

## **BILL ANALYSIS**

Senate Research Center  
82R3734 MAW-D

S.B. 867  
By: Deuell  
Government Organization  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Persons with dyslexia have shown they can accomplish great things in a variety of areas if they are given the chance. In order to prove this, they often need some accommodation, especially when taking written tests. Such accommodation may include extra time to take the examination or allowing the use of an electronic device.

It has not always been clear that persons with dyslexia qualify for accommodation under the Americans with Disabilities Act (ADA). There have been lawsuits from persons with dyslexia who were not given a fair chance on an examination, but the ADA Amendments Act of 2008 strengthened the position of persons with dyslexia.

While every indication suggests that Texas agencies are complying with this law on licensing exams, this bill puts the protection into statute in order to prevent any future confusion.

This bill was a recommendation of the Interim Committee on Dyslexia and Related Disorders Report to the 82nd Legislature.

As proposed, S.B. 867 amends current law relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to an agency in the executive, legislative, or judicial branch of state government that administers an examination for licensing or other regulatory purposes in SECTION 2 (Section 54.003, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 54, Occupations Code, to read as follows:

#### **CHAPTER 54. EXAMINATION ON RELIGIOUS HOLY DAY; EXAMINATION ACCOMMODATIONS FOR PERSON WITH DYSLEXIA**

SECTION 2. Amends Chapter 54, Occupations Code, by adding Section 54.003, as follows:

Sec. 54.003. EXAMINATION ACCOMMODATIONS FOR PERSON WITH  
DYSLEXIA. (a) Defines, in this section, "dyslexia."

(b) Requires a state agency, for each licensing examination administered by the agency, to provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.

(c) Requires each state agency to adopt rules necessary to implement this section, including rules to establish the eligibility criteria an examinee must meet for accommodation under this section.

SECTION 3. (a) Requires each state agency that offers a licensing examination to adopt rules to implement Section 54.003, Occupations Code, as added by this Act, not later than December 1, 2011.

(b) Makes application of Section 54.003, Occupations Code, as amended by this Act, prospective to January 1, 2012.

SECTION 4. Effective date: September 1, 2011.