



The Legislature
State of Texas

January 2011

The Honorable Rick Perry
Governor
State Capitol, Room 2S.2
Austin, TX

The Honorable David Dewhurst
Lieutenant Governor
State Capitol, Room 3S.5
Austin, TX

The Honorable Joe Straus
Speaker of the House of Representatives
State Capitol, Room 2W.13
Austin, TX

Dear Governor Perry, Lt. Governor Dewhurst and Speaker Straus:

Pursuant to House Bill 461, 81st Legislature, the Interim Committee on Dyslexia and Related Disorders submits its report to the 81st Legislature.

Respectfully,

Handwritten signature of Bob Deuell in black ink.

Sen. Bob Deuell, MD
Chairman

Handwritten signature of Joan Huffman in black ink.

Sen. Joan Huffman

Handwritten signature of Jim McReynolds in black ink.

Rep. Jim McReynolds

Handwritten signature of Jim Jackson in black ink.

Rep. Jim Jackson



The Legislature
State of Texas

Linda Sue Gladden

Linda Sue Gladden

Elliot Goldman

Elliot Goldman

Rebecca Neuman Jones

Rebecca Neuman Jones

Joyce S. Pickering

Joyce S. Pickering, Ph.D.

Karen Sue Vickery

Karen Sue Vickery, Ph.D.

Introduction

In 1985, Texas became the first state in the nation within general education to pass a law requiring schools to test and treat students with dyslexia (*House Bill 157, 69R*). Although several states have passed similar legislation since then, Texas' law is still considered the standard by dyslexia experts.

Through this law and through dedicated educators across the state, many Texas students receive the help they need to become successful. The high number of prominent leaders in business, government, science, the arts, etc., who have dyslexia is testament to this as well as to the hard work of the individuals themselves.

However, too many students with dyslexia are still falling through the cracks. Schools are often slow to identify students with dyslexia. Even when diagnosed, instruction is often inadequate or not based on proven scientific practices. Often, school districts claim shortage of funding and available trained instructors as the reason for shortcomings.

Also, despite a tremendous increase in what science has learned about dyslexia in recent years, misinformation in the general public remains a serious problem. Among the most persistent myths:

- Dyslexia cannot be detected before the third grade.
- Persons with dyslexia see letters and words backwards.
- Dyslexia can be outgrown.
- Children with dyslexia just need to work harder.

In 2009, the Texas Legislature passed House Bill 461 by Rep. Rob Eissler and Sen. Joan Huffman. This law provided the Department of State Health Services authority to license and regulate dyslexia practitioners and therapists. The bill also created an interim committee "to study and recommend legislation to increase awareness of early detection and treatment of dyslexia and related disorders." The committee was required to examine:

- (1) early detection and intervention;
- (2) access to treatment in rural areas of the state;
- (3) the role of public education and higher education in detection and treatment;
- (4) treatment for older students and adults; and

(5) any barriers related to accommodations for individuals with dyslexia and related disorders.

The committee held two meetings. The first took place on April 28, 2010, at the Texas Capitol. The second occurred on August 2, 2010, at Texas Scottish Rite Hospital for children in Dallas. Experts in various fields of dyslexia treatment were invited to speak and public testimony was heard.

The following report is submitted based on the findings of this committee.

Recommendation 1: Require all state universities to instruct education majors in detection and treatment of dyslexia.

Perhaps the most commonly raised point at the committee's hearings was that teachers are not properly trained on the subject of dyslexia. All teachers need to be able to recognize the characteristics of dyslexia, whether they teach in kindergarten or in high school. Teachers working with dyslexic students need to be trained in the science of reading and armed with the most up-to-date information.

However, the committee was repeatedly told that this is not the case. Dyslexia is often as little understood in some of our schools as it is in the general community. Students with dyslexia pay the price for this lack of knowledge.

This needs to be addressed at the university level. While some Texas colleges do a good job of providing knowledge of dyslexia to their education majors, others fall short. All education majors need to graduate with a strong knowledge of dyslexia.

The committee recommends requiring all state universities to include knowledge of dyslexia in their curriculum for education majors. This curriculum should be compiled by a panel of dyslexia therapists teaching at the university level and should include dyslexia characteristics, dyslexia identification, effective multisensory teaching strategies for children with dyslexia, and classroom accommodations and modifications for children with dyslexia. This could be offered as a mandatory course or incorporated into an existing course.

Recommendation 2: Require reporting of students with dyslexia on PEIMS.

A recurring theme throughout the committee's discussions has been that it is difficult to get a handle on the problem of dyslexia in Texas without knowing how many students are affected by it. Currently, there is no requirement that schools report the number of students who are receiving special instruction because of dyslexia.

