and related disorders from across the state, and establish the personnel required to administer dyslexia intervention and specialized instruction support.

CSHB 3880 would remove a requirement that the State Board of Education (SBOE) approve a program for testing students with dyslexia and related disorders. Instead, the SBOE would have to develop and update, as necessary, guidance information for school districts on evidence-based practices for intervention and instruction of those students that

incorporated input from a broad-based dialogue with educators and experts in the field of reading and dyslexia and related disorders from across the state. The guidance could not address the evaluation and identification of students with dyslexia or a related disorder or how intervention and instruction were to be accessed by a student.

Service providers. The bill would permit a school district to employ a person without a certificate or permit in special education to provide services to students with dyslexia, including a therapist, practitioner, specialist, or interventionist if the person:

- held the appropriate license;
- held a certification issued by the appropriate association or had received training from an appropriate training provider, including an academic language practitioner or therapist certified by the Academic Language Therapy Association; or
- met the applicable training requirements for the position adopted by education commissioner rule.

Statewide plan. CSHB 3880 would add requirements to the statewide plan for delivering special education services to children with disabilities. The plan would have to ensure the integration of technology to accommodate students with dyslexia and related disorders. The Texas Education Agency would have to develop a list of training opportunities regarding dyslexia that complied with the knowledge and practice standards of an international organization on dyslexia and assist an educator or service provider in understanding and recognizing dyslexia and providing instruction that was systematic, explicit, and evidence-based to meet students educational needs.

Definitions. The bill would remove the term "special services" for purposes of the special education program and replace it with "special education," defined as specially designed instruction provided at no cost to the parent or person standing in parental relation to meet the unique needs of a student with a disability. The bill would define "student with a disability" as a student evaluated in accordance with the federal

Individuals with Disabilities Education Act who had any of the following:

- an intellectual disability, a hearing impairment including deafness, a visual impairment including blindness, a serious emotional disturbance, an orthopedic impairment, autism, a traumatic brain injury, a speech or language impairment, deaf-blindness, multiple disabilities, any other health impairment, or a specific learning disability and who, as a result of the disability, needs special education;
- non-categorical early childhood developmental delays that prevented the student from being adequately or safely educated in a public school without receiving special education; or
- dyslexia or a related disorder and who, as a result, needs special education.

Funding. For purposes of the Foundation School Program allotment for a student with dyslexia, the bill would require a school district to allocate money to the district's special education budget and prioritize its use for the employment and retention of district employees who were specially trained to evaluate, identify, and provide services for dyslexia and related disorders. A district could use funding from the allotment only to supplement and not to offset its special education budget.

Other provisions. CSHB 3880 would repeal Education Code provisions related to classroom technology plans for dyslexia and dyslexia training opportunities.

The bill would apply beginning with the 2021-2022 school year. As soon as practicable after the effective date of the bill, the commissioner would have to adopt the necessary rules, and districts would have to notify parents of students who had received intervention and instructional support in accordance with Section 504 of the federal Rehabilitation Act of 1973 during the 2020-2021 school year of the parent's right to request a full individual evaluation under Education Code sec. 29.004.

The bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.