



To the Administrator Addressed

Commissioner Mike Morath

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DATE:	August 3, 2023
SUBJECT:	House Bill (HB) 3928
CATEGORY:	Special Populations
NEXT STEPS:	Share with appropriate staff and update local processes and procedures as necessary

The purpose of this correspondence is to provide local educational agencies (LEAs) with a high-level overview of important updates regarding dyslexia. During the 88th Texas Legislature (Regular Session), [House Bill 3928](#) was passed and impacts dyslexia evaluation, identification, and instruction. While the Texas Education Agency (TEA) works to update all impacted technical assistance resources and webpages, be aware that the bill was signed into law on June 10, 2023, and applies beginning with the 2023-2024 school year. The State Board of Education's (SBOE's) proposed timeline for its required changes will be communicated as that timeline is determined and communicated to TEA.

SBOE Actions

There are two requirements that the SBOE is charged with in the bill:

- Revise its Dyslexia Handbook to no longer provide a distinction between standard protocol dyslexia instruction and other types of dyslexia instruction, including specially designed instruction.
- Determine the qualifications and training requirements for a required multidisciplinary team and admission, review, and dismissal (ARD) committee member when a student is suspected of, and is later identified with, dyslexia.

While the SBOE has until June 30, 2024, to update the Dyslexia Handbook, the agency has created a [Frequently Asked Questions \(FAQ\)](#) document on HB 3928 and has updated Appendix A: Questions and Answers related to the Dyslexia Handbook to help LEAs implement the bill's requirements.

HB 3928 FAQ document

This document addresses a multitude of topics, including:

- Changes to each LEA's Child Find process as a result of the bill;
- An overview of a new requirement to have someone with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction serve as a member of an LEA's multidisciplinary team and any ARD committee that is convened to determine eligibility for special education and related services;
- How the bill affects an ARD committee's discussions and decisions surrounding eligibility for special education and related services when a student is identified with dyslexia and requires the provision of dyslexia instruction;
- How TEA expects an ARD committee to document special education and related services in an individualized education program (IEP) when a student requires the provision of dyslexia instruction;
- Impacts on data collection as a result of the bill;
- The required qualifications of a provider of dyslexia instruction (PDI);
- Specific progress reporting of students receiving dyslexia instruction;
- Information about a board policy requirement to reiterate the LEA's obligation to comply with the SBOE's dyslexia program, Dyslexia Handbook, and guidance published by the commissioner;
- An overview of an additional requirement for TEA dyslexia monitoring processes; and
- A requirement to provide information to a student's parent about the process for requesting a special education initial evaluation when a student is placed in a disciplinary alternative education program (DAEP) and when a student is transitioning back to their regular campus after a DAEP placement.

Key Practice Changes Effective Immediately due to HB 3928

There are several new or revised requirements that LEA staff must follow as a result of this bill. These include, but are not limited to:

- If a student is suspected of having dyslexia and may be a child with a disability (i.e., a child with a disability and the need for special education and related services), an LEA must distribute to parents a form developed by TEA, explaining rights under the Individuals with Disabilities Education Act (IDEA) that may be additional to those under Section 504 of the Rehabilitation Act of 1973. This should be distributed at the same time as the Notice of Procedural Safeguards (NPS). This form will be published on the [Dyslexia and Related Disorders webpage](#) soon.
- As a result of the requirement to provide no distinction between standard protocol dyslexia instruction, a term defined in the current version of SBOE's Dyslexia Handbook, and other types of dyslexia instruction, LEAs should operate as if the need for *any* type of dyslexia instruction, including the evidence-based dyslexia program that each LEA is already required by state rule to purchase or develop, will be considered specially designed instruction (SDI), thereby demonstrating a need for special education and related services. Note that standard protocol dyslexia instruction should be interpreted as being synonymous with an evidence-based dyslexia program.
- To the extent that students are receiving instruction in an LEA's evidenced-based dyslexia program through the provision of a Section 504 accommodation plan, and absent any directives from the SBOE in its rulemaking and handbook amendment process, TEA anticipates that Section 504 committees will begin to review students' continued needs for dyslexia instruction as soon as possible but no later than the end of the 2024-2025 school year and refer those who continue to have a need for the program for special education evaluations. Also note that any student currently receiving this program through a Section 504 plan must receive a progress report at least once each grading period, which is communicated to the student's parent. The progress report is also required for a student with an IEP.

The agency recognizes that the impacts of HB 3928 may be significant for some LEAs. While those impacts are analyzed, the agency will continue to provide subsequent agency communications. As there are many current agency courses, technical assistance resources, and webpages dedicated to dyslexia evaluation, identification, and instruction, those will be adjusted as much as possible in the interim between the start of the school year and the SBOE's completed rulemaking process. However, complete edits cannot be made to some of these resources until the SBOE rulemaking process has ended.

While the SBOE completes its rulemaking process to update the [Dyslexia Handbook](#), it is critical that LEAs comply with the requirements of [HB 3928](#) and use the [HB 3928 FAQ](#) document for assistance with implementation.

Questions can be submitted to sped@tea.texas.gov.