The Public Education Information Management System (PEIMS) is data the TEA requires all school districts provide the state. It includes student demographic and academic performance, personnel, financial, and organizational information. The committee believes districts could use this form to report the number of students with dyslexia they are serving. It is believed this would be the most time efficient and accurate way to obtain these numbers.

Recommendation 3: Add compliance with state dyslexia law to the PBMAS.

Accountability is another concern for the committee. While Texas' law is strong and the State Dyslexia Handbook provides quality guidance, many districts still fail to adequately detect and treat students with dyslexia. In addition, some school districts use curriculum that is not scientifically based.

The Performance-Based Monitoring Analysis System (PBMAS) is used by the TEA to evaluate the performance and program effectiveness of school districts. Among the areas it measures are bilingual education and English proficiency, Career and Technical Education, No Child Left Behind, and Special Education.

The committee recommends that compliance with dyslexia law be added to the PBMAS measures in order to make school districts accountable for detection and treatment of dyslexia.

Recommendation 4: Require schools provide parents with information regarding dyslexia when their children enter school.

Parents who are well-informed can be a powerful tool in early detection of dyslexia. They can monitor their child's reading at home and watch for signs of dyslexia. They can closely observe how their child's school teaches reading and tests for dyslexia. They can also inform teachers and diagnosticians if there is dyslexia in their families, since dyslexia often passes from one generation to the next.

Regional education service centers already provide information to parents whose children have been diagnosed with dyslexia. But there is no similar attempt to provide information about dyslexia to parents before the diagnosis.

The committee recommends that the parents of each student beginning kindergarten be provided with information, including characteristics of dyslexia, warning signs, and effective treatment.

Recommendation 5: Eliminate unnecessary testing for accommodation.

Experts agree that while early detection and treatment can help a person with dyslexia read and learn better, it is not a disability that ever goes away. Research by G. Sherman, Ph.D. at the Brain Bank of Beth Israel Hospital in Boston and reported in the International Dyslexia Association publication, *Perspectives*, in 2003, clearly showed

anatomical differences in the brain of individuals with dyslexia. The brains were not abnormal, just different, and these differences were seen to be genetic. Sally Shaywitz, M.D. in *Overcoming Dyslexia* (Chapter 6) has demonstrated in functional imaging studies that the brain of an individual with dyslexia functions differently than the typical person in reading and spelling tasks. The brain differences, then, are physical, neurological and genetic. Dyslexia is a lifetime condition, which cannot be cured but can be treated with specific remedial strategies.

Yet witnesses informed our committee that persons with dyslexia often undergo repeated diagnostic testing throughout their academic career in order to receive needed accommodations, such as extra time on tests. This often has a significant cost in time and money and causes great frustration for students, who simply want to advance their education.

The committee recommends that Texas schools and universities be required to review existing assessment data and documented accommodations before any further reassessment be required, provided this does not conflict with federal statute.

Recommendation 6: Require TEA to develop a plan for incorporating technology into the treatment of dyslexia.

Recent technological innovations offer exciting possibilities for persons with dyslexia. Among these are text-to-speech technology, voice recognition software, and handheld devices that can take a picture and convert it into audio format. These innovations make it much easier for students with dyslexia to take tests, conduct research, follow an instructor's lectures, etc. Their use can make the difference between a student struggling through course work or thriving.

The committee recommends that the TEA be required to develop a plan for integrating technology into the classroom. The agency should determine which items that assist students are most useful and practical within the constraints of school budgets and work to inform school districts, dyslexia instructors and students about the availability and benefits of these items. The agency should develop a strategy to get more of them in the hands of students who need them.

Recommendation 7: Require all testing of state licensed professionals to provide accommodations for person with dyslexia.

Witnesses told the committee that there are numerous cases where persons planning to take licensing exams have been denied accommodation for their dyslexia. These accommodations may include allowing extra time to take the exam or the use of an electronic device. This can deny Texas skilled and productive workers simply because they are unable to take a test in the manner in which others take it. While courts have struggled with the applicability of the Americans with Disabilities Act (ADA), there are indications that the ADA Amendments Act of 2008 strengthens the position of a person with dyslexia who desires accommodation for these exams.

In order to provide clarity on this issue and prevent any unnecessary burden on individuals who need accommodation, the committee recommends the right to accommodation for persons with dyslexia taking exams in state licensed professions be placed in Texas statute. The agencies involved may set the criteria such an individual would need to meet.

Recommendation 8: Clarify that state requirements for dyslexia detection and treatment extend through high school.

