

Texas Legislative Update: Special Education

Overview

The 88th Texas Legislature Regular Session began in January 2023 and ran through the end of May 2023. This year state lawmakers considered several topics that are important to students with disabilities. Learn which special education and post-school transition bills passed.

Public education bills

To begin, what's the big picture on what happened at the State Capitol affecting public education in general?

- School safety ([House Bill 3](#) and [Senate Bill 838](#)). Details pertaining to students with disabilities below.
- Accelerated instruction ([House Bill 1416](#)). Details pertaining to students with disabilities below.
- State of Texas Assessment of Academic Readiness (STAAR; [House Bill 1225](#)).
- Instructional materials and lesson plans ([House Bill 1605](#)).
- State Budget ([House Bill 1](#) and [Senate Bill 30](#)). Details below.

Special education-related bills

[House Bill 3928](#) (Representative Toth)

The bill improves special education services for students with Dyslexia and related disorders. The bill's title is the Beckley Wilson Act. The bill:

- Requires the State Board of Education to update its *Dyslexia Handbook* to clarify that educational interventions for students with disabilities may not be distinguished from one another as either regular education or special education.
- Clarifies that students with Dyslexia and related disorders qualify under the learning disability eligibility category for special education services.
- The bill improves special education services for students with Dyslexia and related disorders.

- Requires that school districts provide a newly developed model state notice to parents of a student suspected of Dyslexia or a related disorder on their special education rights.
- Requires that the special education evaluation team for a student suspected of having Dyslexia or a related disorder must have an expert on Dyslexia and related disorders participating in the evaluation.
- Requires that school providers of dyslexia interventions must be appropriately trained.
- Requires that school districts adopt a policy that they will comply with all state requirements and guidance on students with Dyslexia and related disorders.
- Requires that the Texas Education Agency (TEA) adjust its monitoring of school districts for provision of interventions to students with Dyslexia and related disorders. TEA must seek parental feedback as part of its monitoring.
- Requires that school districts provide a notice to parents of a student who has been removed to a disciplinary alternative education program (DAEP). The notice must inform the parents of the option to request a special education evaluation.
- Requires that school districts include information about the option to request a special education evaluation as part of the transition plan for a student who is returning to his campus from a DAEP.

Senate Bill 133 (Senator West)

The bill limits law enforcement and school security personnel in the use of physical force and restraint techniques on elementary students. The bill:

- Applies to students enrolled in 5th grade level and below. Covers school property and school-sponsored and school-related activities.
- Prohibits use of a Taser, chemical irritant spray, handcuffs, and physical restraint.
- Provides an exception in situations during which the student poses a serious risk of harm to himself or another person.

Effective: 2023-2024 school year

[House Bill 473](#) (Representative Hull)

The bill amends the school threat assessment team process by allowing the involvement of the parents of the student being assessed by the team. The bill:

- Requires school districts to notify the parents of a student subject to a threat assessment.
- Limits a threat assessment team from conducting the threat assessment until the student's parents have been notified.
- Mandates that parents be allowed to participate in the threat assessment, including the submission of information regarding the student.
- Requires districts to share the findings and conclusions of a threat assessment with the student's parents.

Effective: 2023-2024 school year

[House Bill 3](#) (Representative Burrows)

The bill's goal is to improve the physical security and safety of public schools. The bill:

- Stipulates that there must be at least one armed security officer at every school campus during regular school hours. If a school district cannot provide a school resource officer or commissioned peace officer at a campus, it must adopt a policy providing someone to act as a security officer such as a school marshal or an employee or contractor who is licensed to carry a handgun and has completed school safety training.
- Prescribes that school armed security officers who are not commissioned peace officers may not perform law enforcement duties, including making arrests. Exception for an emergency that poses a threat of death or serious bodily injury to a person.
- Requires that for transfer students, the previous district must share with the new district the student disciplinary record and any threat assessment.
- Requires that districts maintain threat assessment records on a student until the student's 24th birthday.
- Requires that districts have a process for students to report concerning behavior by a classmate.

