



To the Administrator Addressed



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 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.

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 "evidence-based dyslexia program," 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 evidence-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 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 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 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 [spete](#)