Dyslexia is still considered by some school districts to be an issue dealt with in elementary grades. Texas law requires dyslexia detection and treatment in schools but does not specify that this must be in all schools, grades K-12. While many high schools offer quality dyslexia services, some may be unclear on their responsibility to these students.

The committee recommends it be clarified that it is the responsibility of school districts in all grades to detect and treat students with dyslexia beyond the elementary grades.

Recommendation 9: Require minimum in-service for all teachers to learn about dyslexia.

Concurrent with House Bill 157 (*69R, 1985*), the Legislature passed House Bill 2168 which required development of "an in-service program to train teachers in the recognition of dyslexia and related disorders and in teaching strategies for those students." However, HB 2168 did not require this training be available to teachers in every school district. Thus, while excellent programs exist, some districts do not provide this training.

Reading difficulties are the most common cause of academic failure and underachievement, according to the International Dyslexia Association. Determining in any grade whether a child may be dyslexic can make all the difference in a student's academic success and future career. Teachers must be prepared to recognize signs of dyslexia and they should be up to date with the latest discoveries regarding it.

The committee recommends each school district be required to offer in-service training on recognition of dyslexia to new teachers and teachers new to the state of Texas who teach one of the four content areas or in a self-contained classroom. Thereafter, this requirement should be for all teachers new to the state of Texas or new to the teaching profession. Rules for the training should be determined by the TEA.

Recommendation 10: Special education diagnosticians should be trained to discern the characteristics of dyslexia.

Students with dyslexia often struggle in school from the early grades. Reading problems sometimes lead to behavior problems as children get frustrated with the difficulty of

keeping up with their classmates. This poor academic performance frequently leads to a student being placed into the larger net of special education when they are actually very capable of performing at or above their grade level if they receive proper treatment for dyslexia.

Special education diagnosticians will see these students. If they miss the signs of dyslexia, these students may fall farther behind. An opportunity may be missed to remediate the problem early.

The committee recommends the TEA encourage all special education diagnosticians to receive training in the recognition of dyslexia. In addition, the TEA and school districts should encourage special education diagnosticians and dyslexia instructors should share knowledge and work together to promote a shared base of knowledge.

Recommendation 11: Require ongoing professional development and training for campus dyslexia specialists.

Testimony to the committee indicated a wide variance in the qualifications of those treating students with dyslexia around the state. It is not only important that dyslexia instructors have a background in the issue but also that they keep up with new findings and practices.

Training is often particularly difficult for teachers in rural areas of the state. But technologies, such as interactive video conferencing , facilitates distance learning and can greatly expand the training of instructors throughout Texas.

The committee recommends that ongoing professional development and training be required for all campus dyslexia specialists under rules adopted by the TEA. This would not apply to dyslexia therapists and practitioners licensed under House Bill 461 as they already must meet continuing education requirements.

APPENDIX



Interim Committee on Dyslexia and Related Disorders

AGENDA

Wednesday, April 28, 2010

2:00 p.m.

Room E1.028

- I. Call to Order
- II. Roll Call
- III. Committee Business

A. Early Detection and Intervention

- *Invited Testimony*

Brenda Taylor, Dyslexia Coordinator, Texas Education Agency
(TEA)

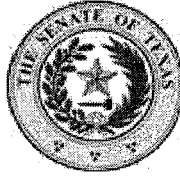
Dr. Jeff Black, Medical Director, Center for Dylexia, Scottish Rite
Hospital, Dallas

Helen Macik, President-Elect, Academic Language Therapy
Association

Dr. William Dailey, Neuropsychologist

- IV. Public Testimony
- V. Recess

***Public testimony may be limited to 3 minutes per person.
If providing written testimony, please provide 15 copies to committee staff prior to testifying.**



Interim Committee on Dyslexia and Related Disorders

AGENDA

Monday, August 2, 2010

1:00 p.m.

Scottish Rite Hospital of Dallas

- I. Call to Order
- II. Roll Call
- III. Committee Business

A. Invited Testimony

- *Gina Mitchell, State Dyslexia Office*
- *Dr. Terri Zerfas, Lecturer, Department of Teaching and Learning, Southern Methodist University*
- *Suzanne Carreker, Neuhaus Education Center*
- *Debbie Edwards, Director of Outreach Center, Shelton School*
- *Colleen Simmons, Hardin Simmons University*
- *Marilyn Hagle, parent of dyslexic children*
- *Eric McGehearty, CEO of Global Runner SEO*
- *Susan Motley, Regional Managing Attorney, North Texas Advocacy, Inc.*

- IV. Public Testimony
- V. Recess

***Public testimony will be limited to 3 minutes per person.**

If providing written testimony, please provide 20 copies to committee staff prior to testifying.