- Mandates that each district employee who regularly interacts with students complete training in mental health first aid.
- Requires the Texas School Safety Center to regularly review TEA's school facility standards and make recommendations for change to ensure that they are consistent with the Texas Elimination of
- Architectural Barriers Act (Tex. Gov't Code, Ch. 469).
- Authorizes Education Service Centers to deliver positive behavioral interventions and support services to students upon request from a district.
- Requires TEA to develop guidance for school districts to assist them in including in their multi-hazard emergency operation plans appropriate planning for the safety and security of both staff and students with disabilities. TEA must convene an advisory group to assist with development of this guidance.
- Requires that TEA monitor districts on school safety and security and establish an Office of School Safety and Security.

[House Bill 5195](#) (Representative S. Thompson)

The bill provides for the provision of educational services for children who have been transferred for criminal prosecution and ordered to be detained in a juvenile facility pending criminal proceedings in adult court. The bill requires that juvenile detention facilities undertake assessment, planning, initiation, and review of educational services for a youth awaiting trial as an adult.

Effective: 2023-2024 school year

[House Bill 1926](#) (Representative Hull)

The bill makes permanent the statutory authority for the Supplemental Special Education Services Program. The bill deletes a previous provision in the Texas Education Code that would have sunset the Supplemental Special Education Services (SSES) Program in 2024. Now the authority for the program extends permanently, subject to future legislative action.

Effective: 2023-2024 school year

[House Bill 1416](#) (Representative K. Bell)

The bill reforms the provision of accelerated instruction to those students who have struggled with passing STAAR exams. The bill:

- Modifies the timing of Admission, Review, and Dismissal (ARD) Committees meetings regarding the provision of accelerated instruction to students with disabilities. Unless requested by a parent or the school, ARD Committees may wait until the student’s next annual meeting to review and discuss accelerated instruction.
- Exempts students with disabilities who take STAAR Alt-2 from accelerated instruction. Allows exceptions for students on homebound placements and other restrictive placements.

[Senate Bill 55](#) (Senator Zaffirini)

The bill requires the Texas Higher Education Coordinating Board to conduct a study on serving students with autism. The bill:

- Directs the Higher Education Coordinating Board to study best practices for assisting postsecondary students with autism.
- In conducting the study, the Board must collaborate with TEA regarding specialized programs offered by elementary or secondary schools for students with autism to determine how those programs could be replicated at or extended to postsecondary institutions.
- Requires the completion of a study report by December, 2025.

Effective: 2023-2024 school year

[Senate Bill 68](#) (Senator Zaffirini)

The bill adds an excused absence for students to visit a professional's workplace for a career investigation day. The bill:

- Allows a school district to excuse a high school junior and senior to take a day for the purpose of determining the student’s interest in pursuing a career in a professional field.
- Limits a student to taking no more than two days of excused absences for professional exploration during the junior year and senior year in high school.

Effective: 2023-2024 school year

[House Bill 2920](#) (Representative Paul)

The bill’s goal is to improve information available to persons considering postsecondary education to assist in their selection of a program. The bill:

- Directs the Texas Higher Education Coordinating Board to improve transparency of information available to the public on costs and outcomes of programs offered by public institutions of higher education.
- Covers certificate programs, associate and baccalaureate degree programs, and other credential programs.

[House Bill 1](#) (Representative Bonnen)

The General Appropriations Act covers public education spending over the next two years – fiscal years 2024-25 biennium. The bill:

- Projects that the state’s special education full-time equivalent enrollment will increase by three percent (3%) during the biennium.
- Includes a new funding set aside for the SSES Program (Rider 73).
- Includes a new funding set aside for a nonprofit, Be An Angel, for adaptive equipment and services for children with multiple disabilities (Rider 83).
- Includes a directive to Texas Workforce Commission to compile an inventory of internships and apprenticeships for people with disabilities (Rider 49).

