

---

## Effective Dates of HB 3928

---

HB 3928 became effective on June 10, 2023, when Governor Abbott signed the legislation. The bill applies beginning with the 2023-2024 school year. This means that LEAs began implementing the bill on the first day of instruction of their 2023-2024 school year. There are two provisions in HB 3928 that require actions and decisions of the SBOE. One relates to a requirement that the SBOE's Dyslexia Handbook no longer provide a distinction between SPDI and other types of direct dyslexia instruction, including SDI. The SBOE has until June 30, 2024, to update the Handbook. The SBOE must also determine training requirements and credentials for a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction to serve on an LEA's multidisciplinary team (MDT) who completes evaluations and an ARD committee when determining a student's eligibility for special education and related

2. What are the changes to the evaluation and identification process?

Required Multidisciplinary Team (MDT) Member. The bill created a new TEC §29.0031 that now specifies that someone



### 5. Is this member required for every ARD committee meeting?

---

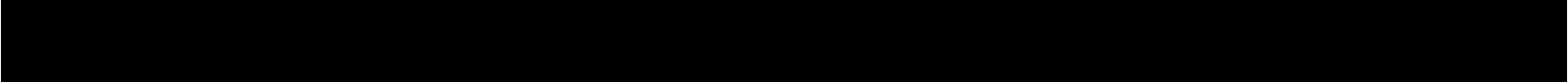
No. The bill states that this member must be part of any ARD committee meeting convened to determine a student's eligibility for special education and related services. This means that the member must be a part of an ARD committee meeting that determines initial eligibility and any meeting at which a change in and/or continued eligibility is discussed, as in a re-evaluation. Keep in mind, however, that a student's PDI must be involved in the development and implementation of the student's IEP. While the student's PDI does not necessarily have to meet the criteria listed for this required member, the PDI will also have knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction

accommodations and other regular education aids and services under a Section 504 accommodation plan (i.e., is not being provided an evidence-based dyslexia program), an LEA cannot discontinue those protections and plan with the exception of the already required periodic Section 504 reviews to document a student's continued impairment and continued need for 504 protections. As the field begins to transition to the change that a student's identification of dyslexia and need for an evidence-based dyslexia program will be considered SDI and qualifies the student as eligible for special education and related services, action will be required for those students whose LEAs currently offer the evidence-based dyslexia program through Section 504. Section 504 committees must begin the process of discussing a student's continued need for an evidence-based dyslexia program and submitting referrals for full individual and initial evaluations (FIIEs). Absent any directives prescribed by the SBOE through its upcoming rule and Handbook revisions, TEA anticipates that each LEA should hold a Section 504 meeting as soon as possible but no later than by the end of the 2024-2025 school year to determine whether the student continues to require an evidence-based dyslexia program. If so, the LEA must refer the student for an FIIE. In these cases, the student should continue to receive instruction through an evidence-based dyslexia program while awaiting parental consent for the FIIE, its completion, and the subsequent eligibility determination. LEAs should prepare for eligibility determinations to be made so that each eligible student could begin services under an IEP as soon as possible but no later than the beginning of the 2025-2026 school year.

program







## Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. If the required frequency the program results in less than 21 percent of the student's instructional day in a special education setting, the PEIMS code would be 41.

## Arrangement D

### Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is a certified special education teacher (the

the change in this circumstance is a change in location or a change in placement. To the extent that the LEA determines that it is a change in location and not a change in placement, an IEP amendment by agreement may be an option.

---

## Impacts on PEIMS Coding and Program Intent Codes (PICs)

---

### 15. How does HB 3928 impact the collection of PEIMS data associated with the identification of students with dyslexia under TEC §48.009?

---

The bill should not significantly impact the data collection associated with TEC §48.009. An LEA will still be expected to note a "0" if the student is not identified with dyslexia and a "1" if a student is identified with dyslexia. If "1" is used, the LEA will still be expected to note whether the student participates in a special education program under TEC Chapter 29 or receives services under Section 504. Over time, TEA anticipates that these numbers will show a shift of students with dyslexia being served under special education.

### 16. How will HB 3928 impact the coding associated with an LEA's uses of the dyslexia allotment under TEC 48.103?

---

TEA is currently working on current and future impacts of the uses of PICs 37 and 43 for purposes of coding uses of the dyslexia allotment. Those plans and directives will be communicated at a later date. However, if an LEA has historically coded salaries and stipends for PDIs under PIC 37, the LEA may see a significant shift over to PIC 43 because the students served by PDIs will become almost exclusively students served by special education. As LEAs identify students with dyslexia and the need for an evidence-based dyslexia program, which will be provided under special education, the shift to the use of PIC 43 is likely. As mentioned, more guidance will be provided soon.

Providers of Dyslexia 17o5 (e-)6(i)-5 (l)-5 (l)-5 ( )21 (be)-8 6 (h)-4 Td8 (s sb

18. What role does the PDI play in the development of a student's IEP and progress monitoring of goals, especially if the PDI is not a certified special education teacher?

The PDI will play a critical role in the development of a student's IEP. The PDI should be most familiar with the student's progress and present levels of performance through the provision of the evidence-based dyslexia program. If the PDI is not also the special education teacher who works with the student, the PDI and special education teacher need to collaborate on all areas of the student's IEP and progress monitoring. Note that a PDI who is not a certified special education teacher cannot fill the role of a special education teacher as a required ARD committee member, so both will likely be a part of the ARD committee.

requirements prior to the enactment of this law, the explicit local policy requirement may assist in boards staying directly involved in the LEA's implementation of the dyslexia program requirements.

---

## Impact on Dyslexia Monitoring

---

### 22. Will the TEA monitoring processes change as a result of this bill?

---

Yes. As has been the case for several years, the agency has monitoring authority to assess for compliance with IDEA and authority under TEC 38.003(c-1) to develop procedures designed to ensure LEAs are complying with the SBOE's dyslexia program (i.e., compliance with the Handbook and corresponding rules). This bill adds that the agency must now develop procedures to solicit input from parents of students enrolled in an LEA during the agency's monitoring of an LEA's implementation of the SBOE's dyslexia program.

The agency will develop a plan over the next several months to propose, adopt, and implement changes to the dyslexia monitoring process as required by this bill. For the 2023-2024 school year, each LEA that is monitored will need to be prepared to respond to questions associated with how they have adapted practices to comply with HB 3928.

---

## Impact on Related Disorders

---

### 23. Will the bill have the same impact on dysgraphia, which is the related disorder recognized by the state when referring to dyslexia and related disorders?

---

The bill primarily addresses dyslexia. However, it is reasonable to interpret most or all of the bill's requirements as applying to suspicions of, evaluation for, and instruction for dysgraphia, as it is an SLD. Dysgraphia and dyslexia are both language-based disorders, and dysgraphia is unique from the general description of the SLD area of written expression in that it can involve both motor and language skills. While the required MDT and ARD committee member for a student suspected or identified with dyslexia is mandated as described in HB 3928, a suspicion of dysgraphia and a corresponding suspicion of the need for SDI will also require kc (a)-5 (17 (i)-5 (so re)- )-3 (f (n)20 (g)-o(g)-o(g)-o(g34 (on))20 (g)-o(g)