ENROLLED

H.B. No. 157

1 AN ACT
2 relating to the screening and treatment for dyslexia and related
3 disorders of students enrolling in a public school.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 21, Education Code, is
6 amended by adding Section 21.924 to read as follows:

7 Sec. 21.924. SCREENING AND TREATMENT FOR DYSLEXIA AND
8 RELATED DISORDERS. (a) In this section:

9 (1) "Dyslexia" means a disorder of constitutional
10 origin manifested by a difficulty in learning to read, write, or
11 spell, despite conventional instruction, adequate intelligence, and
12 socio-cultural opportunity.

13 (2) "Related disorders" includes disorders similar to
14 or related to dyslexia such as developmental auditory imperception,
15 dysphasia, specific developmental dyslexia, developmental
16 dysgraphia, and developmental spelling disability.

17 (b) The State Board of Education shall approve and from time
18 to time review a program under which students enrolling in public
19 schools in this state are tested for dyslexia and related disorders
20 at appropriate times.

21 (c) In accordance with the program approved by the State
22 Board of Education, the board of trustees of each school district
23 shall provide for the treatment of any student determined to have
24 dyslexia or a related disorder.

1 (d) The State Board of Education shall adopt any rules and
2 standards necessary to administer this section.

3 SECTION 2. (a) The State Board of Education shall approve
4 methods for screening for dyslexia and related disorders and
5 techniques for treating dyslexia and related disorders not later
6 than January 1, 1986.

7 (b) The board of trustees of a school district shall
8 implement a program for screening for and treating dyslexia and
9 related disorders as provided by this Act not later than the
10 beginning of the 1986-1987 school year.

11 SECTION 3. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended,
16 and that this Act take effect and be in force from and after its
17 passage, and it is so enacted.

1985 MAR 19 PM 2:05
HOUSE OF REPRESENTATIVES

FILED MAR 8 1985

I certify that the attached is a true and
correct copy of HR 2168, which
was filed of record on MAR 8 1985
and referred to the committee on:

Pub. Ed.

Betty Murray
Chief Clerk of the House

By Haley

H. B. No. 2168

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an inservice program on the recognition of dyslexia and
3 related disorders in public school students.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 11, Education Code, is
6 amended by adding Section 11.15 to read as follows:

7 Sec. 11.15. INSERVICE ON DYSLEXIA RECOGNITION. (a) The
8 Central Education Agency shall develop an inservice program to
9 train teachers in the recognition of dyslexia and related disorders
10 in public school students. The agency shall distribute a program
11 outline and materials to school districts and regional education
12 service centers for their use in conducting inservice programs.

13 (b) An inservice program provided under this section
14 qualifies as advanced academic training for purposes of the career
15 ladder.

16 (c) In this section, "dyslexia and related disorders"
17 includes dyslexia, developmental auditory imperception, dysphasia,
18 specific developmental dyslexia, developmental dysgraphia, and
19 developmental spelling disability.

20 SECTION 2. The importance of this legislation and the
21 crowded condition of the calendars in both houses create an
22 emergency and an imperative public necessity that the
23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended,

1 and that this Act take effect and be in force from and after its
2 passage, and it is so enacted.

1 AN ACT
2 relating to the regulation of dyslexia practitioners and
3 therapists; providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle G, Title 3, Occupations Code, is
6 amended by adding Chapter 403 to read as follows:

7 CHAPTER 403. LICENSED DYSLEXIA PRACTITIONERS AND LICENSED DYSLEXIA
8 THERAPISTS

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 403.001. DEFINITIONS. In this chapter:

11 (1) "Commissioner" means the commissioner of state
12 health services.

13 (2) "Department" means the Department of State Health
14 Services.

15 (3) "Executive commissioner" means the executive
16 commissioner of the Health and Human Services Commission.

17 (4) "License holder" means a person who holds a
18 license issued under this chapter.

19 (5) "Multisensory structured language education"
20 means a program described by the International Multisensory
21 Structured Language Education Council for the treatment of
22 individuals with dyslexia and related disorders that provides
23 instruction in the skills of reading, writing, and spelling:

24 (A) through program content that includes:

- 1 (i) phonology and phonological awareness;
2 (ii) sound and symbol association;
3 (iii) syllables;
4 (iv) morphology;
5 (v) syntax; and
6 (vi) semantics; and
7 (B) following principles of instruction that
8 include:

- 9 (i) simultaneous multisensory instruction,
10 including visual-auditory-kinesthetic-tactile instruction;
11 (ii) systematic and cumulative
12 instruction;
13 (iii) explicit instruction;
14 (iv) diagnostic teaching to automaticity;
15 and
16 (v) synthetic and analytic instruction.