[Senate Bill 30](#) (Senator Huffman)

The Supplemental Appropriations Act covers public education spending for the current budget cycle that will close this year. The bill:

- Includes funding for TEA to cover an anticipated withholding of federal funding for special education as a penalty for past failure by the State of Texas to comply with federal special education requirements.
- Includes funding for the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf to supplement their budgets for specific projects.

Post-school transition-related bills

[House Bill 8](#) (Representative VanDeaver)

The bill reforms state funding of community colleges. The bill:

- Directs the Texas Education Agency (TEA) to collaborate with the Higher Education Coordinating Board to improve transparency of information

available to students on costs and outcomes of programs offered by Texas public institutions of higher education.

- Directs the Higher Education Coordinating Board to develop electronic tools or platforms to provide information to students on the value of certification programs, degree programs, and other credential programs. See also [House Bill 2920](#).
- Revises dual credit coordination between school districts and institutions of higher education.
- Creates the Financial Aid for Swift Transfer program to help students cover the cost of dual credit courses. Establishes a funding allotment.
- Modifies the annual notification requirement to parents of students in ninth grade and above about available opportunities for earning college credit, career and technical education programs, and work-based education programs. Districts must now include information on funding for enrollment in dual credit courses.
- Requires that districts issue a high school diploma to a student that meets the standards under the Texas First Early High School Completion Program. Change from discretionary.
- Revises the Early College Education Program regarding the degrees that a student may earn from an institution of higher education.
- Establishes the Opportunity High School Diploma program to provide an alternative means by which an adult student enrolled in a workforce education program at a junior college may earn a high school diploma. See also [Senate Bill 2139](#).

[Senate Bill 2304](#) (Senator LaMantia)

The bill expands awareness of the [Texas Driving with Disability Program](#) to public school students. The bill:

- Mandates that school districts provide information about the Texas Driving with Disability program to certain students covered by the Individuals with Disabilities Education Act and certain students covered by Section 504 of the Rehabilitation Act. Students must have a disability or health condition that might impede effective communication with law enforcement.
- Includes parents of students as recipients of program information.

- Specifies that program information must be provided once the student is 16 years old, and provided annually thereafter until the student either graduates from high school or turns 21 years old.
- Requires driver education and driving safety courses to include information on the Texas Driving with Disability program.

Effective: 2023-2024 school year

[Senate Bill 1647](#) (Senator Parker)

The bill allows school districts to use public or private community-based dropout recovery education programs to provide an alternative for students who are at-risk of dropping out of school. The bill:

- Permits administrators and school counselors to refer to a dropout recovery education program a student whom they deem as being at-risk of dropping out of school.
- Clarifies state requirements for alternative education programs for students at risk of dropping out of school to require schools that use either a remote or hybrid model to have an in-person student engagement center.
- Requires districts to post on their website performance data on their dropout recovery education program.
- Modifies state funding to districts for students participating in a dropout recovery education program.

Effective: 2023-2024 school year

[House Bill 4169](#) (Representative Price)

The bill requires the Texas Health and Human Services Commission (HHSC) to restore prevocational services as a part of the services delivered under certain Medicaid waiver programs for persons with disabilities. The bill:

- Requires HHSC to apply for and actively pursue a federal waiver to include prevocational services under Medicaid waiver programs that provide long-term services and supports to persons with disabilities.
- Defines prevocational services as services that are designed to prepare an individual for paid or unpaid work and achieve a generalized result rather than being job-task oriented.

Effective date: effective immediately

Additional post-school transition-related bills

For additional bills related to post-school transition, see the bills listed below that are mentioned in the [Special-education related bills section](#) of this publication.

- [Senate Bill 68](#)
- [House Bill 1926](#)
- [House Bill 5195](#)
- [Senate Bill 55](#)