17 (6) "Qualified instructor" means a person described by
18 Section 403.110.

19 Sec. 403.002. ADMINISTRATION BY DEPARTMENT OF STATE HEALTH
20 SERVICES. The department shall administer this chapter.

21 Sec. 403.003. APPLICABILITY. This chapter does not:

- 22 (1) require a school district to employ a person
23 licensed under this chapter;
24 (2) require an individual who is licensed under
25 Chapter 501 to obtain a license under this chapter; or
26 (3) authorize a person who is not licensed under
27 Chapter 401 to practice audiology or speech-language pathology.

1 [Sections 403.004-403.050 reserved for expansion]

2 SUBCHAPTER B. POWERS AND DUTIES

3 Sec. 403.051. ADVISORY COMMITTEE. The department shall
4 appoint an advisory committee to advise the department in
5 administering this chapter.

6 Sec. 403.052. RULES. The executive commissioner shall
7 adopt rules necessary to administer and enforce this chapter,
8 including rules that establish standards of ethical practice.

9 [Sections 403.053-403.100 reserved for expansion]

10 SUBCHAPTER C. LICENSE REQUIREMENTS

11 Sec. 403.101. LICENSE REQUIRED. A person may not use the
12 title "licensed dyslexia practitioner" or "licensed dyslexia
13 therapist" in this state unless the person holds the appropriate
14 license under this chapter.

15 Sec. 403.102. ISSUANCE OF LICENSE. The department shall
16 issue a licensed dyslexia practitioner or licensed dyslexia
17 therapist license to an applicant who meets the requirements of
18 this chapter.

19 Sec. 403.103. LICENSE APPLICATION. (a) A license
20 applicant must apply to the department on a form and in the manner
21 the department prescribes.

22 (b) The application must be accompanied by a nonrefundable
23 application fee.

24 Sec. 403.104. ELIGIBILITY FOR LICENSED DYSLEXIA
25 PRACTITIONER LICENSE. (a) To be eligible for a licensed dyslexia
26 practitioner license, an applicant must have:

27 (1) earned a bachelor's degree from an accredited

1 public or private institution of higher education;

2 (2) successfully completed at least 45 hours of course
3 work in multisensory structured language education from a training
4 program that meets the requirements of Section 403.106;

5 (3) completed at least 60 hours of supervised clinical
6 experience in multisensory structured language education;

7 (4) completed at least five demonstration lessons of
8 the practice of multisensory structured language education, each
9 observed by an instructor from a training program that meets the
10 requirements of Section 403.106 and followed by a conference with
11 and a written report by the instructor; and

12 (5) successfully completed a national multisensory
13 structured language education competency examination approved by
14 the department and administered by a national certifying
15 professional organization.

16 (b) Clinical experience required under Subsection (a)(3)
17 must be obtained under:

18 (1) the supervision of a qualified instructor or an
19 instructor from an accredited training program that meets the
20 requirements of Section 403.106; and

21 (2) guidelines approved by the department.

22 Sec. 403.105. ELIGIBILITY FOR LICENSED DYSLEXIA THERAPIST
23 LICENSE. (a) To be eligible for a licensed dyslexia therapist
24 license, an applicant must have:

25 (1) earned at least a master's degree from an
26 accredited public or private institution of higher education;

27 (2) successfully completed at least 200 hours of

1 course work in multisensory structured language education from a
2 training program that meets the requirements of Section 403.106;

3 (3) completed at least 700 hours of supervised
4 clinical experience in multisensory structured language education;

5 (4) completed at least 10 demonstration lessons of the
6 practice of multisensory structured language education, each
7 observed by an instructor from a training program that meets the
8 requirements of Section 403.106 and followed by a conference with
9 and a written report by the instructor; and

10 (5) successfully completed a national multisensory
11 structured language education competency examination approved by
12 the department and administered by a national certifying
13 professional organization.

14 (b) Clinical experience required under Subsection (a)(3)
15 must be obtained under:

16 (1) the supervision of a qualified instructor or an
17 instructor from an accredited training program that meets the
18 requirements of Section 403.106; and

19 (2) guidelines approved by the department.

20 Sec. 403.106. REQUIREMENTS FOR TRAINING PROGRAMS. (a) For
21 purposes of determining whether an applicant satisfies the training
22 requirements for a license under this chapter, a multisensory
23 structured language education training program completed by the
24 applicant must:

25 (1) be accredited by a nationally recognized
26 accrediting organization;

27 (2) have in writing defined goals and objectives,

1 areas of authority, and policies and procedures;

2 (3) have the appropriate financial and management
3 resources to operate the training program, including a
4 knowledgeable administrator and standard accounting and reporting
5 procedures;

6 (4) have a physical site, equipment, materials,
7 supplies, and environment suitable for the training program;

8 (5) have a sufficient number of instructional
9 personnel who have completed the requirements for certification in
10 multisensory structured language education;

11 (6) have been reviewed by multisensory structured
12 language education professionals who are not affiliated with the
13 training program;

14 (7) have developed and followed procedures to maintain
15 and improve the quality of training provided by the program;

16 (8) have provided direct instruction in the principles
17 and in each element of multisensory structured language education
18 for a minimum of:

19 (A) 200 contact hours of course work for training
20 program participants who seek a licensed dyslexia therapist
21 license; and

22 (B) 45 contact hours of course work for training
23 program participants who seek a licensed dyslexia practitioner
24 license;

25 (9) have required training program participants to
26 complete a program of supervised clinical experience in which the
27 participants provided multisensory structured language education

1 to students or adults, either individually or in small groups for a
2 minimum of:

3 (A) 700 hours for training program participants
4 who seek a licensed dyslexia therapist license; and

5 (B) 60 hours for training program participants
6 who seek a licensed dyslexia practitioner license;

7 (10) have required training program participants to
8 demonstrate the application of multisensory structured language
9 education principles of instruction by completing demonstration
10 lessons observed by an instructor and followed by a conference with
11 and a written report by the instructor; and

12 (11) have provided instruction based on the Texas
13 Education Agency publication "The Dyslexia Handbook: Procedures
14 Concerning Dyslexia and Related Disorders (2007)," or a revised
15 version of that publication approved by the department.

16 (b) A training program must require a training program
17 participant who seeks a licensed dyslexia practitioner license to
18 have completed at least five demonstration lessons described by
19 Subsection (a)(10) and a participant who seeks a licensed dyslexia
20 therapist license to have completed at least 10 demonstration
21 lessons.

22 (c) The department, in consultation with the advisory
23 committee, shall determine whether a training program meets the
24 requirements of this section.

25 Sec. 403.107. EXAMINATION; RULES. (a) To obtain a license,
26 an applicant must:

27 (1) pass a written examination approved by the

1 department under Subsection (b); and

2 (2) pay fees set by the executive commissioner.

3 (b) The department shall, in consultation with the advisory
4 committee:

5 (1) identify and designate a competency examination
6 that is related to multisensory structured language education and
7 that will be administered at least twice each year by a professional
8 organization that issues national certifications; and

9 (2) maintain a record of all examinations for at least
10 two years after the date of examination.

11 Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT. The
12 department, in consultation with the advisory committee, may waive
13 the examination requirement and issue a license to an applicant who
14 holds an appropriate certificate or other accreditation from a
15 nationally accredited multisensory structured language education
16 organization recognized by the department.

17 Sec. 403.109. INACTIVE STATUS; RULES. (a) The executive
18 commissioner by rule may provide for a license holder to be placed
19 on inactive status.

20 (b) Rules adopted under this section must include a time
21 limit for a license holder to remain on inactive status.

22 Sec. 403.110. QUALIFIED INSTRUCTOR. To be considered a
23 qualified instructor under this chapter, a person must:

24 (1) be a licensed dyslexia therapist;

25 (2) have at least 1,400 hours of clinical teaching
26 experience in addition to the hours required to obtain a licensed
27 dyslexia therapist license; and

1 (3) have completed a two-year course of study
2 dedicated to the administration and supervision of multisensory
3 structured language education programs taught by a nationally
4 accredited training program that meets the requirements of Section
5 403.106.

6 [Sections 403.111-403.150 reserved for expansion]

7 SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

8 Sec. 403.151. PRACTICE SETTING. (a) A licensed dyslexia
9 practitioner may practice only in an educational setting, including
10 a school, learning center, or clinic.

11 (b) A licensed dyslexia therapist may practice in a school,
12 learning center, clinic, or private practice setting.

13 Sec. 403.152. CONTINUING EDUCATION. (a) A license
14 holder's license may not be renewed unless the license holder meets
15 the continuing education requirements established by the executive
16 commissioner.

17 (b) The executive commissioner, in consultation with the
18 advisory committee, shall establish the continuing education
19 requirements in a manner that allows a license holder to comply
20 without an extended absence from the license holder's county of
21 residence.

22 (c) The department shall:

23 (1) provide to a license applicant, with the
24 application form on which the person is to apply for a license,
25 information describing the continuing education requirements; and

26 (2) notify each license holder of any change in the
27 continuing education requirements at least one year before the date

1 the change takes effect.

2 [Sections 403.153-403.200 reserved for expansion]

3 SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY

4 PROCEDURES

5 Sec. 403.201. COMPLAINTS. Any person may file a complaint
6 with the department alleging a violation of this chapter or a rule
7 adopted under this chapter.

8 Sec. 403.202. PROHIBITED ACTIONS. A license holder may
9 not:

10 (1) obtain a license by means of fraud,
11 misrepresentation, or concealment of a material fact;

12 (2) sell, barter, or offer to sell or barter a license;

13 or

14 (3) engage in unprofessional conduct that endangers or
15 is likely to endanger the health, welfare, or safety of the public
16 as defined by executive commissioner rule.

17 Sec. 403.203. GROUNDS FOR DISCIPLINARY ACTION. If a
18 license holder violates this chapter or a rule or code of ethics
19 adopted by the executive commissioner, the department shall:

20 (1) revoke or suspend the license;

21 (2) place on probation the person if the person's
22 license has been suspended;

23 (3) reprimand the license holder; or

24 (4) refuse to renew the license.

25 Sec. 403.204. LICENSE DENIAL, REVOCATION, OR SUSPENSION FOR
26 CRIMINAL CONVICTION. (a) The department may deny a license or may
27 suspend or revoke a license if the applicant or license holder has

1 been convicted of a misdemeanor involving moral turpitude or a
2 felony. The department may take action authorized by this section
3 when:

4 (1) the time for appeal of the person's conviction has
5 elapsed;

6 (2) the judgment or conviction has been affirmed on
7 appeal; or

8 (3) an order granting probation is made suspending the
9 imposition of the person's sentence, without regard to whether a
10 subsequent order:

11 (A) allows withdrawal of a plea of guilty;

12 (B) sets aside a verdict of guilty; or

13 (C) dismisses an information or indictment.

14 (b) A plea or verdict of guilty or a conviction following a
15 plea of nolo contendere is a conviction for purposes of this
16 section.

17 Sec. 403.205. HEARING. (a) If the department proposes to
18 revoke, suspend, or refuse to renew a person's license, the person
19 is entitled to a hearing before a hearings officer appointed by the
20 State Office of Administrative Hearings.

21 (b) The executive commissioner shall prescribe procedures
22 for appealing to the commissioner a decision to revoke, suspend, or
23 refuse to renew a license.

24 Sec. 403.206. ADMINISTRATIVE PROCEDURE. A proceeding under
25 this subchapter to suspend, revoke, or refuse to renew a license is
26 governed by Chapter 2001, Government Code.

27 Sec. 403.207. SANCTIONS. (a) The executive commissioner,

1 in consultation with the advisory committee, by rule shall adopt a
2 broad schedule of sanctions for a violation of this chapter.

3 (b) The State Office of Administrative Hearings shall use
4 the schedule of sanctions for a sanction imposed as the result of a
5 hearing conducted by that office.

6 Sec. 403.208. PROBATION. The department may require a
7 license holder whose license suspension is probated to:

8 (1) report regularly to the department on matters that
9 are the basis of the probation;

10 (2) limit practice to areas prescribed by the
11 department; or

12 (3) continue the license holder's professional
13 education until the license holder attains a degree of skill
14 satisfactory to the department in those areas that are the basis of
15 the probation.

16 Sec. 403.209. MONITORING OF LICENSE HOLDER. (a) The
17 executive commissioner by rule shall develop a system for
18 monitoring a license holder's compliance with the requirements of
19 this chapter.

20 (b) Rules adopted under this section must include
21 procedures to:

22 (1) monitor for compliance a license holder who is
23 ordered by the department to perform certain acts; and

24 (2) identify and monitor license holders who represent
25 a risk to the public.

26 Sec. 403.210. INFORMAL PROCEDURES. (a) The executive
27 commissioner by rule shall adopt procedures governing:

1 (1) informal disposition of a contested case under
2 Section 2001.056, Government Code; and

3 (2) an informal proceeding held in compliance with
4 Section 2001.054, Government Code.

5 (b) Rules adopted under Subsection (a) must:

6 (1) provide the complainant and the license holder an
7 opportunity to be heard; and

8 (2) require the presence of a representative of the
9 attorney general or the department's legal counsel to advise the
10 department or the department's employees.

11 Sec. 403.211. REINSTATEMENT. (a) A person may apply for
12 reinstatement of a revoked license on or after the first
13 anniversary of the date of revocation.

14 (b) The department may:

15 (1) accept or reject the application; and

16 (2) require an examination as a condition for
17 reinstatement of the license.

18 Sec. 403.212. REPRIMAND; CONTINUING EDUCATION. (a) In
19 addition to other disciplinary action authorized by this
20 subchapter, the department may:

21 (1) issue a written reprimand to a license holder who
22 violates this chapter; or

23 (2) require that a license holder who violates this
24 chapter attend continuing education programs.

25 (b) The department, in consultation with the advisory
26 committee, may specify the number of hours of continuing education
27 that must be completed by a license holder to fulfill the

1 requirement of Subsection (a)(2).

2 [Sections 403.213-403.250 reserved for expansion]

3 SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROCEDURES

4 Sec. 403.251. CIVIL PENALTY. (a) A person who violates
5 this chapter, a rule adopted by the executive commissioner, or an
6 order adopted by the commissioner under this chapter is liable for a
7 civil penalty not to exceed \$500 for each occurrence.

8 (b) At the request of the department, the attorney general
9 shall bring an action to recover a civil penalty authorized under
10 this section.

11 Sec. 403.252. CEASE AND DESIST ORDER. (a) If it appears to
12 the commissioner that a person who is not licensed under this
13 chapter is violating this chapter or a rule adopted under this
14 chapter, the commissioner after notice and an opportunity for a
15 hearing may issue a cease and desist order prohibiting the person
16 from engaging in the activity.

17 (b) A violation of an order under this section constitutes
18 grounds for imposing a civil penalty under this chapter.

19 SECTION 2. The heading to Subtitle G, Title 3, Occupations
20 Code, is amended to read as follows:

21 SUBTITLE G. PROFESSIONS RELATED TO HEARING, ~~AND~~ SPEECH, AND
22 DYSLEXIA

23 SECTION 3. (a) An interim committee is created to study
24 and recommend legislation to increase awareness of early detection
25 and treatment of dyslexia and related disorders. The committee's
26 study shall examine:

27 (1) early detection and intervention;

- 1 (2) access to treatment in rural areas of the state;
2 (3) the role of public education and higher education
3 in detection and treatment;
4 (4) treatment for older students and adults; and
5 (5) any barriers related to accommodations for
6 individuals with dyslexia and related disorders.

7 (b) The committee consists of the following nine members:

8 (1) two members who are senators, one of whom
9 represents a rural area, appointed by the lieutenant governor;

10 (2) two members who are state representatives, one of
11 whom represents a rural area, appointed by the speaker of the house
12 of representatives; and

13 (3) five members appointed by the governor as follows:

14 (A) one member who represents an institution of
15 higher education that offers courses in dyslexia and related
16 disorders;

17 (B) one member who represents a nationally
18 accredited training center;

19 (C) one member who is a certified academic
20 language therapist;

21 (D) one member who is a public school dyslexia
22 designee; and

23 (E) one member who is a parent of a student with
24 dyslexia.

25 (c) The committee shall elect a presiding officer from among
26 its members.

27 (d) The committee shall convene at the call of the presiding

1 officer.

2 (e) Committee members may not receive compensation or
3 reimbursement of expenses for serving on the committee.

4 (f) Not later than December 1, 2010, the committee shall
5 report the committee's findings and recommendations to the
6 lieutenant governor, the speaker of the house of representatives,
7 and the governor.

8 (g) Not later than the 60th day after the effective date of
9 this Act, the lieutenant governor, the speaker of the house of
10 representatives, and the governor shall appoint the members of the
11 interim committee created under this section.

12 (h) This section expires September 1, 2011.

13 SECTION 4. Not later than November 1, 2009, the
14 commissioner of the Department of State Health Services shall
15 appoint the initial members of the advisory committee under Section
16 403.051, Occupations Code, as added by this Act.

17 SECTION 5. Not later than June 1, 2010, the executive
18 commissioner of the Health and Human Services Commission shall
19 adopt final rules under Section 403.052, Occupations Code, as added
20 by this Act.

21 SECTION 6. The Department of State Health Services shall
22 issue a licensed dyslexia therapist license to an applicant under
23 this section who:

24 (1) applies for a license under this section not later
25 than December 31, 2012;

26 (2) not later than November 30, 2012, meets the
27 requirements of Sections 403.105(a)(2)-(5), Occupations Code, as

1 added by this Act;

2 (3) submits any other information required by the
3 department by rule; and

4 (4) pays the application fee.

5 SECTION 7. (a) Except as required by Subsection (b) of
6 this section, this Act takes effect September 1, 2009.

7 (b) Section 403.101 and Subchapters E and F, Chapter 403,
8 Occupations Code, as added by this Act, take effect September 1,
9 2010.

President of the Senate

Speaker of the House

I certify that H.B. No. 461 was passed by the House on May 5, 2009, by the following vote: Yeas 131, Nays 13, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 461 on May 29, 2009, by the following vote: Yeas 140, Nays 2, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 461 was passed by the Senate, with amendments, on May 23, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor